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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 2001

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

HAROLD ROGERS, Kentucky, *Chairman*

JIM KOLBE, Arizona
CHARLES H. TAYLOR, North Carolina
RALPH REGULA, Ohio
TOM LATHAM, Iowa
DAN MILLER, Florida
ZACH WAMP, Tennessee

JOSÉ E. SERRANO, New York
JULIAN C. DIXON, California
ALAN B. MOLLOHAN, West Virginia
LUCILLE ROYBAL-ALLARD, California

NOTE: Under Committee Rules, Mr. Young, as Chairman of the Full Committee, and Mr. Obey, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

GAIL DEL BALZO, JENNIFER MILLER, MIKE RINGLER, and CHRISTINE RYAN
Subcommittee Staff

PART 2

Justification of the Budget Estimates

DEPARTMENT OF JUSTICE

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DEPARTMENT OF JUSTICE

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DEPARTMENT OF JUSTICE
SUMMARY OF PERMANENT POSITIONS AND BUDGET AUTHORITY 1999 - 2001
(DOLLARS IN THOUSANDS)

APPROPRIATION	1999 ACTUAL		2000 AVAILABILITY		2001 PRESIDENT'S BUDGET		INCREASE/DECREASE FROM 2000 TO 2001		PERCENT CHANGE	
	POS	OBLIGS	POS	AVAILABLE	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
GENERAL ADMINISTRATION	636	79,231	636	79,328	654	88,186	18	8,858	2.83%	11.16%
DETENTION TRUSTEE					8	26,000	8	26,000	100.00%	100.00%
GA - NATL DRUG INTEL CENTER (050)	[222]	27,000	[222]	27,000	[222]	27,000				
JOINT AUTOMATED BOOKING SYSTEM/IDENT				1,800		1,800				
NARROWBAND COMMUNICATIONS			12	103,168	12	205,000		101,832		98.71%
PUBLIC KEY INFRASTRUCTURE					1	4,376	1	4,376	100.00%	100.00%
TELECOMM CARRIER COMPLIANCE		17,420		15,000		120,000		105,000		700.00%
COUNTERTERRORISM FUND		150,596		10,000		25,000		15,000		150.00%
ADMIN REVIEW & APPEALS	1,137	139,454	1,113	148,496	1,155	164,549	42	16,053		10.78%
EXECUTIVE OFFICE FOR IMMIGRATION REV	1,122	137,796	1,098	146,896	1,140	162,822	42	15,926		10.84%
OFFICE OF THE PARDON ATTORNEY	15	1,658	15	1,600	15	1,727		127		7.94%
OFFICE OF THE INSPECTOR GENERAL	326	36,629	342	40,235	342	42,192		1,957		4.86%
WORKING CAPITAL FUND	[723]		[723]		[723]					
U S PAROLE COMMISSION	74	7,363	81	8,527	87	9,183	6	656	7.41%	7.69%
GENERAL LEGAL ACTIVITIES	3,612	479,064	3,685	504,945	3,837	552,239	152	47,294	4.12%	9.37%
VACCINE INJURY COMPENSATION TRUST FUND		[4,028]		[4,028]		[4,028]				
ANTITRUST DIVISION		166								
U S ATTORNEYS	9,044	1,137,727	9,120	1,161,935	9,771	1,291,001	651	129,066	7.14%	11.11%
U S TRUSTEES		1,003								
FOREIGN CLAIMS SETTLEMENT COMM (150)	11	579	11	1,175	11	1,214		39		3.32%
U S MARSHALS	4,210	509,737	4,079	546,593	4,321	592,847	242	46,254	5.95%	14.79%
SALARIES & EXPENSES	4,210	505,137	4,070	540,593	4,312	585,469	242	45,876	5.95%	8.49%
CONSTRUCTION		4,600	9	6,000	9	6,378		378		6.30%
JUSTICE PRISONER & ALIEN TRANSP SYSTEM	[181]		[183]		[183]					
FEDERAL PRISONER DETENTION		460,395		525,000		597,402		72,402		13.79%
COMMUNITY RELATIONS SERVICE	66	7,096	66	7,199	86	9,829	20	2,630	53.57%	36.53%
ASSETS FORF FUND CURR BUD AUTH		21,070		23,000		23,000				
RADIATION EXP COMP ADMIN EXP (050)		550		2,000		2,000				
RADIATION EXP COMP TRUST FUND (050)		13,839		3,200		13,727		10,527		328.97%
INTERAGENCY CRIME & DRUG ENFORCEMENT	[3,015]	304,732	[3,030]	316,786	[3,030]	328,898		12,112		3.82%
FEDERAL BUREAU OF INVESTIGATION	25,193	3,054,557	25,833	3,041,095	25,635	3,280,749	-198	239,654	-0.77%	155.45%
SALARIES & EXPENSES	25,193	2,939,524	25,833	3,039,808	25,635	3,277,562	-198	237,754	-0.77%	7.82%
CONSTRUCTION		115,033		1,287		3,187		1,900		147.63%
DRUG ENFORCEMENT ADMINISTRATION	7,391	1,232,186	7,452	1,260,993	7,496	1,373,266	44	112,273	0.59%	8.94%
SALARIES & EXPENSES	7,391	1,227,207	7,452	1,255,493	7,496	1,367,766	44	112,273	0.59%	8.94%
CONSTRUCTION		4,979		5,500		5,500				
IMMIGRATION AND NATURALIZATION SERVICE	21,795	2,637,248	22,401	2,990,762	23,053	3,266,215	652	275,453	28.51%	12.34%
SALARIES & EXPENSES										
ENFORCEMENT & BORDER AFFAIRS	18,330	1,955,185	18,949	2,273,168	19,744	2,580,890	795	307,722	4.20%	13.54%
CITIZENSHIP & BENEFITS, SUPPT & PRG DIRECT	3,395	603,969	3,380	617,932	3,216	539,390	-164	-78,542	-4.85%	-12.71%
CAPITAL INVESTMENT ACCOUNT						34,800		34,800		
CONSTRUCTION	70	78,094	72	99,662	93	111,135	21	11,473	29.17%	11.51%
FEDERAL PRISON SYSTEM	32,683	3,574,020	34,052	3,667,653	35,326	4,381,429	1,274	713,576	4.36%	64.06%
SALARIES AND EXPENSES	32,377	2,813,569	33,712	3,111,073	34,984	3,545,769	1,272	434,696	3.77%	13.97%
BUILDINGS AND FACILITIES	306	760,451	340	556,780	342	835,660	2	278,880	0.59%	50.09%
FEDERAL PRISON INDUSTRIES	[2,011]	...	[2,029]	...	[2,107]	...	[78]	...	...	...
COMMISSARY FUND	[565]	...	[588]	...	[609]	...	[21]	...	...	...
OFFICE OF JUSTICE PROGRAMS	1,101	5,408,441	1,100	3,982,070	1,320	3,704,260	220	-277,810	66.03%	1083.95%
JUSTICE ASSISTANCE	835	168,098	865	315,158	954	371,260	89	56,102	10.29%	352.59%
NATIONAL INSTITUTE OF JUSTICE	...	...	...	43,448	...	49,400	...	5,952	...	13.70%
BUREAU OF JUSTICE STATISTICS	...	...	...	25,505	...	33,200	...	7,695	...	30.17%
MISSING CHILDREN/ALZHEIMER'S	...	...	...	20,852	...	20,000	...	-852	...	-4.09%
REGIONAL INFORMATION SHARING SYS	...	...	...	20,000	...	20,000	...	...	...	...
WHITE COLLAR CRIME INFOR CENTER	...	...	...	9,250	...	18,000	...	8,750	...	94.59%
COUNTERTERRORISM	...	...	...	152,000	...	185,000	...	33,000	...	21.71%

(1)

DEPARTMENT OF JUSTICE
SUMMARY OF PERMANENT POSITIONS AND BUDGET AUTHORITY 1999 - 2001
(DOLLARS IN THOUSANDS)

APPROPRIATION	1999 ACTUAL		2000 AVAILABILITY		2001 PRESIDENT'S BUDGET		INCREASE/DECREASE FROM 2000 TO 2001		INCREASE/DECREASE FROM 2000 TO 2001	
	POS	OBLIGS	POS	AVAILABLE	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
MANAGEMENT AND ADMINISTRATION	835	166,098	865	44,103	954	42,560	89	-1,543	10.29%	-3.50%
POLICE USE OF FORCE PROGRAM INITIATIVE			...	...	...	2,100	...	2,100	...	100.00%
JUSTICE ONLINE INFORMATION EXCHANGE			...	...	...	1,000	...	1,000	...	100.00%
JUVENILE JUSTICE PROGRAMS		269,278	...	178,450	...	187,000	...	8,550	...	4.79%
TITLE V (AT-RISK CHILDREN'S GRANT PROG)			...	95,000	...	95,000	...	...	...	...
VICTIMS OF CHILD ABUSE			...	20,000	...	7,000	...	-13,000	...	-65.00%
STATE AND LOCAL LAW ENFORCEMENT	266	4,973,065	235	3,373,462	366	3,039,200	131	-334,262	55.74%	691.57%
INDIAN MENTAL HEALTH & BEHAVIORAL			...	...	...	8,000	...	8,000	...	100.00%
TRIBAL COURTS INITIATIVE			...	5,000	...	15,000	...	10,000	...	200.00%
ALCOHOL AND SUBSTANCE ABUSE			...	...	...	8,000	...	8,000	...	100.00%
SEXUAL ASSAULT NURSE EXAMINER UNITS			...	...	...	5,000	...	5,000	...	100.00%
JUVENILE ACCOUNT BLOCK GRANTS		...	...	237,995	...	...	...	-237,995	...	-100.00%
DRUG TESTING AND INTERVENTION PROGRAM		...	...	...	...	75,000	...	75,000	...	100.00%
BYRNE FORMULA GRANTS		...	...	500,000	...	400,000	...	-100,000	...	-20.00%
BYRNE DISCRETIONARY GRANTS		...	...	52,000	...	59,500	...	7,500	...	14.42%
WEED AND SEED		34,760	...	33,500	...	42,000	...	8,500	...	25.37%
COMMUNITY POLICING	266	1,418,768	235	595,000	366	1,335,000	131	740,000	55.74%	124.37%
LOCAL LAW ENF BLOCK GRANTS			...	497,884	...	...	...	-497,884	...	-100.00%
CRIMINAL RECORDS UPGRADE			...	...	...	...	...	...	...	...
CORRECTIONAL FACILITIES GRANTS			...	653,533	...	75,000	...	-578,533	...	-88.52%
DRUG COURTS			...	40,000	...	50,000	...	10,000	...	25.00%
VIOLENCE AGAINST WOMEN ACT PROGRAMS			...	270,750	...	284,000	...	13,250	...	4.89%
VICTIMS OF CHILD ABUSE			...	...	...	12,000	...	12,000	...	100.00%
STATE CRIMINAL ALIEN ASSIST PROGRAM			...	420,000	...	600,000	...	180,000	...	42.86%
RESIDENTIAL SUBSTANCE ABUSE TREATMENT			...	63,000	...	65,000	...	2,000	...	3.17%
DNA IDENTIFICATION GRANTS			...	...	...	...	...	...	...	...
OTHER CRIME CONTROL PROGRAMS			...	...	...	...	...	...	...	...
PREVENTION		3,519,537	...	...	...	...	...	...	...	...
STATE AND LOCAL LAW ENFORCEMENT			...	1,500	...	2,400	...	900	...	60.00%
FEDERAL			...	3,300	...	3,300	...	...	...	...
PSOB - DISABILITY & FLEDA PROGRAMS			...	...	...	4,800	...	4,800	...	100.00%
SUBTOTAL, DISCRETIONARY AUTH	107,769	19,300,095	109,973	18,468,160	113,113	20,131,372	3,140	1,663,212	2.86%	9.01%
FEES AND EXPENSES OF WITNESSES		83,767	...	95,000	...	156,145	...	61,145	...	64.36%
INDEPENDENT COUNSEL		22,774	...	9,500	...	9,500	...	...	...	...
PSOB - DEATH BENEFITS		30,463	...	32,541	...	33,224	...	683	...	2.10%
SUBTOTAL, MANDATORY	...	137,004	...	137,041	...	198,869	...	61,828	...	45.12%
SUBCOMMITTEE ON APPROPRIATIONS JURISDICTION	107,769	19,414,127	109,973	18,582,229	113,113	20,307,269	3,140	1,725,040	2.86%	9.28%
GA-HEALTH CARE FRAUD	...	29,984	...	34,321	...	34,321	...	...	...	...
PRE-MERGER FILING FEES	[846]	101,261	[824]	110,000	[1,001]	134,224	[117]	24,224	[21.48%]	22.02%
U.S. TRUSTEES	[1,128]	118,774	[1,128]	122,094	[1,128]	127,202	...	5,108	...	4.18%
ASSETS FORF FUND PERM BUD AUTH	...	546,715	...	686,281	...	462,838	...	-223,443	...	-32.56%
FBI-HEALTH CARE FRAUD	[551]	66,000	[726]	76,000	[776]	88,000	[77]	12,000	[6.59%]	15.79%
DIVERSION CONTROL FEE	[835]	71,794	[660]	80,330	[660]	83,543	[25]	3,213	...	4.00%
IMMIGRATION USER FEE	[3,836]	454,144	[3,836]	487,000	[3,990]	529,103	...	42,103	[4.01%]	8.65%
ENFORCEMENT FINES	...	3,929	...	1,850	...	1,850	...	...	...	0.00%
IMMIGRATION EXAMINATIONS FEE	[5,158]	639,042	[5,547]	754,200	[6,046]	899,817	...	145,617	[9.00%]	19.31%
LAND BORDER INSPECTION FEE	[12]	1,050	[12]	1,548	[12]	1,641	[20]	93	...	6.01%
BREACHED BOND/DETENTION FUND	[21]	149,315	[21]	69,035	[21]	110,134	...	41,099	...	59.53%
H-1B FEES	...	754	...	1,125	...	1,125	...	...	...	0.00%
CRIME VICTIMS FUND	...	382,393	...	500,000	...	550,000	...	50,000	...	10.00%
SUBT, FEE-FUNDED ACCOUNTS	[12,297]	2,545,155	[12,756]	2,923,784	[13,634]	3,023,796	[239]	100,014	[6.88%]	3.42%
TOTAL, DEPARTMENT OF JUSTICE	107,769	21,982,254	109,973	21,526,985	113,113	23,354,039	3,140	1,825,054	2.86%	8.48%

DEPARTMENT OF JUSTICE
2001 ESTIMATE COMPARED WITH 2000 AND 1999 REQUIREMENTS
(DOLLARS IN THOUSANDS)

APPROPRIATION	1999 ACTUAL					2000 APPROPRIATION					2001 PRESIDENT'S BUDGET					INCREASE OR DECREASE FROM 2000 TO 2001				
	POS	WYS	WYS-R	OBLIGS	OUTLAYS	POS	WYS	ENACTED	AVAILABLE	OUTLAYS	POS	WYS	BA	OUTLAYS		POS	WYS	BA	OUTLAYS	
GENERAL ADMINISTRATION	636	645	83	79,231	86,786	636	657	79,328	79,328	94,400	654	669	88,196	114,300		18	12	8,868	19,900	
DETENTION TRUSTEE	...	...	...	...	...	...	...	...	...	...	6	3	26,000	26,000		6	3	26,000	26,000	
GA - NATL DRUG INTEL CENTER (050)	[222]		171	27,000		[222]	222	27,000	27,000		[222]	222	27,000	...		...	...	...	...	
JOINT AUTOMATED BOOKING SYSTEM&DENT	...	...	...	...	...	...	...	1,800	1,800	1,600	...	...	1,800	1,800		...	...	...	200	
NARROWBAND COMMUNICATIONS	...	...	...	...	...	12	12	10,623	103,168	68,000	12	12	205,000	179,000		...	...	101,832	111,000	
PUBLIC KEY INFRASTRUCTURE	...	...	...	...	...	...	...	...	...	...	1	1	4,376	3,900		1	1	4,376	3,900	
TELECOMM CARRIER COMPLIANCE	...	...	...	17,420	13,420	...	...	15,000	15,000	62,000	...	...	120,000	120,000		...	...	105,000	58,000	
COUNTERTERRORISM FUND	...	...	...	150,595	165,077	...	...	10,000	10,000	36,000	...	...	25,000	25,000		...	...	15,000	-11,000	
ADMIN REVIEW & APPEALS	1,137	1,090	...	139,454	137,432	1,113	1,138	148,496	148,496	142,000	1,155	1,162	164,549	170,000		42	24	16,053	28,000	
EXECUTIVE OFFICE FOR IMMIGRATION REV.	1,122	1,075	...	137,795	135,798	1,098	1,123	146,896	146,896	140,470	1,140	1,147	162,822	168,216		42	24	15,926	27,746	
OFFICE OF THE PARDON ATTORNEY	15	15	...	1,658	1,634	15	15	1,500	1,500	1,530	15	15	1,727	1,784		...	...	127	254	
OFFICE OF THE INSPECTOR GENERAL	326	319	122	36,621	36,546	342	328	40,275	40,235	40,000	342	328	42,192	42,000		...	...	1,957	2,000	
WORKING CAPITAL FUND	[723]	631	...	...	155,565	[723]	723	...	...	...	[723]	723	...	...		...	...	...	...	
U S PAROLE COMMISSION	74	73	...	7,363	7,202	81	86	8,527	8,527	8,000	87	89	9,183	9,000		6	3	656	1,000	
GENERAL LEGAL ACTIVITIES	3,612	3,500	362	479,064	478,276	3,685	3,713	504,945	504,945	486,000	3,837	3,834	552,239	545,000		152	121	47,294	59,000	
VACCINE INJURY COMPENSATION TRUST FUND	...	...	...	[4,028]	...	...	...	[4,028]	[4,028]	[4,028]	...	...	[4,028]	[4,028]		...	...	...	...	
ANTITRUST DIVISION	...	...	...	156	96	...	...	...	...	...	...	...	...	...		...	...	...	...	
U S ATTORNEYS	9,044	9,094	969	1,137,727	1,069,234	9,120	9,398	1,161,935	1,161,935	1,159,000	9,771	10,573	1,291,001	1,243,000		651	1,175	129,066	84,000	
U S. TRUSTEES	...	...	...	1,003	27,509	...	...	...	...	...	...	...	...	...		...	...	...	...	
FOREIGN CLAIMS SETTLEMENT COMM (150)	11	4	...	579	564	11	11	1,175	1,175	1,000	11	11	1,214	1,000		...	...	39	...	
U S MARSHALS	4,210	3,992	244	509,737	514,344	4,079	4,138	549,355	548,593	548,000	4,321	4,206	592,847	592,000		242	68	48,254	44,000	
SALARIES & EXPENSES	4,210	3,992	61	505,137	515,103	4,079	3,950	543,355	540,593	554,000	4,312	4,014	586,469	588,000		242	64	45,676	34,000	
CONSTRUCTION	...	...	...	4,600	46	9	5	6,000	6,000	1,000	9	9	6,378	5,000		...	4	378	4,000	
JUSTICE PRISONER & ALIEN TRANSP SYSTEM	[183]	...	183	...	-805	[183]	183	...	...	-7,000	[183]	183	...	-1,000		...	...	...	6,000	
FEDERAL PRISONER DETENTION	...	...	...	460,395	512,581	...	...	525,000	525,000	362,000	...	...	597,402	549,000		...	...	72,402	187,000	
COMMUNITY RELATIONS SERVICE	56	42	...	7,086	6,635	56	56	7,199	7,199	7,000	86	71	9,829	10,000		30	15	2,630	3,000	
ASSETS FORF FUND CURR BUD AUTH	...	...	...	21,070	24,900	...	...	23,000	23,000	18,000	...	...	23,000	27,000		...	...	...	9,000	
RADIATION EXP COMP ADMIN EXP (050)	...	...	...	559	1,273	...	...	2,000	2,000	2,000	...	...	2,000	2,000		...	...	...	...	
RADIATION EXP COMP TRUST FUND (050)	...	...	...	13,839	12,709	...	...	3,200	3,200	11,000	...	...	13,727	9,000		...	...	10,527	-2,000	
INTERAGENCY CRIME & DRUG ENFORCEMENT	[3,015]	[2,960]	...	304,732	317,008	[3,030]	[2,988]	316,786	316,786	314,000	[3,030]	[2,988]	328,898	326,000		...	...	12,112	12,000	
FEDERAL BUREAU OF INVESTIGATION	25,693	24,822	2,224	3,054,557	3,040,280	25,833	25,021	3,091,095	3,041,095	2,950,000	25,635	24,646	3,280,749	2,921,000		-198	-375	239,654	-29,000	
SALARIES & EXPENSES	25,693	24,822	2,224	2,939,524	3,022,326	25,833	25,021	3,089,808	3,039,808	2,948,000	25,635	24,646	3,277,562	2,916,000		-198	-375	237,754	-32,000	
CONSTRUCTION	...	...	...	115,033	17,954	...	...	1,287	1,287	2,000	...	...	3,187	5,000		...	...	1,900	3,000	
DRUG ENFORCEMENT ADMINISTRATION	7,391	6,966	1,017	1,232,186	1,137,708	7,452	7,348	1,281,726	1,260,993	1,149,000	7,496	7,410	1,373,266	1,229,000		44	62	112,273	80,000	
SALARIES & EXPENSES	7,391	6,966	1,017	1,227,207	1,125,105	7,452	7,348	1,276,226	1,255,493	1,146,000	7,496	7,410	1,367,766	1,217,000		44	62	112,273	71,000	
CONSTRUCTION	...	...	...	4,979	12,603	...	...	5,500	5,500	3,000	...	...	5,500	12,000		...	...	...	9,000	
IMMIGRATION AND NATURALIZATION SERVICE	21,795	20,485	103	2,637,248	2,592,930	22,401	21,438	3,009,272	2,990,782	3,327,000	23,053	22,481	3,266,215	3,347,500		652	1,023	275,453	30,500	
SALARIES & EXPENSES	...	...	...	...	2,545,037	...	...	...	...	3,232,000	...	...	...	3,222,000		...	...	...	...	
ENFORCEMENT & BORDER AFFAIRS	18,330	17,377	102	1,955,165	...	18,949	17,885	2,182,830	2,273,168	...	19,744	19,172	2,580,880	...		795	1,287	307,722	...	
CITIZENSHIP & BENEFITS, SUPPT & PRG DIRECT	3,395	3,073	1	660,969	...	3,380	3,482	726,780	617,932	...	3,216	3,208	539,390	...		-164	-274	-78,542	...	
CAPITAL INVESTMENT ACCOUNT	...	...	...	...	...	...	...	...	...	...	...	...	34,800	34,500		...	...	34,800	34,500	
IMMIGRATION EMERGENCY FUND	...	...	...	...	760	...	...	...	...	...	...	...	...	...		...	...	...	...	
CONSTRUCTION	70	35	...	76,094	47,133	72	71	99,662	99,662	95,000	93	81	111,135	91,000		21	10	11,473	-4,000	
FEDERAL PRISON SYSTEM	32,663	30,591	162	3,574,020	3,203,522	34,052	34,452	3,668,353	3,667,853	3,558,000	35,326	34,958	4,361,429	4,040,000		1,274	506	713,576	482,000	
SALARIES AND EXPENSES	32,377	28,238	136	2,813,969	2,757,037	33,742	31,692	3,111,573	3,111,073	3,098,000	34,984	32,118	3,845,769	3,379,000		1,272	426	434,696	283,000	
BUILDINGS AND FACILITIES	308	217	26	760,451	454,773	340	309	556,780	556,780	460,000	342	309	535,660	665,000		2	1	278,880	205,000	
FEDERAL PRISON INDUSTRIES	[2,011]	1,692	...	...	-8,064	[2,029]	1,676	...	...	...	[2,107]	1,933	...	...		[78]	57	...	...	
COMMISSARY FUND	[565]	484	...	...	-224	[588]	576	...	...	2,000	[609]	598	...	-4,000		[21]	22	...	-6,000	
OFFICE OF JUSTICE PROGRAMS	1,101	1,022	...	5,408,441	3,868,531	1,100	1,137	3,982,070	3,982,070	2,827,000	1,320	1,257	3,704,260	5,713,000		220	136	-277,810	2,786,000	
JUSTICE ASSISTANCE	835	793	...	186,068	-51,820	865	902	308,511	315,156	259,000	954	966	371,250	252,000		89	64	56,102	-7,000	
NATIONAL INSTITUTE OF JUSTICE	...	...	...	...	...	...	...	43,448	43,448	...	...	...	49,400	...		...	...	5,952	...	
BUREAU OF JUSTICE STATISTICS	...	...	...	...	...	...	...	25,505	25,505	...	...	...	33,200	...		...	...	7,695	...	
MISSING CHILDREN/ALZHEIMER'S	...	...	...	...	...	...	...	20,852	20,852	...	...	...	20,000	...		...	...	-852	...	
REGIONAL INFORMATION SHARING SYS	...	...	...	...	...	...	...	20,000	20,000	...	...	...	20,000	...		...	...	...	...	
WHITE COLLAR CRIME INFOR CENTER	...	...	...	...	...	...	...	9,256	9,256	...	...	...	18,000	...		...	...	8,750	...	
COUNTERTERRORISM	...	...	...	...	...	...	...	152,000	152,000	...	...	...	155,000	...		...	...	33,000	...	

DEPARTMENT OF JUSTICE
2001 ESTIMATE COMPARED WITH 2000 AND 1999 REQUIREMENTS
(DOLLARS IN THOUSANDS)

APPROPRIATION	1999 ACTUAL					2000 APPROPRIATION					2001 PRESIDENT'S BUDGET				INCREASE OR DECREASE FROM 2000 TO 2001			
	POS	WYS	WYS-R	OBLIGS	OUTLAYS	POS	WYS	ENACTED	AVAILABLE	OUTLAYS	POS	WYS	BA	OUTLAYS	POS	WYS	BA	OUTLAYS
MANAGEMENT AND ADMINISTRATION	835	793	...	166,096	-51,620	865	902	37,458	44,103	259,000	954	966	42,560	252,000	89	64	-1,543	-7,000
POLICE USE OF FORCE PROGRAM INITIATIVE	...	...	...	...	...	...	...	...	...	...	...	...	2,100	...	...	...	2,100	...
JUSTICE ONLINE INFORMATION EXCHANGE	...	...	...	...	...	...	...	...	...	...	...	...	1,000	...	...	...	1,000	...
JUVENILE JUSTICE PROGRAMS	...	...	...	269,278	151,310	...	...	185,097	178,450	179,000	...	...	167,000	347,000	...	...	8,550	168,000
TITLE V (AT-RISK CHILDREN'S GRANT PROG.)	...	...	...	...	...	...	...	95,000	95,000	...	...	...	95,000	...	...	...	...	...
VICTIMS OF CHILD ABUSE	...	...	...	...	...	...	...	20,000	20,000	...	...	...	7,000	...	...	...	-13,000	...
STATE AND LOCAL LAW ENFORCEMENT	266	229		4,973,065	3,768,841	235	235	3,373,462	3,373,462	2,489,000	366	301	3,039,200	5,114,000	131	66	-334,262	2,625,000
INDIAN MENTAL HEALTH & BEHAVIORAL	...	...	...	...	...	...	...	...	...	...	...	...	8,000	...	...	...	8,000	...
TRIBAL COURTS INITIATIVE	...	...	...	...	...	...	...	5,000	5,000	...	...	...	15,000	...	...	...	10,000	...
ALCOHOL AND SUBSTANCE ABUSE													8,000	...	...	...	8,000	...
SEXUAL ASSAULT NURSE EXAMINER UNITS	...	...	...	...	...	...	...	...	...	...	...	...	5,000	...	...	...	5,000	...
JUVENILE ACCOUNT BLOCK GRANTS	...	...		...	...	...	...	237,995	237,995	...	...	...	...	...	...	...	-237,995	...
DRUG TESTING AND INTERVENTION PROGRAM	...	...		...	...	...	...	...	...	...	...	...	75,000	...	...	...	75,000	...
BYRNE FORMULA GRANTS	...	...	...	...	...	...	...	500,000	500,000	...	...	...	400,000	...	...	...	-100,000	...
BYRNE DISCRETIONARY GRANTS	...	...		...	...	...	...	52,000	52,000	...	...	...	59,500	...	...	...	7,500	...
WEED AND SEED	...	...		34,760	28,314	...	...	33,500	33,500	22,000	...	...	42,000	47,000	...	...	8,500	25,000
COMMUNITY POLICING	266	229		1,418,768	1,160,550	235	235	595,000	595,000	829,000	366	301	1,335,000	1,748,000	131	66	740,000	919,000
LOCAL LAW ENF. BLOCK GRANTS	...	...	...	...	...	...	...	497,884	497,884	...	...	...	...	...	...	...	-497,884	...
CRIMINAL RECORDS UPGRADE	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
CORRECTIONAL FACILITIES GRANTS	...	...	...		...	...	...	653,533	653,533	...	...	...	75,000	...	...	...	-578,533	...
DRUG COURTS	...	...			...	...	...	40,000	40,000	...	...	...	50,000	...	...	...	10,000	...
VIOLENCE AGAINST WOMEN ACT PROGRAMS	...				...	...	...	270,750	270,750	...	...	...	284,000	...	...	...	13,250	...
VICTIMS OF CHILD ABUSE											...	...	12,000	...	...	...	12,000	...
STATE CRIMINAL ALIEN ASSIST PROGRAM								420,000	420,000		...	...	600,000	...	...	...	180,000	...
RESIDENTIAL SUBSTANCE ABUSE TREATMENT								63,000	63,000		...	...	65,000	...	...	...	2,000	...
DNA IDENTIFICATION GRANTS											...	...	...	...	...	...	...	...
OTHER CRIME CONTROL PROGRAMS																		
PREVENTION													...	...	...	...	...	...
STATE AND LOCAL LAW ENFORCEMENT				3,519,537	2,579,977			1,500	1,500	1,638,000			2,400	3,319,000			900	1,681,000
FEDERAL								3,300	3,300				3,300				...	...
PSOB - DISABILITY & FLEOA PROGRAMS													4,800				4,800	
SUBTOTAL, DISCRETIONARY AUTH	107,769	103,178	5,457	19,300,095	17,409,150	109,973	109,878	18,468,160	18,468,160	17,291,000	113,113	112,846	20,131,372	21,245,500	3,140	2,768	1,663,212	3,954,500
FEES AND EXPENSES OF WITNESSES				83,767	101,767			95,000	95,000	96,000	...	...	156,145	137,000	...	...	61,145	41,000
CIVIL LIBERTIES PUBLIC EDUCATION				8,117							...	...	...	...	...	...	...	...
INDEPENDENT COUNSEL				22,774	30,910			9,500	9,500	10,000	...	...	9,500	10,000	...	...	...	...
PSOB - DEATH BENEFITS				30,463	29,331			32,541	32,541	34,000			33,224	41,000			683	7,000
SUBTOTAL, MANDATORY				137,004	168,125			137,041	137,041	140,000			198,869	188,000			61,828	48,000
SUBCOMMITTEE ON																		
APPROPRIATIONS JURISDICTION	107,769	103,178	5,457	19,414,127	17,554,303	109,973	109,878	18,582,229	18,582,229	17,409,028	113,113	112,846	20,307,269	21,410,526	3,140	2,768	1,725,040	4,002,500
CA-HEALTH CARE FRAUD	...	...	...	29,684	...	...	...	34,321	34,321	...	...	...	34,321	...	...	...	...	...
PRE-MERGER FILING FEES	[846]	804	...	101,261	624	[824]	797	110,000	110,000	-22,000	[1,001]	974	134,224	-44,000	[117]	177	24,224	-22,000
U.S. TRUSTEES	[1,128]	1,033	...	118,774	...	[1,128]	1,059	122,094	122,094	-12,000	[1,128]	1,059	127,202	-13,000	...	...	5,108	-1,000
ASSETS FORF FUND PERM BUD AUTH	...	...	...	346,715	473,707	...	...	686,281	686,281	499,000	...	...	462,838	398,000	...	...	-223,443	-101,000
FBI-HEALTH CARE FRAUD	[551]	510	...	66,000	...	[728]	689	76,000	76,000	...	[776]	752	88,000	...	[77]	63	12,000	...
DIVERSION CONTROL FEE	[635]	599	...	71,794	65,033	[660]	643	80,330	80,330	80,000	[660]	656	83,543	79,000	[25]	13	3,213	-1,000
IMMIGRATION USER FEE	[3,836]	3,678	...	454,144	432,322	[3,836]	3,821	487,000	487,000	487,000	[3,990]	3,956	529,103	529,103	...	335	42,103	42,103
ENFORCEMENT FINES	...	...	...	3,929	3,929	...	...	1,850	1,850	1,850	...	...	1,850	1,850	...	...	...	...
IMMIGRATION EXAMINATIONS FEE	[5,168]	5,695	...	639,042	593,998	[5,547]	6,120	754,200	754,200	782,200	[6,046]	6,559	899,817	899,817	...	439	145,617	137,617
LAND BORDER INSPECTION FEE	[12]	18	...	1,050	1,731	[12]	26	1,548	1,548	1,548	[12]	26	1,641	1,641	[20]	...	93	93
BREACHED BOND/DETENTION FUND	[21]	20	...	149,315	149,990	[21]	19	69,035	69,035	68,035	[21]	63	110,134	110,134	...	44	41,099	41,099
H-1B FEES	...	...	...	754	...	...	...	1,125	1,125	...	...	...	1,125	...	...	...	...	...
CRIME VICTIMS FUND	...	...	...	362,393	347,768	...	...	500,000	500,000	749,000	...	...	550,000	699,000	...	...	50,000	-51,000
SUBT, FEE-FUNDED ACCOUNTS	[12,297]	12,658	...	2,545,155	2,069,100	[12,756]	12,974	2,823,784	2,823,784	2,615,833	[13,834]	14,045	3,023,798	2,660,545	[239]	1,071	100,014	44,912
TOTAL, DEPARTMENT OF JUSTICE	107,769	115,836	5,457	21,982,254	19,648,375	109,973	122,852	21,526,985	21,526,985	20,046,833	113,113	126,891	23,354,039	24,084,045	3,140	3,839	1,825,054	4,047,412
LIMITATIONS:																		
FEDERAL PRISON INDUSTRIES	...	32	...	...	...	...	32	...	...	...	...	...	...	...	...	...	...	...
REIMBURSABLE & OTHER WORKYEARS	...	5,425	...	...	...	...	5,096	...	...	...	...	4,980	...	...	...	-176	...	...
TOTAL WORKYEARS	...	121,293	...	...	...	...	127,950	...	...	...	...	131,813	...	...	...	3,863	...	...

DEPARTMENT OF JUSTICE
FY 1999 APPROPRIATIONS AVAILABILITY
(Dollars in Thousands)

04-February-2000 10:00 AM
FILE: 99 APPN 02-04-00.WB3

APPROPRIATION	P.L. 105-277 TOTAL 1/ POS	FTE	BA	TRANSFERS HIDTA BA	OTHER ADJUSTMENTS BA	TRANSFERS Y2K BA	P.L. 106-31 SUPPLEMENTAL BA	FY 1999 FINAL "ACTUAL" AVAILABILITY POS	ACTUAL FTE*	BA
DISCRETIONARY-FUNC. CODE: 750 (Except as Noted)										
GENERAL ADMINISTRATION	636	736	79,328	..	..	120	....	636	728	79,448
GA - NAT'L DRUG INTEL CENTER (050)	[222]	222	....	....	27,000	..	....	[222]	171	27,000
TELECOMM. CARRIER COMPLIANCE	....	....	....	....	....	..	....	....	....	....
COUNTERTERRORISM FUND	....	..	145,000	....	....	..	....	....	....	145,000
ADMIN REVIEW & APPEALS	1,137	1,155	134,563	..	4,000	..	....	1,137	1,090	138,563
EXECUTIVE OFFICE FOR IMMIGRATION REV	1,122	1,140	132,963	..	4,000	..	....	1,122	1,075	136,963
OFFICE OF THE PARDON ATTORNEY	15	15	1,600	..	....	..	....	15	15	1,600
OFFICE OF THE INSPECTOR GENERAL	326	404	34,175	61	....	3,460	....	326	441	37,696
WORKING CAPITAL FUND	..	723	[-99,000]	..	....	....	....	....	631	[-99,000]
U.S. PAROLE COMMISSION	74	79	7,380	....	....	20	....	74	73	7,400
GENERAL LEGAL ACTIVITIES	3,612	4,059	474,700	....	10,241	7,943	....	3,612	3,884	492,884
SOLICITOR GENERAL	48	50	6,501	..	65	....	....	48	49	6,566
TAX DIVISION	586	577	64,534	..	....	1,938	....	586	585	66,472
CRIMINAL DIVISION	792	886	100,332	....	769	200	....	792	833	101,301
CIVIL DIVISION	1,054	1,118	141,760	....	....	970	....	1,054	1,059	142,730
ENVIR & NAT'L RESOURCE DIVISION	449	718	62,622	....	645	30	....	449	670	63,297
LEGAL COUNSEL	37	41	4,512	....	....	....	....	37	34	4,512
CIVIL RIGHTS DIVISION	581	602	69,237	....	4,225	3,805	....	581	589	77,267
INTERPOL	62	64	7,968	....	....	1,000	....	62	65	8,968
LAOA	....	....	17,634	....	-65	....	....	....	....	17,769
OFFICE OF DISPUTE RESOLUTION	3	3	300	....	....	....	....	3	....	300
ANTITRUST DIVISION	....	....	....	....	....	166	....	....	....	166
U.S. ATTORNEYS	9,044	10,353	1,089,951	5,389	....	41,504	....	9,044	10,063	1,136,844
U.S. TRUSTEE SYSTEM FUND	..	..	..	....	....	1,003	....	....	....	1,003
FOREIGN CLAIMS SETTLEMENT COMM (150)	11	11	1,227	....	....	....	....	11	4	1,227
U.S. MARSHALS	4,210	4,290	506,509	1,383	..	700	....	4,210	4,136	508,592
SALARIES & EXPENSES	4,210	4,107	501,909	1,383	....	700	....	4,210	3,953	503,992
CONSTRUCTION	....	....	4,600	....	....	....	....	....	....	4,600
JPATS	[183]	183	....	....	..	..	....	[183]	183	....
FEDERAL PRISONER DETENTION	....	....	425,000	....	30,813	..	....	....	....	455,813
COMMUNITY RELATIONS SERVICE	56	51	7,199	....	....	..	....	56	42	7,199
ASSETS FORF FUND CURR BUD AUTH	..	..	23,000	....	....	..	....	....	....	23,000
RADIATION EXP COMP ADMIN EXP (050)	....	....	2,000	....	....	..	....	....	....	2,000
RADIATION EXP COMP TRUST FUND (050)	....	....	....	....	....	....	....	....	....	....
INTERAGENCY CRIME & DRUG ENFORCEMT	[3,015]	[2,960]	304,014	....	....	....	....	[3,015]	[2,960]	304,014
FEDERAL BUREAU OF INVESTIGATION	25,693	26,994	2,982,835	5,416	-34,261	12,437	....	25,693	27,046	2,966,427
SALARIES & EXPENSES	25,693	26,994	2,981,548	5,416	-34,261	12,437	....	25,693	27,046	2,965,140
CONSTRUCTION	....	....	1,287	....	....	....	....	....	....	1,287
DRUG ENFORCEMENT ADMINISTRATION	7,391	8,026	1,222,013	16,005	-4,225	10,278	....	7,391	7,883	1,244,071
SALARIES & EXPENSES	7,391	8,026	1,214,013	16,005	-4,225	10,278	....	7,391	7,883	1,238,071
CONSTRUCTION	....	....	8,000	....	....	....	....	....	....	8,000
IMMIGRATION AND NATURALIZATION SVS	21,795	20,135	2,469,759	1,732	....	13,868	90,000	21,795	20,588	2,575,359
SALARIES & EXPENSES	....	....	642,490	....	....	....	....	....	....	642,490
ENFORCEMENT & BORDER AFFAIRS	18,330	16,788	979,754	1,732	132,294	13,868	90,000	18,330	17,174	1,217,648
CITIZNSHP & BENEFITS, SUPPT & PRG DIRECT	3,395	3,296	557,515	..	-132,294	....	....	3,395	3,379	425,221
CONSTRUCTION	70	51	90,000	....	....	....	....	70	35	90,000
FEDERAL PRISON SYSTEM	32,683	33,005	3,299,650	....	....	200	....	32,683	30,753	3,299,850
SALARIES AND EXPENSES	32,377	30,244	2,888,653	....	-41,100	200	....	32,377	28,374	2,847,753
BUILDINGS AND FACILITIES	306	329	410,997	....	41,100	....	....	306	243	452,097
FEDERAL PRISON INDUSTRIES	[2,011]	1,867	....	....	....	....	....	[2,011]	1,692	....
COMMISSARY FUND	[565]	565	....	....	....	....	....	[565]	444	....
OFFICE OF JUSTICE PROGRAMS	1,101	1,116	4,817,198	....	....	2,300	....	1,101	1,022	4,819,498
JUSTICE ASSISTANCE	835	850	154,698	....	....	2,300	....	835	793	156,998
NATIONAL INSTITUTE OF JUSTICE	....	....	46,148	....	....	....	....	....	....	46,148
BUREAU OF JUSTICE STATISTICS	....	....	25,029	....	....	....	....	....	....	25,029
EMERGENCY ASSISTANCE	....	....	....	....	....	....	....	....	....	....
MISSING CHILDREN/ALZHEIMER'S	....	....	18,068	....	....	....	....	....	....	18,068
REGIONAL INFORMATION SHARING SYS	....	....	20,000	....	....	....	....	....	....	20,000
WHITE COLLAR CRIME INFOR CENTER	....	....	7,350	....	....	....	....	....	....	7,350
COUNTERTERRORISM	....	....	....	....	....	....	....	....	....	....
MANAGEMENT AND ADMINISTRATION	835	850	38,103	....	....	2,300	....	835	793	40,403
JUVENILE JUSTICE PROGRAMS	....	....	175,950	....	....	..	....	..	..	175,950
TITLE V (AT-RISK CHILD'S GRANT PROG.)	....	....	95,000	....	....	....	....	....	....	95,000

DEPARTMENT [illegible]USTICE
FY 1999 APPROPRI[illegible] VAILABILITY
(Dollars in [illegible]nds)

04-February-2000 10:00 AM
FILE: 99 APPN 02-04-00.WB3

APPROPRIATION	P.L. 105-277 TOTAL 1/ POS	FTE	BA	TRANSFERS HIDTA BA	OTHER ADJUSTMENTS BA	TRANSFERS Y2K BA	P.L. 106-31 SUPPLEMENTAL BA	FY 1999 FINAL "ACTUAL" AVAILABILITY POS	ACTUAL FTE*	BA
DISCRETIONARY-FUNC. CODE: 750 (Except as Noted)										
VICTIMS OF CHILD ABUSE	...	...	19,000	...	...	...	...	...	...	19,000
STATE AND LOCAL LAW ENFORCEMENT	268	268	4,372,550	...	...	...	...	268	229	4,372,550
TRIBAL COURTS INITIATIVE	...	...	5,000	...	...	...	...	...	...	5,000
GRANTS TO PROSECUTORS' OFFICES	...	...	...	...	...	...	...	...	...	...
COMMUNITY PROSECUTOR PROGRAM	...	...	...	...	...	...	...	...	...	...
POLICE CORPS	...	...	...	...	...	...	...	...	...	...
JUVENILE ACCOUNT. BLOCK GRANTS	...	...	250,000	...	...	...	...	...	...	250,000
DRUG TESTING & INTERVENTION PROG	...	...	...	...	...	...	...	...	...	...
BYRNE FORMULA GRANTS	...	...	505,000	...	...	...	...	...	...	505,000
BYRNE DISCRETIONARY GRANTS	...	...	47,000	...	...	...	...	...	...	47,000
WEED AND SEED	...	...	33,500	...	...	...	...	...	...	33,500
COMMUNITY POLICING	266	266	1,430,000	...	...	...	...	266	229	1,430,000
LOCAL LAW ENF. BLOCK GRANTS	...	...	523,000	...	...	...	...	...	...	523,000
CRIMINAL RECORDS UPGRADE	...	...	45,000	...	...	...	...	...	...	45,000
CORRECTIONAL FACILITIES GRANTS	...	...	720,500	...	...	...	...	...	...	720,500
DRUG COURTS	...	...	40,000	...	...	...	...	...	...	40,000
VIOLENCE AGAINST WOMEN ACT PROGS	...	...	270,750	...	...	...	...	...	...	270,750
STATE CRIMINAL ALIEN ASSIST. PRO	...	...	420,000	...	...	...	...	...	...	420,000
RESID SUBTANCE ABUSE TREATMT	...	...	63,000	...	...	...	...	...	...	63,000
DNA IDENTIFICATION GRANTS (CLIP)	...	...	15,000	...	...	...	...	...	...	15,000
OTHER CRIME CONTROL PROGRAMS:										
PREVENTION	...	...	...	...	...	...	...	...	...	...
STATE AND LOCAL LAW ENFORCEMENT	...	...	1,500	...	...	...	...	...	...	1,500
FEDERAL	...	...	3,300	...	...	...	...	...	...	3,300
PSOB - DISABILITY & FLEDA PROGRAMS	...		...	...	...	...	...	...	...	...
INDIAN COUNTRY INITIATIVE	...		...	...	...	...	...	...	...	...
SUBTOTAL, DISCRETIONARY	107,769	111,359	10,025,501	29,986	33,588	93,999	90,000	107,769	108,835	10,273,054
MEMO ENTRY: DEFENSE DISCRETIONARY (050)										
GA - NAT'L DRUG INTEL CENTER			[27,000]	...	...	...	...	...	...	[27,000]
RADIATION EXP COMP ADMIN EXP	...	...	[2,000]	...	...	...	...	...	...	[2,000]
RADIATION EXP COMP TRUST FUND	...	...	...	...	...	...	...	...	...	...
FBI/TCC	...	...	...	...	...	...	...	...	...	...
FBI/SAE			[233,473]	...	...	...	...	...	...	[233,473]
TOTAL (included in Discretionary total above)			[262,473]	...	...	...	...	...	...	[262,473]
MANDATORY, FUNCTIONAL CODE: 750										
FEES AND EXPENSES OF WITNESSES	...	...	95,000	...	...	...	...	...	...	95,000
PSOB - DEATH BENEFITS	...	...	31,809	...	...	...	...	...	...	31,809
INDEPENDENT COUNSEL	...	...	9,500	...	16,500	...	...	...	...	26,000
SUBTOTAL, MANDATORY	...	...	136,309	...	16,500	...	...	...	...	152,809
TOTAL, DISCR. & MANDATORY	107,769	111,359	10,161,810	29,986	50,088	93,999	90,000	107,769	108,835	10,425,863
FEE ACCOUNTS										
GA-HEALTH CARE FRAUD	...	...	29,984	...	...	...	...	...	...	29,984
PRE-MERGER FILING FEES	[846]	819	98,267	...	...	...	...	[846]	804	98,267
U.S. TRUSTEES	[1,128]	1,059	114,248	...	...	...	...	[1,128]	1,033	114,248
ASSETS FORF FUND PERM BUD AUTH	...	...	479,219	...	67,496	...	...	...	...	546,715
FBI-HEALTH CARE FRAUD	[651]	610	66,000	...	...	...	...	[651]	610	66,000
DIVERSION CONTROL FEE	[635]	631	76,710	...	-4,916	...	...	[635]	599	71,794
IMMIGRATION USER FEE	[3,836]	3,563	486,071	...	-31,927	...	...	[3,836]	3,679	454,144
ENFORCEMENT FINES	...	...	4,050	...	-121	...	...	...	...	3,929
IMMIGRATION LEGALIZATION	...	...	...	...	...	...	...	...	...	...
IMMIGRATION EXAMINATIONS FEE	[5,198]	6,024	635,700	...	3,342	...	...	[5,198]	5,895	639,042
LAND BORDER INSPECTION FEE	[12]	26	3,275	...	-2,225	...	...	[12]	18	1,050
IMMIGRATION EMERGENCY FUND	...	...	...	...	...	...	...	...	...	...
BREACHED BOND/DETENTION FUND	[21]	19	176,950	...	-27,635	...	...	[21]	20	149,315
H-1B FEES	...	...	1,125	...	-371	...	...	...	...	754
CRIME VICTIMS FUND	...	...	375,000	...	-12,607	...	...	...	...	362,393
SUBT, FEE-FUNDED ACCOUNTS	(12,297)	12,751	2,548,599	...	-8,964	...	...	(12,297)	12,658	2,537,635
TOTAL, DEPARTMENT OF JUSTICE	107,769	124,110	20,708,409	29,986	41,104	93,999	90,000	107,769	121,293	20,963,498

* FY 1999 FTE. Workyears in agreement with Final 1999 (PP-19) WSR and SF-113G = 121,293 FTE.

DEPARTMENT OF JUSTICE
DERIVATION OF BUDGET AUTHORITY - 2000
(Dollars in Thousands)

APPROPRIATION	FY 2000 ENACTED P.L. 106-113	WIRELESS MGMT. OFFICE TRANSFER	Gov'mt-wide.38% Rec pursuant to P.L. 106-113	FY 2000 APPROPRIATION
DISCRETIONARY FUNC. CODE: 750 (Except as Noted)				
GENERAL ADMINISTRATION	79,328		....	79,328
GA - NAT'L DRUG INTEL CENTER (050)	27,000		....	27,000
JOINT AUTOMATED BOOKING SYSTEM	1,800		....	1,800
NARROWBAND COMMUNICATIONS	10,625	92,545	2	103,168
TELECOMM. CARRIER COMPLIANCE	15,000		....	15,000
COUNTERTERRORISM FUND	10,000		....	10,000
ADMIN REVIEW & APPEALS	148,499		3	148,496
EXECUTIVE OFFICE FOR IMMIGRATION REV	146,899		3	146,896
OFFICE OF THE PARDON ATTORNEY	1,600		....	1,600
OFFICE OF THE INSPECTOR GENERAL	40,275	(40)	....	40,235
WORKING CAPITAL FUND	....		....	....
U.S. PAROLE COMMISSION	8,527		....	8,527
GENERAL LEGAL ACTIVITIES	504,945		....	504,945
SOLICITOR GENERAL	6,770		....	6,770
TAX DIVISION	67,200		....	67,200
CRIMINAL DIVISION	104,477		....	104,477
CIVIL DIVISION	147,616		....	147,616
ENVIR & NAT'L RESOURCE DIVISION	65,209		....	65,209
LEGAL COUNSEL	4,698		....	4,698
CIVIL RIGHTS DIVISION	82,150		....	82,150
INTERPOL	7,360		....	7,360
LAOA	18,571		....	18,571
HOLOCAUST	582		....	582
OFFICE OF DISPUTE RESOLUTION	312		....	312
ANTITRUST DIVISION	....		....	....
U.S. ATTORNEYS	1,161,957		22	1,161,935
U.S. TRUSTEE SYSTEM FUND	....		....	....
FOREIGN CLAIMS SETTLEMENT COMM (150)	1,175		....	1,175
U.S. MARSHALS	549,365	(2,762)	10	546,593
SALARIES & EXPENSES	543,365	(2,762)	10	540,593
CONSTRUCTION	6,000		....	6,000
JPATS	....		....	....
FEDERAL PRISONER DETENTION	525,000		....	525,000
COMMUNITY RELATIONS SERVICE	7,199		....	7,199
ASSETS FORF FUND CURR BUD AUTH	23,000		....	23,000
RADIATION EXP COMP ADMIN EXP (050)	2,000		....	2,000
RADIATION EXP COMP TRUST FUND (050)	3,200		....	3,200
INTERAGENCY CRIME & DRUG ENFORCEMT	316,792		6	316,786
HIGH INTENSITY INTERSTATE GANG ACTIVY PRG	....		....	....
FEDERAL BUREAU OF INVESTIGATION	3,091,155	(50,000)	60	3,041,095
SALARIES & EXPENSES	3,089,858	(50,000)	60	3,039,808
CONSTRUCTION	1,287		....	1,287
DRUG ENFORCEMENT ADMINISTRATION	1,281,750	(20,733)	24	1,260,993
SALARIES & EXPENSES	1,276,250	(20,733)	24	1,255,493
CONSTRUCTION	5,500		....	5,500
IMMIGRATION AND NATURALIZATION SVS	3,009,329	(18,510)	57	2,990,762
SALARIES & EXPENSES	....		....	....
ENFORCEMENT & BORDER AFFAIRS	2,182,871	(18,510)	41	2,164,320
CITIZNSHP & BENEFITS, SUPPT & PRG DIRECT	726,794		14	726,780
CONSTRUCTION	99,664		2	99,662
FEDERAL PRISON SYSTEM	3,668,425	(500)	72	3,667,853
SALARIES AND EXPENSES	3,111,634	(500)	61	3,111,073
BUILDINGS AND FACILITIES	556,791		11	556,780
FEDERAL PRISON INDUSTRIES	....		....	....
COMMISSARY FUND	....		....	....
OFFICE OF JUSTICE PROGRAMS	4,052,158		70,088	3,982,070
JUSTICE ASSISTANCE	308,511		....	308,511
NATIONAL INSTITUTE OF JUSTICE	43,448		....	43,448
BUREAU OF JUSTICE STATISTICS	25,505		....	25,505
EMERGENCY ASSISTANCE	....		....	....
MISSING CHILDREN/ALZHEIMER'S	20,852		....	20,852
REGIONAL INFORMATION SHARING SYS	20,000		....	20,000
WHITE COLLAR CRIME INFOR CENTER	9,250		....	9,250
COUNTERTERRORISM	152,000		....	152,000
MANAGEMENT AND ADMINISTRATION	37,456		....	37,456
CIVIL RIGHTS ENFORCEMNT PARTNER. GRANTS	....		....	....
PUBLIC SAFETY TELECOMMUNICATION	....		....	....
ALCOHOL DEMONSTRATION	....		....	....
COMMUNITY JUSTICE INITIATIVE	....		....	....
INFORMATION TECHNOLOGY	....		....	....
INDIAN COUNTRY LAW ENF GRANT	....		....	....
JUVENILE JUSTICE PROGRAMS	185,097		....	185,097
TITLE V (AT-RISK CHILD'S GRANT PROG.)	95,000		....	95,000
VICTIMS OF CHILD ABUSE	20,000		....	20,000

DEPARTMENT OF JUSTICE
DERIVATION OF BUDGET AUTHORITY - 2000
(Dollars in Thousands)

APPROPRIATION	FY 2000 ENACTED P.L. 106-113	WIRELESS MGMT. OFFICE TRANSFER	Gov'mt-wide.38% Rec pursuant to P.L. 106-113	FY 2000 APPROPRIATION
DISCRETIONARY FUNC. CODE: 750 (Except as Noted)				
STATE AND LOCAL LAW ENFORCEMENT	3,443,550		70,088	3,373,462
YOUTH VIOLENCE COURTS	....		....	....
TRIBAL COURTS INITIATIVE	5,000		....	5,000
CERTAINTY OF PUNISHMNT GRANTS/GUN COURTS.	....		....	....
GRANTS TO PROSECUTORS' OFFICES	....		....	....
COMMUNITY PROSECUTOR PROGRAM	....		....	....
POLICE CORPS	....		....	....
JUVENILE ACCOUNT. BLOCK GRANTS	250,000		12,005	237,995
DRUG TESTING & INTERVENTION PROG	....		....	....
BYRNE FORMULA GRANTS	500,000		....	500,000
BYRNE DISCRETIONARY GRANTS	52,000		....	52,000
WEED AND SEED	33,500		....	33,500
COMMUNITY POLICING	595,000		....	595,000
LOCAL LAW ENF. BLOCK GRANTS	523,000		25,116	497,884
CRIMINAL RECORDS UPGRADE	....		....	....
CORRECTIONAL FACILITIES GRANTS	686,500		32,967	653,533
DRUG COURTS	40,000		....	40,000
VIOLENCE AGAINST WOMEN ACT PROGS	270,750		....	270,750
STATE CRIMINAL ALIEN ASSIST. PRG	420,000		....	420,000
RESID SUBTANCE ABUSE TREATMT	63,000		....	63,000
DNA IDENTIFICATION GRANTS (CLIP)	....		....	....
OTHER CRIME CONTROL PROGRAMS:			....	
PREVENTION	....		....	....
STATE AND LOCAL LAW ENFORCEMENT	1,500		....	1,500
FEDERAL	3,300		....	3,300
PSOB - DISABILITY & FLEDA PROGRAMS	....		....	....
SUBTOTAL, DISCRETIONARY	18,538,504	0	70,344	18,468,160
MEMO ENTRY: DEFENSE DISCRETIONARY (050)				
GA - NAT'L DRUG INTEL CENTER	[27,000]		....	[27,000]
RADIATION EXP COMP ADMIN EXP	[2,000]		....	[2,000]
RADIATION EXP COMP TRUST FUND	[3,200]		....	[3,200]
FBI/TCC	[8,000]		....	[8,000]
FBI/S&E	[292,473]		....	[292,473]
TOTAL (included in Discretionary total above)	332,673		....	332,673
MANDATORY, FUNCTIONAL CODE: 750				
FEES AND EXPENSES OF WITNESSES	95,000		....	95,000
PSOB - DEATH BENEFITS	32,541		....	32,541
INDEPENDENT COUNSEL	9,500		....	9,500
SUBTOTAL, MANDATORY	137,041	0	....	137,041
TOTAL, DISCR. & MANDATORY	18,675,545	0	70,344	18,605,201
FEE ACCOUNTS				
GA-HEALTH CARE FRAUD	34,321		....	34,321
PRE-MERGER FILING FEES	110,000		....	110,000
U.S. TRUSTEES	122,094		....	122,094
ASSETS FORF FUND PERM BUD AUTH	686,281		....	686,281
FBI-HEALTH CARE FRAUD	76,000		....	76,000
DIVERSION CONTROL FEE	80,330		....	80,330
IMMIGRATION USER FEE	487,000		....	487,000
ENFORCEMENT FINES	1,850		....	1,850
IMMIGRATION EXAMINATIONS FEE	754,200		....	754,200
LAND BORDER INSPECTION FEE	1,548		....	1,548
IMMIGRATION EMERGENCY FUND	....		....	....
BREACHED BOND/DETENTION FUND	69,035		....	69,035
H-1B FEES	1,125		....	1,125
CRIME VICTIMS FUND	500,000		....	500,000
SUBT, FEE-FUNDED ACCOUNTS	2,923,784	....	....	2,923,784
TOTAL, DEPARTMENT OF JUSTICE	21,599,329	....	70,344	21,528,985

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 2001 Increase
(Dollars in thousands)

	GENERAL ADMIN.		DETENTION TRUSTEE		NAT'L DRUG INTEL CENTER	JOINT AUTO BOOKING SYSTEM	NARROWBAND COMMUNICATIONS		PUBLIC KEY INFRA-STRUCTURE		TELECOMM. CARRIER COMPLIANCE	COUNTER-TERRORISM
	Pos.	Amount	Pos.	Amount	Amount	Amount	Pos.	Amount	Pos.	Amount	Amount	Amount
1999 Obligations	636	$79,231	....	....	$27,000	....	....	....	....	....	$17,420	$150,596
2000 Enacted	636	79,328	....	....	27,000	$1,800	12	$10,825	....	....	15,000	10,000
Governmentwide .38% Rescission	....	....	....	....	....	....	....	(2)	....	....	....	....
Transfer to Wireless Mgmt. Office	....	....	....	....	....	....	....	92,545	....	....	....	....
2000 Total Availability	636	79,328	....	....	27,000	1,800	12	103,168	....	....	15,000	10,000
2001 estimate	654	88,196	6	$26,000	27,000	1,800	12	205,000	1	4,376	120,000	25,000
Change 2001 from 2000	18	8,868	6	26,000	....	....	....	101,832	....	4,376	105,000	15,000
Adjustments to base												
Transfer from Assets Forfeit. Fund/SSA	....	....	....	....	....	....	....	12,771	....	....	....	....
Transfer to Fee-Funding	....	....	....	....	....	....	....	....	....	....	....	....
Total Transfers	....	....	....	....	....	....	....	12,771	....	....	....	....
Increases:												
2001 Pay Raise	....	1,486	....	....	....	....	....	2	....	....	....	....
Annualization of 2000 pay raise	....	745	....	....	....	....	....	....	....	....	....	....
Within-grade Increases (WIGI)	....	722	....	....	....	....	....	....	....	....	....	....
Annualization of 2000 positions, First Year	....	....	....	....	....	....	....	....	....	....	....	....
Annualization of 1999 positions, Sec'd Year	....	....	....	....	....	....	....	....	....	....	....	....
Administrative Salary Increase	....	....	....	....	....	....	....	....	....	....	....	....
CSRS Employees FERS Retirement Syst	....	103	....	....	....	....	....	....	....	....	....	....
Federal Health Insurance Premiums	....	413	....	....	....	....	....	....	....	....	....	....
GSA Rent	....	949	....	....	....	....	....	....	....	....	....	....
Lease Expirations	....	54	....	....	....	....	....	....	....	....	....	....
Antenna Fees (GSA)	....	24	....	....	....	....	....	....	....	....	....	....
Accident Compensation	....	24	....	....	....	....	....	....	....	....	....	....
ICASS COSTS	....	....	....	....	....	....	....	....	....	....	....	....
GSA Blue Pages	....	10	....	....	....	....	....	....	....	....	....	....
Transcription and Translation Services	....	....	....	....	....	....	....	....	....	....	....	....
Spectrum Frequency Management	....	....	....	....	....	....	....	504	....	....	....	....
Medical Hospital Service Cost	....	....	....	....	....	....	....	....	....	....	....	....
Modernization and Repair	....	....	....	....	....	....	....	....	....	....	....	....
JCON II Operational Cost	....	1,205	....	....	....	....	....	....	....	....	....	....
Security Guard Services	....	....	....	....	....	....	....	....	....	....	....	....
Travel Management Centers Contract Fees	....	44	....	....	....	....	....	....	....	....	....	....
eneral Pricing Level Adjustments	....	109	....	....	....	....	....	....	....	....	....	....
ational Archives and Record Projections	....	2	....	....	....	....	....	....	....	....	....	....
Base Restoration	....	....	....	....	....	....	....	....	....	....	....	....
Restoration of One-Time Rescissions	....	....	....	....	....	....	....	....	....	....	....	....
Jail Day Rate Increase	....	....	....	....	....	....	....	....	....	....	....	....
Total, increases	....	5,890	....	....	....	....	....	506	....	....	....	....
Decreases:												
Accident Compensation	....	(41)	....	....	....	....	....	....	....	....	....	....
Unfunded Positions	....	....	....	....	....	....	....	....	....	....	....	....
GSA Rent Decreases	....	....	....	....	....	....	....	....	....	....	....	....
Base decreases	....	....	....	....	....	....	....	....	....	....	....	....
Non-recurring decreases	....	....	....	....	....	....	....	....	....	....	....	....
Total, Decreases	....	(41)	....	....	....	....	....	....	....	....	....	....
Total, adjustments to base	....	5,849	....	....	....	....	....	13,277	....	....	....	....
2001 base	636	85,177	....	....	27,000	1,800	12	118,445	....	....	15,000	10,000
Program changes												
Combatting Guns	....	....	....	....	....	....	....	....	....	....	....	....
Improving Community Law	....	....	....	....	....	....	....	....	....	....	....	....
Breaking the Cycle	....	....	....	....	....	....	....	....	....	....	....	....
Indian Country	8	932	....	....	....	....	....	....	....	....	....	....
Immigration	....	....	....	....	....	....	....	....	....	....	....	....
Detention Incarceration	....	....	6	26,000	....	....	....	....	....	....	....	....
Civil Rights	....	....	....	....	....	....	....	....	....	....	....	....
Crime Fighting Technology	....	....	....	....	....	....	....	....	....	....	105,000	....
Cybercrime	....	....	....	....	....	....	....	....	....	....	....	....
Counterterrorism/Counter Foreign Intell	10	1,000	....	....	....	....	....	....	....	....	....	15,000
Litigation	....	....	....	....	....	....	....	....	....	....	....	....
State and Local Assistance	....	....	....	....	....	....	....	....	....	....	....	....
Other Changes	....	1,087	....	....	....	....	....	88,555	1	4,376	....	....
Total, program changes	18	3,019	6	26,000	....	....	....	88,555	1	4,376	105,000	15,000
2001 estimate	654	88,196	6	26,000	27,000	1,800	12	205,000	1	4,376	120,000	25,000
Change 2001 from 2000	....	8,868	....	26,000	....	....	....	101,832	....	4,376	105,000	15,000
Discretionary/Mandatory Split												
Discretionary	654	88,196	6	26,000	27,000	1,800	12	205,000	1	4,376	120,000	25,000
Mandatory	....	....	....	....	....	....	....	....	....	....	....	....

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 2001 Increase
(Dollars in thousands)

	ADMIN REVIEW AND APPEALS		OFFICE OF INSPECTOR GENERAL		U.S. PAROLE COMMISSION		GENERAL LEGAL ACTIVITIES		U. S. ATTORNEYS		FOREIGN CLAIMS SETTLEMENT COMMISSION		U.S. MARSHALS SERVICE	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
1999 Obligations	1,137	$139,454	326	$36,621	74	$7,353	3,612	$478,084	9,044	$1,137,727	11	$579	4,210	$509,757
2000 Enacted	1,113	148,498	342	40,275	81	8,527	3,685	504,945	9,120	1,161,957	11	1,175	4,079	549,365
Governmentwide .38% Rescission	...	(3)	...	....	...	....	...	....	...	(22)	...	...	...	(10)
Transfer to Wireless Mgmt. Office	...	....	...	(40)	...	....	...	....	...	....	...	...	...	(2,762)
2000 Total Availability	1,113	148,496	342	40,235	81	8,527	3,685	504,945	9,120	1,161,935	11	1,175	4,079	546,593
2001 estimate	1,155	164,549	342	42,192	87	9,183	3,837	552,239	9,771	1,291,001	11	1,214	4,321	592,847
Change 2001 from 2000	42	16,053	....	1,957	6	656	152	47,294	651	129,066	....	39	242	46,254
Adjustments to base														
Transfer from Assets Forfeit. Fund/SS	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Transfer to Fee-Funding	....	....	....	....	....	....	....	....	....	....	....	....	(139)	(10,209)
Total Transfers	....	....	....	....	....	....	....	....	....	....	....	....	(139)	(10,209)
Increases:														
2001 Pay Raise	...	2,783	...	913	...	180	...	10,474	...	31,459	...	21	...	10,273
Annualization of 2000 pay raise	...	1,353	...	367	...	76	...	4,807	...	19,183	...	9	...	5,058
Within-grade increases (WIGI)	...	..	...	347	...	..	...	2,495	...	1,721	...	....	...	....
Annualization of 2000 positions, First Year	....	1,446	...	....	...	.	....	4,018	....	....	...	...	....	1,593
Annualization of 1999 positions, Sec'd Year	...	..	...	....	..	.	..	....	....	....	...	...	....	1,304
Administrative Salary Increase	..	....	...	....	...	.	..	....	...	4,395	...	...	...	....
CSRS Employees FERS Retirement Syst	..	....	...	....	...	9	..	141	...	187	...	....	...	94
Federal Health Insurance Premiums	..	328	...	117	...	20	...	1,129	...	2,727	...	1	...	1,161
GSA Rent	...	3,468	...	....	..	..	...	2,695	...	4,239	...	8	...	....
Lease Expirations	...	119	...	121	..	..	.	213	...	689	...	...	...	363
Antenna Fees (GSA)	...	2	...	....	...	....	...	....	...	15	...	...	...	634
Accident Compensation	...	74	...	41	.	1	.	228	...	319	...	....	...	698
ICASS COSTS	...	.	...	....	.	.	.	252	...	....	...	...	...	....
GSA Blue Pages	...	..	...	1	.	....	.	3	...	32	...	...	...	6
Transcription and Translation Services	...	1,463	...	....	.	.	.	....	...	....	...	...	...	....
Spectrum Frequency Management	...	..	...	..	.	.	.	....	...	....	...	...	...	....
Medical Hospital Service Cost	...	....	...	..	.	.	.	....	...	....	...	...	...	....
Modernization and Repair	...	..	...	..	..	.	.	....	...	....	...	....	...	....
JCON II Operational Cost	...	.	...	.	.	.	.	....	...	....	...	...	...	....
Security Guard Services	...	..	...	..	..	.	.	....	...	....	...	...	...	....
Travel Management Centers Contract Fees	...	27	...	8		5		429	...	70	...	...	...	....
General Pricing Level Adjustments	...	12	...	42		34		1,928	...	3,114	...	....	...	....
National Archives and Record Projections		1				1		37		41				1
Base Restoration	..	..	...					3,000	...	2,590	...	...	...	....
Restoration of One-Time Rescissions	...	....	...	.				....	...	....	...	...	...	....
Jail Day Rate Increase	...	..	...						...	....	...	...	...	....
Total, increases	....	11,074	....	1,957		328		31,840	....	70,981	....	39	....	21,195
Decreases:														
Accident Compensation	...	..	...					(113)	...	....	...	...	...	....
Unfunded Positions	(20)	..	...				(8)	..	....	....	....	....	....	....
GSA Rent Decreases		.	...					(370)		....	...	...	...	....
Base decreases		.	...	.				..		....	...	...	...	....
Non-recurring decreases	...	.	...					(582)		....	...	...	...	(4,852)
Total, Decreases	(20)	..	....				(8)	(1,065)	....	....	....	....	....	(4,852)
Total, adjustments to base	(20)	11,074	....	1,957		328	(8)	30,775	....	70,981	....	39	(139)	6,134
2001 base	1,093	159,570	342	42,192	81	8,855	3,677	535,720	9,120	1,232,916	11	1,214	3,940	552,727
Program changes														
Combatting Guns	..								163	14,518	...	...	....	....
Improving Community Law	....	..	...						...	4,150	...	...	...	....
Breaking the Cycle	.	..	...				5	389	...	....	...	...	...	....
Indian Country			..					70	50	4,699	...	...	...	....
Immigration	62	4,979	...	.					48	3,644	...	..	...	....
Detention Incarceration	...	.	.	.	6	328			....	....	...	...	349	35,740
Civil Rights	..		..	.			63	6,756	...	....	...	...	...	....
Crime Fighting Technology			..						...	....	...	...	...	....
Cybercrime	...	..	...	.			11	586	97	6,007	...	...	...	....
Counterterrorism/Counter Foreign Intell			...					302	...	....	...	...	...	....
Litigation	...	.	...				41	4,254	76	5,744	...	...	...	....
State and Local Assistance	...	.	...						....	....	...	...	...	....
Other Changes	.	.	....				20	2,162	207	17,123	...	...	32	4,380
Total, program changes	62	4,979	....		6	328	160	16,519	651	56,085	...	...	381	40,120
2001 estimate	1,155	164,549	342	42,192	87	9,183	3,837	552,239	9,771	1,291,001	11	1,214	4,321	592,847
Change 2001 from 2000	42	16,053	..	1,957	6	656	152	47,294	651	129,066	....	39	242	46,254
Discretionary/Mandatory Split														
Discretionary	1,155	164,549	342	42,192	87	9,183	3,837	552,239	9,771	1,291,001	11	1,214	4,321	592,847
Mandatory														

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 2001 Increase
(Dollars in thousands)

	FEDERAL PRISONER DETENTION	FEES AND EXPENSES OF WITNESSES	COMMUNITY RELATIONS SERVICE		INDEPEN-DENT COUNSEL	ASSETS FORFEITURE FUND	RADIATION EXPOSURE COMPENSATION		INTER-AGENCY CRIME & DRUG ENFORCEMENT	FEDERAL BUREAU OF INVESTIGATION	
							Admin.	Trust Fund			
	Amount	Amount	Pos.	Amount	Amount	Amount	Amount	Amount	Amount	Pos.	Amount
1999 Obligations	$460,395	$63,767	56	$7,096	$22,774	$21,070	$550	$13,639	$304,732	25,693	$3,054,557
2000 Enacted	525,000	95,000	56	7,199	9,500	23,000	2,000	3,200	316,766	25,833	3,091,155
Governmentwide .38% Rescission	...	...	...	...	...	...	...	...	(6)	...	(60)
Transfer to Wireless Mgmt. Office	...	...	...	...	...	...	...	...	...	...	(50,000)
2000 Total Availability	525,000	95,000	56	7,199	9,500	23,000	2,000	3,200	316,766	25,833	3,041,095
2001 estimate	597,402	156,145	86	9,829	9,500	23,000	2,000	13,727	328,898	25,635	3,280,749
Change 2001 from 2000	72,402	61,145	30	2,630	...	...	...	10,527	12,112	-198	239,654
Adjustments to base											
Transfer from Assets Forfeit. Fund/SS	...	...	...	...	...	...	...	...	...	...	...
Transfer to Fee-Funding	...	...	...	...	...	...	...	...	...	(556)	(97,735)
Total Transfers	...	...	...	...	...	...	...	...	...	(556)	(97,735)
Increases:											
2001 Pay Raise	...	...	...	136	...	...	...	...	8,390	...	54,546
Annualization of 2000 pay raise	...	...	...	73	...	...	...	...	3,722	...	26,123
Within-grade Increases (WIGI)	...	...	...	...	...	...	...	...	...	...	...
Annualization of 2000 positions, First Year	...	...	...	...	...	...	...	...	...	...	229
Annualization of 1999 positions, Sec'd Year	...	...	...	...	...	...	...	...	...	...	6,167
Administrative Salary Increase	...	...	...	...	...	...	...	...	...	...	...
CSRS Employees FERS Retirement Syst	...	...	...	...	...	...	...	...	...	...	15,925
Federal Health Insurance Premiums	...	...	...	9	...	...	...	...	...	...	11,786
GSA Rent	...	...	...	52	...	...	...	...	...	...	21,662
Lease Expirations	...	...	...	...	...	...	...	...	...	...	1,177
Antenna Fees (GSA)	...	...	...	...	...	...	...	...	...	...	1,306
Accident Compensation	...	...	...	...	...	...	...	...	...	...	924
ICASS COSTS	...	...	...	...	...	...	...	...	...	...	...
GSA Blue Pages	...	...	...	...	...	...	...	...	...	...	62
Transcription and Translation Services	...	...	...	...	...	...	...	...	...	...	...
Spectrum Frequency Management	...	...	...	...	...	...	...	...	...	...	...
Medical Hospital Service Cost	1,350	...	...	...	...	...	...	...	...	...	...
Modernization and Repair	...	...	...	...	...	...	...	...	...	...	...
JCON II Operational Cost	...	...	...	...	...	...	...	...	...	...	...
Security Guard Services	1,424	...	...	...	...	...	...	...	...	...	...
Travel Management Centers Contract Fees	...	167	...	10	...	...	...	...	...	...	909
General Pricing Level Adjustments	...	...	...	33	...	...	...	...	...	...	...
National Archives and Record Projections											1
Base Restoration	...	...	...	...	...	...	...	...	...	...	...
Restoration of One-Time Rescissions	...	...	...	...	...	...	...	...	...	...	...
Jail Day Rate Increase	5,273	...	...	...	...	...	...	...	...	...	...
Total, increases	8,047	167	...	313	...	...	...	...	12,112	...	142,836
Decreases:											
Accident Compensation	...	...	...	-33	...	...	...	...	...	...	...
Unfunded Positions	...	...	...	...	...	...	...	...	...	...	...
GSA Rent Decreases	...	...	...	...	...	...	...	...	...	...	...
Base decreases	...	...	...	...	...	...	...	...	...	...	...
Non-recurring decreases	...	...	...	...	...	...	...	(3,200)	...	...	(1,139)
Total, Decreases:	...	...	...	-33	...	...	...	(3,200)	...	...	(1,139)
Total, adjustments to base	8,047	167	...	280	...	...	...	(3,200)	12,112	(556)	73,962
2001 base	533,047	95,167	56	7,479	9,500	23,000	2,000	...	328,898	25,275	3,115,057
Program changes											
Combatting Guns	...	...	...	...	...	...	...	...	...	...	1,364
Improving Community Law	...	...	...	...	...	...	...	...	...	...	...
Breaking the Cycle	...	...	...	...	...	...	...	...	...	...	...
Indian Country	...	...	...	...	...	...	...	...	...	31	4,639
Immigration	...	...	...	...	...	...	...	...	...	...	...
Detention Incarceration	64,355	...	...	...	...	...	...	...	...	...	...
Civil Rights	...	...	...	...	...	...	...	...	...	...	...
Crime Fighting Technology	...	...	...	...	...	...	...	...	...	24	98,907
Cybercrime	...	...	...	...	...	...	...	...	...	108	11,983
Counterterrorism/Counter Foreign Intell	...	...	...	...	...	...	...	...	...	193	35,304
Litigation	...	60,978	...	...	...	...	...	...	...	...	...
State and Local Assistance	...	...	...	...	...	...	...	...	...	...	...
Other Changes	...	...	30	2,350	...	...	...	13,727	...	4	15,495
Total, program changes	64,355	60,978	30	2,350	...	...	...	13,727	...	360	165,692
2001 estimate	597,402	156,145	86	9,829	9,500	23,000	2,000	13,727	328,898	25,635	3,280,749
Change 2001 from 2000	72,402	61,145	30	2,630	...	...	...	10,527	12,112	-198	239,654
Discretionary/Mandatory Split											
Discretionary	597,402	...	86	9,829	9,500	23,000	2,000	13,727	328,898	25,635	3,280,749
Mandatory	...	156,145	...	...	...	...	...	...	...	...	...

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 2001 Increase
(Dollars in thousands)

	DRUG ENFORCEMENT ADMINISTRATION		IMMIGRATION & NATURALIZATION SERVICE		FEDERAL PRISON SYSTEM		OFFICE OF JUSTICE PROGRAMS			TOTAL DIRECT AUTHORITY		TOTAL OTHER AUTHORITY
							OVERALL OJP		PSOB			
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Amount	Pos.	Amount	Amount
1999 Obligations	7,391	$1,232,186	21,795	$2,537,248	32,683	$3,574,020	1,101	$5,408,441	$30,463	107,789	$16,438,830	$2,546,324
2000 Enacted	7,452	1,291,750	22,401	3,009,329	34,052	3,659,425	1,100	4,052,158	32,541	109,973	16,678,848	2,923,784
Governmentwide .38% Rescission	...	(24)	...	(57)	...	(72)	...	(70,068)	...	....	(70,344)	....
Transfer to Wireless Mgmt. Office	...	(20,733)	....	(16,510)	...	(500)	...	....	...	....	....	....
2000 Total Availability	7,452	1,260,993	22,401	2,990,762	34,052	3,667,853	1,100	3,982,070	32,541	109,973	16,608,201	2,923,784
2001 estimate	7,496	1,373,266	23,053	3,266,215	35,326	4,381,429	1,320	3,699,460	38,024	113,113	20,330,241	3,023,798
Change 2001 from 2000	44	112,273	652	275,453	1,274	713,576	220	(282,610)	5,483	3,140	1,728,040	100,014
Adjustments to base												
Transfer from Assets Forfeit. Fund/SS	...	...	...	...	...	...	...	...	...	....	12,771	...
Transfer to Fee-Funding	....	....	....	....	....	....	....	....	....	(697)	(77,944)	....
Total Transfers	....	....	....	....	....	....	....	....	....	(697)	(65,173)	....
Increases:												
2001 Pay Raise	...	19,929	...	50,847	...	53,273	...	2,497	...	....	247,209	26,557
Annualization of 2000 pay raise	...	8,749	...	19,914	..	26,955	...	1,233	...	....	120,379	11,706
Within-grade Increases (WIGI)	...	..	...	..	...	..	...	..	...	....	5,288	8,625
Annualization of 2000 positions, First Year	....	2,244	....	1,905	....	139,543	....	252	...	....	161,228	1,402
Annualization of 1999 positions, Sec'd Year	...	13,384	...	29,125	..	...	...	...	...	....	50,000	1,544
Administrative Salary Increase	...	...	...	...	...	...	...	...	...	....	4,386	...
CSRS Employees FERS Retirement Syst	...	222	...	391	...	474	...	30	...	....	17,876	41
Federal Health Insurance Premiums	...	2,487	...	9,316	...	10,867	...	227	...	....	40,877	527
GSA Rent	...	...	...	3,923	...	3,363	...	160	...	....	40,819	3,671
Lease Expirations	...	168	...	1,722	...	815	...	...	...	....	8,639	911
Antenna Fees (GSA)	...	114	...	1,714	...	8	...	...	...	....	3,817	....
Accident Compensation	...	788	...	2,786	...	2,359	...	....	...	....	8,343	1,002
ICASS COSTS	...	...	...	1,448	...	...	...	....	...	....	1,700	....
GSA Blue Pages	...	27	...	26	...	41	...	1	...	....	209	....
Transcription and Translation Services	...	....	...	...	...	...	...	....	...	....	1,483	....
Spectrum Frequency Management	...	...	...	..	...	...	...	....	...	....	504	....
Medical Hospital Service Cost	...	..	...	9	..	4,594	...	....	...	....	5,953	5
Modernization and Repair	...	..	...	..	1	7,500	...	....	...	1	7,500	....
JCON II Operational Cost	.	...	...	.	.	.	..	....	...	....	1,205	....
Security Guard Services	...	...	...	.	.	.	...	....	...	....	1,424	....
Travel Management Centers Contract Fees	...	179	...	185	...	225	...	183	...	....	2,441	....
eneral Pricing Level Adjustments	...	....	...	.	...	.	...	113	683	....	6,066	8,884
.tional Archives and Record Projections	...	4	...	177	...	14	...	....	...	....	279	....
ase Restoration	..	..	...	.	..	..	...	....	...	....	5,590	50,000
Restoration of One-Time Rescissions	...	..	...	..	...	..	...	70,088	...	....	70,088	....
Jail Day Rate Increase	...	..	...	.	...	..	...	..	...	....	6,373	....
Total, increases	...	48,293	....	123,488	1	250,031	....	74,784	683	1	804,564	114,675
Decreases:												
Accident Compensation	.	..	...				...	(6)	...	....	(193)	....
Unfunded Positions	..	....	....		..	....	....	....	...	(28)	....	....
GSA Rent Decreases	.	(577)	...		.	.	...	....	...	....	(947)	(1,447)
Base decreases	..	..	..	(8,161)	.	.	...	....	...	....	(8,161)	....
Non-recurring decreases	.	..	(304)	(181,980)	(452)	(411,000)	.	....	...	(756)	(602,783)	(223,443)
Total, Decreases	....	(577)	(304)	(190,141)	(452)	(411,000)	..	(6)	....	(784)	(612,054)	(224,890)
Total, adjustments to base	....	47,716	(304)	(66,653)	(451)	(160,969)	.	74,778	683	(1,480)	127,337	(110,015)
2001 base	7,452	1,308,709	22,097	2,924,109	33,601	3,506,884	1,100	4,056,848	33,224	108,493	18,732,538	2,813,296
Program changes												
Combatting Guns	...	..	...					220,000	...	163	235,583	..
Improving Community Law	...	..	....					329,180	...	....	333,330	....
Breaking the Cycle	18	3,100	..				...	170,903	...	23	174,382	....
Indian Country	...	..	..				..	39,000	...	99	49,340	....
Immigration	..	..	706	235,273				15,000	...	916	289,096	....
Detention Incarceration	..	..	250	106,833	1,725	874,545	...	....	...	2,338	1,107,801	....
Civil Rights		..						4,650	...	83	13,406	....
Crime Fighting Technology	2	57,500	...				...	222,000	...	26	481,407	....
Cybercrime	...	..	...				...	16,750	...	216	36,328	....
Counterterrorism/Counter Foreign Intell	..	..	..				...	33,000	...	203	84,606	....
Litigation		..	..				...	....	...	117	70,976	....
State and Local Assistance	.	....	....				.	(1,418,169)	4,800	....	(1,413,369)	....
Other Changes	24	3,957					220	11,298	...	538	164,510	27,537
Total, program changes	44	64,557	956	342,106	1,725	874,545	220	(357,388)	4,800	4,620	1,597,703	206,592
2001 estimate	7,496	1,373,266	23,053	3,266,215	35,326	4,381,429	1,320	3,699,460	38,024	113,113	20,330,241	3,023,798
Change 2001 from 2000	44	112,273	652	275,453	1,274	713,576	220	(282,610)	5,483	3,115	1,728,040	100,014
Discretionary/Mandatory Split												
Discretionary	7,496	1,373,266	23,053	3,266,215	35,326	4,381,429	1,320	3,699,460	4,800	113,113	20,131,372	322,000
Mandatory									33,224	....	198,869	2,701,798

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 2001 Increase
(Dollars in thousands)

	TOTAL NEW AUTHORITY		U.S. TRUSTEE SYSTEM FUND	PRE-MERGER FILING FEES 1/	ASSETS FORFEITURE FUND	DIVERSION CONTROL FEE	IMMIGRATION FEE ACCTS	GA HEALTH CARE FRAUD	FBI HEALTH CARE FRAUD	CRIME VICTIMS FUND	TOTAL OTHER AUTHORITY
	Pos.	Amount	Amount	Amounts	Amount	Amount	Amount	Amount	Amount	Amount	Amount
1999 Obligations	107,769	$31,982,384	$119,777	$101,427	$546,715	$71,784	$1,248,234	$29,984	$66,000	$362,353	$2,646,324
2000 Enacted	109,873	21,889,329	122,094	110,000	686,281	80,330	1,314,758	34,321	76,000	500,000	2,923,784
Governmentwide .38% Rescission	...	(70,344)	...	...	...	...	...	...	...	...	...
Transfer to Wireless Mgmt. Office	...	...	...	...	...	...	...	...	...	...	...
2000 Total Availability	109,873	21,528,985	122,094	110,000	686,281	80,330	1,314,758	34,321	76,000	500,000	2,923,784
2001 estimate	113,113	23,354,039	127,202	134,224	462,838	83,543	1,543,670	34,321	88,000	550,000	3,023,798
Change 2001 from 2000	3,140	1,825,054	5,108	24,224	(223,443)	3,213	228,912	...	12,000	50,000	100,014
Adjustments to base											
Transfer from Assets Forfeit. Fund/SSA	...	12,771	...	...	...	...	...	...	...	...	...
Transfer to Fee-Funding	(697)	(77,944)	...	...	...	...	...	...	...	...	...
Total Transfers	(697)	(65,173)	...	...	...	...	...	...	...	...	...
Increases:											
2001 Pay Raise	...	273,766	2,457	2,375	...	1,334	18,687	...	1,704	...	26,557
Annualization of 2000 pay raise	...	132,085	1,242	546	...	628	8,597	...	693	...	11,706
Within-grade increases (WGI)	...	13,910	693	397	...	137	6,889	...	509	...	8,625
Annualization of 2000 positions, First Year	...	182,631	...	...	...	567	...	...	835	...	1,402
Annualization of 1999 positions, Sec'd Year	...	81,544	...	...	...	...	...	...	1,544	...	1,544
Administrative Salary Increase	...	4,395	...	...	...	...	...	...	...	...	...
CSRS Employees FERS Retirement Syst	...	17,617	41	...	...	...	...	...	...	...	41
Federal Health Insurance Premiums	...	41,104	305	221	...	...	...	...	...	...	527
GSA Rent	...	44,190	...	...	...	...	3,665	...	9	...	3,674
Lease Expirations	...	8,650	49	489	...	373	...	...	...	...	911
Antenna Fees (GSA)	...	3,817	...	...	...	...	...	...	...	...	...
Accident Compensation	...	9,244	23	...	...	...	979	...	...	...	1,002
ICASS COSTS	...	1,700	...	...	...	...	1,352	...	...	...	1,352
GSA Blue Pages	...	209	9	1	...	...	24	...	...	...	34
Transcription and Translation Services	...	1,483	...	...	...	...	...	...	...	...	...
Spectrum Frequency Management	...	804	...	...	...	...	...	...	...	...	...
Medical Hospital Service Cost	...	6,958	...	...	...	...	5	...	...	...	5
Modernization and Repair	1	7,500	...	...	...	...	...	...	...	...	...
JCON II Operational Cost	...	1,205	...	...	...	...	...	...	...	...	...
Security Guard Services	...	1,424	...	...	...	...	...	...	...	...	...
Travel Management Centers Contract Fees	...	2,441	12	26	...	...	...	...	...	...	38
General Pricing Level Adjustments	...	14,952	267	657	...	174	7,659	...	127	...	8,884
National Archives and Record Projections	...	279	9	4	...	...	...	...	...	...	...
Base Restoration	...	85,590	...	...	...	...	...	...	...	50,000	50,000
Restoration of One-Time Rescissions	...	70,088	...	...	...	...	...	...	...	...	...
Jail Day Rate Increase	...	5,273	...	...	...	...	...	...	...	...	...
Total, increases	1	919,439	5,108	4,716	...	3,213	47,857	...	5,419	50,000	116,299
Decreases:											
Accident Compensation	...	(193)	...	...	...	...	...	...	...	...	...
Unfunded Positions	(28)	...									
GSA Rent Decreases	...	(2,384)		(1,447)							(1,447)
Base decreases	...	(5,161)									...
Non-recurring decreases	(756)	(828,196)			(223,443)						(223,443)
Total, Decreases	(784)	(836,944)		(1,447)	(223,443)						(224,890)
Total, adjustments to base	(1,480)	17,322	5,108	3,269	(223,443)	3,213	47,857	...	5,419	50,000	(108,591)
2001 base	108,493	21,547,744	127,202	113,269	462,838	83,543	1,362,615	34,321	81,419	550,000	2,815,206
Program changes											
Combatting Guns	163	235,882									...
Improving Community Law	...	333,330									...
Breaking the Cycle	...	174,392									...
Indian Country	99	49,340									...
Immigration	816	259,096									...
Detention Incarceration	2,338	1,107,801									...
Civil Rights	83	13,406									...
Crime Fighting Technology	26	481,407									...
Cybercrime	216	36,326									...
Counterterrorism/Counter Foreign Intell	203	84,606									...
Litigation	117	70,976									...
State and Local Assistance	...	(1,413,369)									...
Other Changes	538	192,047		20,955					6,582		27,537
Total, program changes	4,620	1,906,295		20,955			181,055		6,582		208,592
2001 estimate	113,113	23,354,039	127,202	134,224	462,838	83,543	1,543,670	34,321	88,000	550,000	3,023,798
Change 2001 from 2000	3,116	1,825,054	5,108	24,224	(223,443)	3,213	228,912	...	12,000	50,000	100,014
Discretionary/Mandatory Split											
Discretionary	113,113	20,453,372					322,000				322,000
Mandatory	...	2,900,667	127,202	134,224	462,838	83,543	1,221,670	34,321	88,000	550,000	2,701,798

1/ 1999 obligations include $1,003,000 for U.S. Trustees and $166,000 for Antitrust Division from direct obligations.

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

(Dollars in thousands)

	PROGRAM DIRECTION AND POLICY COORDINATION																	
	DEPARTMENT LEADERSHIP			EXECUTIVE SUPPORT			INTELL. POLICY & PROFESSIONAL RESPONSIBILITY			JUSTICE MANAGEMENT DIVISION			GENERAL ADMINISTRATION S&E X-ACCOUNT			TOTAL		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
1999 obligations	43	41	$7,518	76	75	$8,939	64	60	$7,884	453	469	$50,169	...	...	$4,722	636	645	$79,231
2000 appropriation	43	44	8,136	76	89	9,695	64	64	8,395	453	460	53,102	...	..	...	636	657	79,328
2001 estimate	51	51	9,640	76	89	11,432	74	69	9,958	453	460	57,166	...	...	...	654	669	88,196
Change 2001 from 2000	8	7	1,504	...	...	1,737	10	5	1,563	...	...	4,064	...	...	...	18	12	8,868
Adjustments to base																		
Increases:																		
2001 Pay Raise			138			167	...	...	148	..	...	1,033	...	...	...	...	...	1,486
Annualization of 2000 pay raise			76			88	...	...	76	...	...	505	...	...	...	...	...	745
Within-grade increases (WIGI)			51			60	...	...	52	..	...	559	...	...	...	...	...	722
CSRS Employees Retirement System			9			12			10	..	...	72	...	...	...	...	...	103
Federal Health Insurance Premiums			18			23			19			353	...	...	...	...	...	413
GSA Rent			118			141			121			568	...	...	...	...	...	949
Lease Expirations												54	...	..	...	...	...	54
Antenna Fees (GSA)												24	...	..	...	...	...	24
Accident Compensation			24									0	...	..	...	...	...	24
GSA Blue Pages			3									7	...	...	...	...	...	10
JCON II Operational Costs			120			142			123			820	...	...	...	...	...	1,205
Travel Management Centers Contract			4			5			4			31	...	..	...	...	...	44
General Pricing Level Adjustments			11			12			10		...	76	...	...	...	...	...	109
National Archives and Record Projections												2	...	..	...	...	...	2
Total, Increases			572			650			563			4,105	...	...	...	...	...	5,890
Decreases:																		
Accident Compensation	...	...	...	...	...	...	...	...	...	...	...	(41)	...	...	...	...	...	(41)
Total, adjustments to base	...	...	572	...	...	650	...	...	563	...	...	4,064	...	...	...	...	...	5,849
2001 base	43	44	8,708	76	89	10,345	64	64	8,958	453	460	57,166	...	...	...	636	657	85,177
Program Changes:																		
Increased staffing/funding for OTJ	8	7	932	...	...	...	...	...	...	...	...	...	...	...	...	8	7	932
Increased funding for OLA and PAO	...	...	...	...	...	587	...	...	...	...	...	...	...	...	...	...	...	587
Funding for OLA Automated Filing System	...	...	...	...	...	500	...	...	...	...	...	...	...	...	...	...	...	500
Increased Staffing for OIPR	...	...	...	...	...	...	10	5	1,000	...	...	...	...	...	...	10	5	1,000
Total, Program Changes	8	7	932	...	...	1,087	10	5	1,000	...	...	...	...	...	...	18	12	3,019
2001 Estimate	51	51	9,640	76	89	11,432	74	69	9,958	453	460	57,166	...	...	...	654	669	88,196
Change 2001 from 2000	8	7	1,504	...	...	1,737	10	5	1,563	...	...	4,064	...	...	...	18	12	8,868

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General Legal Activities
Salaries and Expenses
Analysis of $47,294 Thousand Increase
(Dollars in Thousands)

	SOLICITOR GENERAL			TAX DIVISION			CRIMINAL DIVISION			CIVIL DIVISION			ENV & NATURAL RESOURCES DIV			OFFICE OF LEGAL COUNSEL		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
1999 actual	48	50	$6,525	586	553	$65,633	792	737	$103,348	1,054	1,005	$139,726	449	483	$62,656	37	34	$4,580
2000 appropriation	48	50	6,770	586	563	67,200	792	812	104,477	1,034	1,062	147,816	452	479	65,209	37	41	4,698
2001 estimate	48	50	7,118	600	571	73,011	818	823	113,959	1,034	1,055	157,092	478	494	70,844	38	42	5,080
Change 2001 from 2000			348	14	8	5,811	26	11	9,482		(7)	9,476	26	15	5,635	1	1	382
Adjustments to base																		
Increases (non policy)																		
2001 pay raise			118			1,584			2,486			3,052			1,237			103
Annualization of 2000 pay raise			56			773			1,070			1,433			609			50
Within grade increases			15			385			541			686			418			23
Annualization of 2000 positions																		
Transfer of CSRS Employees to FERS Retirement Sys			7						55			32			18			
Federal Health Insurance Premiums			25			160			285			317			178			7
GSA Rent			91			660			911			358			557			77
Lease Expirations									33						180			
Accident Compensation						6			188									7
ICASS Cost									252									
GSA Blue Pages												1			1			
Travel Management Center Contract Fees			1			65			72			119			108			
General Pricing Level adjustments			35			150			453			540			223			2
National Archives and Records Admin Charges						8			7			12			6			
Position and FTE Realignment																		
Base Restoration												3,000						
Subtotal increases (non policy)			348			3,791			6,323			9,550			3,533			269
Decreases (non policy)																		
Position and FTE Realignment							(10)	(10)			(7)							
Accident Compensation Decrease												(74)			(39)			
GSA Rent Decrease																		
Non recurring Decrease																		
Subtotal decreases (non policy)							(10)	(10)			(7)	(74)			(39)			
Net adjustments to base			348			3,791	(10)	(10)	6,323		(7)	9,476			3,494			269
2001 base	48	50	7,118	586	563	70,991	782	802	110,800	1,034	1,055	157,092	452	479	66,703	37	41	4,967
Program changes																		
International Tax Compliance				7	4	500												
Abusive Trust Initiative				7	4	500												
Litigation Support Initiative						1,020												
Strategic Drug Enforcement							5	3	389									
International Crime							14	8	1,197									
Counterterrorism							11	6	888									
Protecting Communities							6	4	685									
Defending Civil Environmental Laws & the Public Fisc													14	8	1,153			
Enforcing and Prosecuting Environmental Laws													12	7	988			
Review of Presidential Emergency Action Declarations																1	1	93
Prosecuting Criminal Civil Rights Actions																		
Promoting Compliance with the ADA																		
Civil Enforcement of "Pattern or Practice" Police Mod																		
Combating Abuse and Neglect in Institutions																		
Vigorous Enforcement of the Voting Rights Act																		
Providing Administrative Support to Civil Rights Enf																		
Fighting for Fundamental Opportunities																		
Office of Dispute Resolution																		
Total program changes				14	8	2,020	36	21	3,159				26	15	2,141	1	1	93
2001 estimate	48	50	7,118	600	571	73,011	818	823	113,959	1,034	1,055	157,092	478	494	70,844	38	42	5,060
Change 2001 from 2000			348	14	8	5,811	26	11	9,482		(7)	9,476	26	15	5,635	1	1	382

General Legal Activities
Salaries and Expenses
Analysis of $47,294 Thousand Increase
(Dollars in Thousands)

	CIVIL RIGHTS DIVISION			INTERPOL USNCB			LEGAL ACTIVITIES OFFICE AUTOMATION			OFFICE OF DISPUTE RESOLUTION			DOJ CONTRIBUTION TO HOLOCAUST COMMISSION			GRAND TOTAL GENERAL LEGAL ACTIVITIES		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount				Pos	FTE	Amount
1999 actual	561	576	$74,863	62	65	$7,970	...	...	13,489	3	...	$274	...	...	...	3,612	3,502	$479,084
2000 appropriation	671	639	82,150	62	64	7,360	...		18,571	3	3	312	..	...	582	3,585	3,713	504,945
2001 estimate	754	730	97,922	62	64	7,686			18,877	5	5	670				3,837	3,834	552,239
Change 2001 from 2000	83	91	15,772			326			306	2	2	358	..	..	(582)	152	121	47,294
Adjustments to base																		
Increases (non policy)																		
2001 pay raise			1,736			151						7				..	..	10,474
Annualization of 2000 pay raise			754			62										..	..	4,807
Within-grade increases			389			37						1					...	2,495
Annualization of 2000 positions		44	4,018														44	4,018
Transfer of CSRS Employers to FERS Retirement Sys			24			5												141
Federal Health Insurance Premiums			166			12												1,120
GSA Rent						41												2,695
Lease Expirations																		213
Accident Compensation			27															228
ICASS Cost																		252
GSA Bee Pages			1															3
Travel Management Center Contract Fees			64			2												429
General Pricing Level adjustments			203			18			306									1,928
National Archives and Records Admin Charges			4															37
Position and FTE Realignment										2	2					2	2	
Base Restoration																		3,000
Subtotal increases (non policy)		44	7,386			326			306	2	2	8				2	46	31,840
Decreases (non policy)																		
Position and FTE Realignment																(10)	(17)	
Accident Compensation Decrease																		(113)
GSA Rent Decrease			(370)															(370)
Non recurring Decrease															(582)			(582)
Subtotal decreases (non policy)			(370)												(582)	(10)	(17)	(1,065)
Net adjustments to base		44	7,016			326			306	2	2	8			(582)	(8)	29	30,775
2001 base	671	683	89,166	62	64	7,686			18,877	5	5	320				3,677	3,742	535,720
Program changes																		
International Tax Compliance																7	4	500
Abusive Trust Initiative																7	4	500
Litigation Support Initiative																		1,020
Strategic Drug Enforcement																5	3	389
International Cartel																14	8	1,197
Counterterrorism																11	8	888
Protecting Communities																6	4	685
Defending Civil Environmental Laws & the Public Fisc																14	8	1,153
Enforcing and Prosecuting Environmental Laws																12	7	968
Review of Presidential Emergency Action Declarations																1	1	93
Prosecuting Criminal Civil Rights Actions	8	4	482													8	4	482
Promoting Compliance with the ADA	29	13	2,253													29	13	2,253
Civil Enforcement of "Pattern or Practice" Police Misc	5	3	656													5	3	656
Combating Abuse and Neglect in Institutions	3	1	389													3	1	389
Vigorous Enforcement of the Voting Rights Act	8	8	1,770													8	8	1,770
Providing Administrative Support to Civil Rights Enf	13	9	441													13	9	441
Fighting for Fundamental Opportunities	19	11	2,765													19	11	2,765
Office of Dispute Resolution												350						350
Total program changes	83	47	8,756									350				180	92	18,519
2001 estimate	754	730	97,922	62	64	7,686			18,877	5	5	670				3,837	3,834	552,239
Change 2001 from 2000	83	91	15,772	...	...	326	...	...	306	2	2	358	...	...	(582)	152	121	47,294

U.S MA[illegible] 'ALS
(Dollars in [illegible] ands)

	SALARIES AND EXPENSES AND VCRP			CONSTRUCTION			JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND			TOTAL		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos. 1/	FTE	Amount	Pos. 2/	FTE	Amount
1999 obligations	4,210	3,892	$505,137	...	...	$4,600	183	183	...	4,393	4,075	$509,737
2000 appropriation	4,070	3,950	543,365	9	5	6,000	183	183	...	4,262	4,138	549,365
Narrowband Communications Transfer	...	...	(2,762)	...	...	...	...	...	...	0	0	(2,762)
Government-wide .38% rescission pursuant to P.L. 106-113	...	...	(10)	...	...	...	...	...	...	0	0	(10)
2000 appropriation	4,070	3,950	540,593	9	5	6,000	183	183	0	4,262	4,138	546,593
2001 estimate	4,312	4,014	586,469	9	5	6,378	183	183	...	4,504	4,202	592,847
Change 2000 to 2001	242	64	45,876	...	...	378	...	...	...	242	64	46,254
Adjustments to base												
Transfers:												
Seized Assets administration on funding to AFF	(139)	(135)	(10,209)	...	...	...	...	...	...	(139)	(135)	(10,209)
Increases:												
2001 Pay Raise	...	...	10,265	...	...	8	...	...	...	...	...	10,273
Annualization of 2000 pay raise	...	...	5,068	...	...	...	...	...	...	...	...	5,068
Annualization of 2000 positions	...	28	1,223	...	4	370	...	...	...	...	32	1,593
Annualization of 1999 positions	...	...	1,304	...	...	...	...	...	...	...	...	1,304
Increased FERS costs	...	...	94	...	...	...	...	...	...	...	...	94
Federal Health Insurance Premiums	...	...	1,161	...	...	...	...	...	...	...	...	1,161
Lease Expirations	...	...	383	...	...	...	...	...	...	...	...	383
Antenna Fees (GSA)	...	...	634	...	...	...	...	...	...	...	...	634
Accident Compensation	..	..	698	...	...	...	...	...	...	...	...	698
GSA Blue Pages	..	...	6	...	...	...	...	...	...	...	...	6
National Archives and Record Projections			1	...	...	...	...	...	...	...	...	1
Total increases	...	28	20,817	...	4	378	...	...	...	...	32	21,195
Decreases:												
Non-recurring increases (Courthouse equipment)	...	...	(4,852)	...	...	...	...	...	...	...	...	(4,852)
Total, adjustments to base	(139)	(107)	5,756	...	4	378	...	...	...	(139)	(103)	6,134
2001 base	3,931	3,843	546,349	9	9	6,378	183	183	...	4,123	4,035	552,727
Program changes												
Mission Support Staffing	283	121	17,056	...	...	...	...	...	...	283	121	17,056
Detention Enforcement Staffing for Prisoner Handling	43	22	2,063	...	...	...	...	...	...	43	22	2,063
Courthouse Security Equipment	0	0	7,000	...	...	...	...	...	...	0	0	7,000
Special Assignments	0	0	5,000	...	...	...	...	...	...	0	0	5,000
Prisoner Transportation	...	...	3,513	...	...	...	...	...	...	0	0	3,513
D.C. Superior Court	21	10	1,008	...	...	...	...	...	...	21	10	1,008
Financial Management	32	17	1,415	...	...	...	...	...	...	32	17	1,415
Permanent Change of Station	...	...	2,965	...	...	...	...	...	...	0	0	2,965
Cooperative Agreement Program Staff	2	1	100	...	...	...	...	...	...	2	1	100
Total, program changes	381	171	40,120	...	...	...	...	...	...	381	171	40,120
2001 estimate	4,312	4,014	586,469	9	9	6,378	183	183	...	4,504	4,206	592,847
Change 2000 to 2001	242	64	45,876	...	4	378	...	...	...	242	68	46,254

1/ Permanent positions reflected here are for illustrative purposes only; they are funded from program revenues and are not included in the Department's total positions.
2/ Includes 183 permanent positions reflected here for illustrative purposes only; they are funded from program revenues and are not included in the Department's total positions.

FEDERAL BUREAU OF INVESTIGATION
(Dollars in Thousands)

	SALARIES AND EXPENSES AND VCRP			CONSTRUCTION	HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT			TOTAL		
	Pos.	FTE	Amount	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
1999 obligations	25,693	24,822	$2,939,524	$115,033	651	610	$66,000	26,344	25,432	$3,120,557
2000 appropriation	25,833	25,021	3,089,868	1,287	728	689	76,000	26,561	25,710	3,167,155
Government-wide .38% recission pursuant to P.L. 106-113	...	....	(60)	....	....	....	....	....	....	(60)
Transfer to Wireless Management Office	....	....	(50,000)	....	....	....	....	....	....	(50,000)
2000 appropriation	25,833	25,021	3,039,808	1,287	728	689	76,000	26,561	25,710	3,117,095
2001 estimate	25,635	24,646	3,277,562	3,187	776	752	88,000	26,411	25,398	3,368,749
Change 2000 to 2001	(198)	(375)	237,754	1,900	48	63	12,000	(150)	(312)	251,654
Adjustments to base										
Transfer of NICS to fee-funding	(558)	(558)	(67,735)	....	..	....	....	(558)	(558)	(67,735)
Increases:										
2001 Pay Raise	....	....	54,546	....	....	....	1,704	....	....	56,250
Annualization of 2000 Pay Raise	..	....	28,123	....	....	....	693	....	....	28,816
Within-grade increases					....	....	509	....	....	509
Annualization of 1999 Increases (3rd year)	....	..	6,187	....	....	....	1,544	....	....	7,731
Annualization of 2000 Increases (net)		3	228	....	....	39	835	....	42	1,063
Transfer of CSRS employees to FERS			15,925		..	....	....	....	....	15,625
Increased Federal Health Insurance Costs			11,786		..	....	....	....	....	11,786
GSA Rent			21,662			....	6	....	....	21,668
Lease Expirations			1,177			....	....	....	....	1,177
Antenna Fees			1,306		..	....	....	....	....	1,306
Accident Compensation			924	..	..	....	....	....	....	924
GSA Blue Pages			62	..	....	....	....	....	....	62
Travel Management Center Fees			909	..	....	....	....	....	....	909
General Pricing Level Adjustments			....	..	..	....	127	....	....	127
National Archives and Record Projections			1	..	....	....	....	....	....	1
Total increases		3	142,836	..	..	39	5,418	....	42	148,254
Decreases:										
Non-recurring decreases	....	....	(1,139)	....	....	....	....	....	....	(1,139)
Total, adjustments to base	....	3	141,697	....	....	39	5,418	....	42	147,115
2001 base	25,275	24,466	3,113,770	1,287	728	728	81,418	26,003	25,184	3,196,475
Program changes										
Counterintelligence Initiative	138	69	19,115	....	....	....	....	138	69	19,115
Information, Collection & Analysis Initiative	74	37	74,227	....	....	....	....	74	37	74,227
Training Initiative	4	2	6,495	....	....	....	....	4	2	6,495
Investigative Support Initiative	....	....	20,534	....	....	....	....	....	....	20,534
Counterterrorism Initiative	....	....	13,100	....	....	....	....	....	....	13,100
Violent Crimes Initiative	31	16	4,639	....	....	....	....	31	16	4,639
Technology Crimes Initiative	108	54	16,983	....	....	....	....	108	54	16,983
Law Enforcement Services Initiative	5	2	6,699	....	....	....	....	5	2	6,699
Firearms Range Modernization	....	....	....	1,900	....	....	....	....	....	1,900
Health Care Fraud Enforcement	....	....	....	....	48	24	6,582	48	24	6,582
Total, program changes	360	180	163,792	1,900	48	24	6,582	408	204	172,274
2001 estimate	25,635	24,646	3,277,562	3,187	776	752	88,000	26,411	25,398	3,368,749
Change 2000 to 2001	(198)	(375)	237,754	1,900	48	63	12,000	(150)	(312)	251,654

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(Dollars ... thousands)

	SALARIES AND EXPENSES AND VCRP			CONSTRUCTION			DIVERSION CONTROL FEE ACCOUNT			TOTAL		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
1999 obligations	7,391	6,959	$1,227,207	...	...	$4,979	635	599	$71,794	8,026	7,558	$1,303,980
2000 appropriation	7,452	7,348	1,276,250	...	...	5,500	660	643	80,330	8,112	7,991	1,362,080
Government-wide .38% recission pursuant to P.L. 106-113	...	...	(24)	...	...	...	...	...	...	...	...	(24)
Transfer to the Wireless Management Office	...	...	(20,733)	...	...	...	...	...	...	...	...	(20,733)
2000 appropriation	7,452	7,348	1,255,493	...	...	5,500	660	643	80,330	8,112	7,991	1,341,323
2001 estimate	7,496	7,410	1,367,766	...	...	5,500	660	656	83,543	8,156	8,066	1,456,809
Change 2000 to 2001	44	62	112,273	...	...	...	...	13	3,213	44	75	115,486
Adjustments to base												
Increases:												
2001 Pay Raise	...	...	19,929	...	...	...	...	...	1,334	...	...	21,263
Annualization of 2000 Pay Raise	...	...	8,749	...	...	...	...	...	628	...	...	9,377
Within-grade Increases	...	...	...	...	...	...	...	...	137	...	...	137
Annualization of 2000 Positions	...	40	2,244	...	...	...	...	13	...	...	53	2,244
Annualization of 1999 Positions	...	...	13,384	...	...	...	...	...	567	...	...	13,951
CSRS Empl/FERS	...	...	222	...	...	...	...	...	...	...	...	222
Federal Health Insurance Premiums	...	...	2,487	...	...	...	...	...	...	...	...	2,487
GSA Rent	...	...	...	...	...	...	...	...	373	...	...	373
Lease Expirations	...	...	166	...	...	...	...	...	...	...	...	166
Antenna Fees (GSA)	...	...	114	...	...	...	...	...	...	...	...	114
Accident Compensation	...	...	788	...	...	...	...	...	...	...	...	788
GSA Blue Pages	...	...	27	...	...	...	...	...	...	...	...	27
Travel Management Center Fee	...	...	179	...	...	...	...	...	...	...	...	179
General Pricing Level Adjustments	...	...	...	...	...	...	...	...	174	...	...	174
National Archives and Record Projections	...	...	4	...	...	...	...	...	...	...	...	4
Total increases	...	40	48,293	...	...	...	...	13	3,213	...	53	51,506
Decreases:												
GSA Rent decreases	...	...	(577)	...	...	...	...	...	...	...	...	(577)
Total decreases			(577)									(577)
Total, adjustments to base	...	40	47,716				...	13	3,213	...	53	50,929
2001 base	7,452	7,388	1,303,209	...	...	5,500	660	656	83,543	8,112	8,044	1,392,252
Program changes												
Special Operations Division	18	9	3,100	...	...	...	...	...	...	18	9	3,100
Firebird	2	1	56,000	...	...	...	...	...	...	2	1	56,000
El Paso Intelligence Center	...	...	1,500	...	...	...	...	...	...	...	...	1,500
Financial Management Division	24	12	3,957	...	...	...	...	...	...	24	12	3,957
Total, program changes	44	22	64,557	...	...	...	...	...	...	44	22	64,557
2001 estimate	7,496	7,410	1,367,766	...	...	5,500	660	656	83,543	8,156	8,066	1,456,809
Change 2000 to 2001	44	62	112,273	...	...	...	...	13	3,213	44	75	115,486

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IMMIGRATION AND NATURALIZATION - CE - SUMMARY OF REQUIREMENTS

(Dollars in thousands)

	Salaries & Expenses Enforcement Account & Violent Crime Reduction 1/			Salaries & Expenses Citizen Benefits Account & Violent Crime Reduction 1/			Construction Fund			User Fee			H-1B		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos	FTE	Amount
1999 actuals	18,330	17,377	$1,955,185	3,395	3,073	$603,969	70	35	$78,094	3,836	3,679	$454,144	....	....	$754
2000 as enacted	18,949	17,885	2,182,875	3,380	3,482	726,790	72	71	99,664	3,836	3,621	487,000	....	....	1,125
Base Transfer to Wireless Mgmt Office			(18,510)	....	....	....	....	....	....	....	....	....	....	....	....
Government-wide 38% Rescission (P L 106-113)			(45)	....	....	(10)	....	....	(2)	....	....	....	....	....	....
S&E Transfer/Reconciliation S&E Accts			108,848	....	....	(108,848)	....	....	....	....	....	....	....	....	....
2000 anticipated	18,949	17,885	2,273,168	3,380	3,482	617,932	72	71	99,662	3,836	3,621	487,000	....	....	1,125
2001 estimate	19,744	19,172	2,580,890	3,216	3,208	539,390	93	81	111,135	3,990	3,956	529,103	....	....	1,125
Change 2001 from 2000	795	1,287	307,722	(164)	(274)	(78,542)	21	10	11,473	154	335	42,103	....	....	....
Adjustments to base															
2001 Pay Raise			43,523			7,185			139			8,375	....	....	....
Annualization of 2000 Pay Raise			16,699			3,164			51			3,993	....	....	....
Within Grade Increases												2,544	....	....	....
Annualization of 1999 Positions (2nd year)			29,125										....	....	....
Annualization of 2000 Positions (Dollars)		308	1,627						278				....	....	....
CSRS Employees FERS Retirement System			391										....	....	....
Federal Health Insurance Premiums			8,062			1,254							....	....	....
GSA Rent			2,725			1,187			11			577	....	....	....
Lease Expirations			1,277			445							....	....	....
Antenna Fees			1,714										....	....	....
Accident Compensation			2,285			501						452	....	....	....
ICASS Costs						1,448						644	....	....	....
GSA Blue Pages			5			21						8	....	....	....
Medical Hospital Service Costs			9										....	....	....
Travel Management Centers Contract Fees			185										....	....	....
National Archives and Records Project						177							....	....	....
Realignment of Positions and FTE		581			60						258		....	....	....
FY 1999 Natz Intuitive shift to Exams Fee acct													....	....	....
General Pricing Level Adjustment												1,896	....	....	....
Total Increases	—	889	107,627	—	60	15,382	—	—	479	—	258	18,489	....	....	....
Decreases															
Nonrecurring 2000 program costs				(304)	(404)	(124,000)	....	....	(66,141)	....	....	....	....	....	....
2001 base	18,949	18,774	2,380,795	3,076	3,138	509,314	72	71	34,000	3,836	3,679	505,489	....	....	1,125
Program Changes															
Improving Institutional Infrastructure	....	....	....	....	....	....	21	10	77,135	....	....	....	....	....	....
Border Management	545	273	62,095	....	....	20,000	....	....	....	154	77	12,186	....	....	....
Interior Enforcement Strategy	250	125	82,000	....	....	....	....	....	....	....	....	....	....	....	....
Immigration Services	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Professionalism and Infrastructure	....	....	56,000	140	70	10,076	....	....	....	....	....	11,428	....	....	....
Total, Program Changes	795	398	200,095	140	70	30,076	21	10	77,135	154	77	23,614	....	....	....
2001 estimate	19,744	19,172	2,580,890	3,216	3,208	539,390	93	81	111,135	3,990	3,956	529,103	....	....	1,125
Change 2001 from 2000	795	1,287	307,722	(164)	(274)	(78,542)	21	10	11,473	154	335	42,103	....	....	....

1/ S&E FTE do not include 103 reimbursable FTE; 102 associated with S&E Enforcement, 1 associated with S&E Benefits in FY 1999.

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(Dollars in thousands)

	Immigration Enforcement Fines			Land Border Fee			Breached Bond/ Detention Fund			Exams Fee			Immigration Services Capital Investment Acct. 1/			Total INS		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
1999 actuals	....	....	$3,929	12	18	$1,050	21	20	$149,315	5,168	5,895	$639,042	....	....	....	30,832	30,097	$3,885,482
2000 as enacted			1,850	12	26	1,548	21	19	69,035	5,547	6,120	754,200	....	....	....	31,817	31,224	4,324,087
Base Transfer to Wireless Mgmt Office			....			....	....	....	....	....	....	....	....	....	....	....	....	(18,510)
Government-wide 38% Rescission (P L 106-113)			....			....	....	....	....	....	....	....	....	....	....	....	....	(57)
S&E Transfer/Congressional Intent			....			....	....	....	....	....	....	....	....	....	....	....	....	....
2000 anticipated			1,850	12	26	1,548	21	19	69,035	5,547	6,120	754,200	....	....	....	31,817	31,224	4,305,520
2001 estimate			1,850	12	26	1,641	21	63	110,134	6,046	6,559	807,317	....	....	$127,300	33,122	33,065	4,809,885
Change 2001 from 2000				0	0	93	0	44	41,099	499	439	53,117	....	....	127,300	1,305	1,841	504,365
Adjustments to base																		
2001 Pay Raise			....			35	....	....	86	....	....	10,191	....	....	....	....	....	69,534
Annualization of 2000 Pay Raise	....	....	....	....	....	16	....	....	24	....	....	4,564	....	....	....	....	....	28,511
Within Grade Increases	....	....	....	....	....	19	....	....	13	....	....	4,313	....	....	....	....	....	6,889
Annualization of 1999 Positions (2nd year)	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Annualization of 2000 Positions (Dollars)	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	308	1,905
CSRS Employees FERS Retirement System	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	391
Federal Health Insurance Premiums	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	9,316
GSA Rent	....	....	....	....	....	16	....	....	8	....	....	3,066	....	....	....	....	....	7,588
Lease Expirations	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1,722
Antenna Fees	....	....	....				....	....	....	....	....	....	....	....	....	....	....	1,714
Accident Compensation							....	....	....	....	....	527	....	....	....	....	....	3,765
ICASS Costs							....		....	....	....	708	....	....	....	....	....	2,800
GSA Blue Pages										....	....	18	....	....	....	....	....	50
Medical Hospital Service Costs									5	....	....	....	....	....	....	....	....	14
Travel Management Centers Contract Fees										....	....	....	....	....	....	....	....	185
National Archives and Records Project							....	....	....	....	....	....	....	....	....	....	....	177
Realignment of Positions and FTE							....	44	....	....	(63)	....	....	....	....	....	880	....
FY 1999 Natz Initiative shift to Exams Fee acct							....	....		304	404	....						
General Pricing Level Adjustment						7			3,465	....	....	2,291	....	....	....	....	....	7,659
Total mandatory increases	—	—	—	—	—	93	—	44	3,599	304	341	25,678	....	....	....	304	1,592	171,345
Decreases																		
Nonrecurring 2000 program costs	—	—	—	—	—	....	—	—	....	....	....	....	....	....	....	(304)	(404)	(190,141)
2001 base			1,850	12	26	1,641	21	63	72,634	5,851	6,461	779,978	....	....	....	31,817	32,412	4,286,724
Program Changes																		
Improving Institutional Infrastructure	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	21	10	77,135
Border Management	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	699	350	94,281
Interior Enforcement Strategy	....	....	....	....	....	....	....	....	37,500	....	....	....	....	....	....	250	125	119,500
Immigration Services	....	....	....	....	....	....	....	....	....	195	98	27,441	....	....	127,300	127,495	98	154,741
Professionalism and Infrastructure	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	140	70	77,504
Total, Program Changes	....	....	....	....	....	....	....	....	37,500	195	98	27,441	....	....	127,300	1,305	653	523,161
2001 estimate	....	....	1,850	12	26	1,641	21	63	110,134	6,046	6,559	807,317	....	....	127,300	33,122	33,065	4,809,885
Change 2001 from 2000	....	....	....	....	....	93	....	44	41,099	499	439	53,117	....	....	127,300	1,305	1,841	504,365

1/ Of the total Capital Investment Account request, $34.8 million is derived from appropriated resources; the balance, $92.5 million, is derived from fee receipts.

FEDERAL P[illegible]M SYSTEM
(Dollar[illegible]sands)

	SALARIES AND EXPENSES AND VCRP			BUILDINGS AND FACILITIES			FEDERAL PRISON INDUSTRIES	COMMISSARY TRUST FUND	TOTAL		
	Pos	FTE	Amount	Pos	FTE	Amount	FTE	FTE	Pos	FTE	Amount
1999 obligations	32,377	28,238	$2,813,669	308	217	$760,451	1,692	444	32,683	30,591	$3,574,020
2000 appropriation	33,712	31,692	3,111,634	340	308	556,791	1,876	576	34,052	34,452	3,668,425
Government-Wide .38% rescission pursuant to P.L. 106-113			(61)			(11)					(72)
Transfer to Wireless Management Office			(500)								(500)
2000 appropriation	33,712	31,692	3,111,073	340	308	556,780	1,876	576	34,052	34,452	3,667,853
2001 estimate	34,984	32,118	3,545,769	342	309	835,660	1,933	598	35,326	34,958	4,381,429
Change 2000 to 2001	1,272	426	434,696	2	1	278,880	57	22	1,274	506	713,576
Adjustments to base											
Increases											
2001 Pay raise and Locality Adjustment			52,490			783					53,273
Annualization of 2000 Pay Raise			26,629			326					26,955
Annualization of 2000 increases		792	145,763		12		9	12		825	145,763
Transfer CSRS to FERS system			474								474
Federal Health Insurance			10,867								10,867
GSA Rent			3,363								3,363
Lease Expirations			815								815
Antenna Fees			8								8
Accident compensation			2,359								2,359
GSA Blue Pages			41								41
Medical Hospital Service Costs (3.81%)			4,594								4,594
M&R Base - 2% Replacement Increase				1	1	7,500			1	1	7,500
Travel Management Centers contract Fee			225								225
National Archives and Record Projections			14								14
Total increases		792	247,642	1	13	8,609	9	12	1	826	258,251
Decreases											
Non-recurring decreases	(400)	(1,028)	(9,220)	(52)	(47)	(411,000)			(452)	(1,075)	(417,220)
Total, adjustments to base	(400)	(236)	241,422	(51)	(34)	(402,391)	9	12	(451)	(249)	(160,969)
2001 base	33,312	31,456	3,352,495	289	274	154,389	1,885	588	33,601	34,203	3,506,884
Program changes											
New Activations	1,404	455	80,181	...	...	...	48	10	1,404	513	80,181
Expansions	125	75	13,081	...	...	...	...	...	125	75	13,081
Equipment Funding	...	...	8,117	...	...	...	...	...	...	...	8,117
Construction	...	...	...	53	35	681,271	...	...	53	35	681,271
Contract Confinement	23	12	84,462	...	...	...	...	...	23	12	84,462
Education Programming	120	120	7,433	...	...	...	...	...	120	120	7,433
Total, program changes	1,672	662	193,274	53	35	681,271	48	10	1,725	755	874,545
2001 estimate	34,984	32,118	3,545,769	342	309	835,660	1,933	598	35,326	34,958	4,381,429
Change 2000 to 2001	1,272	426	434,696	2	1	278,880	57	22	1,274	506	713,576

Office of Justice Programs/Community Oriented Policing Services
(Dollars in Thousands)

	DIRECT APPROPRIATIONS										VIOLENT CRIME REDUCTION PROGRAMS				PUBLIC SAFETY					
	JUSTICE ASSISTANCE		STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE		WEED AND SEED		JUVENILE JUSTICE PROGRAMS		TOTAL DIRECT FUNDING		STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE		COMMUNITY ORIENTED POLICING SERVICES		OFFICERS' BENEFITS PROGRAM		CRIME VICTIMS FUND		GRAND TOTAL ALL FUNDS	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos.	Amount	Pos.	Amount
1999 Obligations	835	$166,098	0	$567,776	0	34,760	0	$269,278	835	$1,037,912	0	$2,951,761	266	$1,418,768	0	$30,463	0	$362,393	1,101	$5,801,297
2000 Enacted	430	307,611	0	1,634,500	0	$33,500	0	287,097	430	2,262,708	435	1,194,450	235	595,000	0	32,541	0	500,000	1,100	4,584,699
Gov't-wide .38% rescission	0	0	0	(58,083)	0	0	0	0	0	(58,083)	0	(12,005)	0	0	0	0	0	0	0	(870,088)
Transfers between accounts	435	6,647	0	0	0	0		(6,647)	435	0	(435)	0	0	0	0	0	0	0	0	0
2000 appropriation	865	314,258	0	1,576,417	0	33,500	0	280,450	865	2,204,625	0	1,182,445	235	595,000	0	32,541	0	500,000	1,100	4,514,611
2001 estimate	954	377,907	0	1,662,200	0	42,000	0	282,353	954	2,364,460	0	0	366	1,335,000	0	38,024	0	550,000	1,320	4,287,484
Change 2001 from 2000	89	63,649	0	85,783	0	8,500	0	1,903	89	159,835	0	(1,182,445)	131	740,000	0	5,483	0	50,000	220	(227,127)
Adjustments to base																				
Transfers																				
To/From other accounts	0	0	0	1,194,450	0	0	0	0	0	1,194,450	0	(1,194,450)	0	0	0	0	0	0	0	0
Increases																				
2001 Pay Raise	0	2,497	0	0	0	0	0	0	0	2,497	0	0	0	0	0	0	0	0	0	2,497
Annualization of 2000 Pay Raise	0	1,233	0	0	0	0	0	0	0	1,233	0	0	0	0	0	0	0	0	0	1,233
JDC/ FMIS Charges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Annualization of 2000 positions	0	252	0	0	0	0	0	0	0	252	0	0	0	0	0	0	0	0	0	252
FTS Recom/Transition Costs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTS Usage Cost	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Universal Service Fund	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
General Services Admin (GSA) Rent	0	160	0	0	0	0	0	0	0	160	0	0	0	0	0	0	0	0	0	160
GSA Blue Pages	0	1		0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Travel Management Centers Contract Fees	0	183	0	0	0	0	0	0	0	183										183
National Archives and Record Projections	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Crime Victims Survey, Sample Redesign	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer of CSRS Employees to FERS	0	30	0	0	0	0	0	0	0	30	0	0	0	0	0	0	0	0	0	30
Federal Health Insurance Premiums	0	227	0	0	0	0	0	0	0	227	0	0	0	0	0	0	0	0	0	227
Small Disadvantaged Business Unit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	683	0	0	0	683
General Pricing Level Adjustments	0	113	0	0	0	0	0	0	0	113	0	0	0	0	0	0	0	50,000	0	50,113
Restoration of one-time rescission	0	0	0	58,083	0	0	0	0	0	58,083	0	12,005	0	0	0	0	0	0	0	70,088
Total, increases	0	4,696	0	58,083	0	0	0	0	0	62,779	0	12,005	0	0	0	683	0	50,000	0	125,467
Decreases																				
Accident Compensation	0	(6)	0	0	0	0	0	0	0	(6)	0	0	0	0	0	0	0	0	0	(6)
Total, adjustments to base	0	4,690	0	1,252,533	0	0	0	0	0	1,257,223	0	(1,182,445)	0	0	0	683	0	50,000	0	125,461
2001 base	865	318,948	0	2,828,950	0	33,500	0	280,450	865	3,461,848	0	0	235	595,000	0	33,224	0	550,000	1,100	4,640,072
Program changes																				
Salaries and Related Expenses	40	2,009	49	0	0	0	0	0	89	2,009	0	0	131	0	0	0	0	0	220	2,009
Grants	0	56,950	0	(1,166,750)	0	8,500	0	1,903	0	(1,099,397)	0	0	0	740,000	0	4,800	0	0	0	(354,597)
Transfer from S&L Law Enforcement	49	0	(49)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total, program changes	89	58,959	0	(1,166,750)	0	8,500	0	1,903	89	(1,097,388)	0	0	131	740,000	0	4,800	0	0	220	(352,588)
2001 estimate	954	377,907	0	1,662,200	0	42,000	0	282,353	954	2,364,460	0	0	366	1,335,000	0	38,024	0	550,000	1,320	4,287,484
Change 2001 from 2000	89	63,649	0	85,783	0	8,500	0	1,903	89	159,835	0	(1,182,445)	131	740,000	0	5,483	0	50,000	220	(227,127)
Discretionary/Mandatory Split																				
Discretionary		377,907		1,662,200		42,000		282,353		2,364,460		0		1,335,000		4,800		0		3,704,260
Mandatory		0		0		0		0		0		0		0		33,224		550,000		583,224

ADJUSTMENT-TO-BASE ITEMS

Transfer of Funding Sources

List and justify each item for your organization separately. OMB has specifically requested more explanation of these items and your explanation should show the reason for the decrease, arithmetic calculations of the change, and the base to which the transfers applies.

Increases

2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $_____, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($_____ for pay and $_____ for benefits totaling $_____).

Annualization of 2000 pay raise. This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $____, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($_____ for compensation and $_____ for benefits).

Within-grade increases. This request provides for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $_____ for pay and $_____ for benefits.

Annualization of additional positions approved in 1999. This provides for the annualization of _____ additional positions requested in the enacted 1999 appropriation for (___Program Name, etc__). Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a 2 year progression to the journeyman level. This request includes a decrease of $_____ for one-time items associated with the increased positions, and an increase of $_____, for full-year costs associated with these additional positions, for a net increase of $_____.

	Annualization Required for 2001
Annual salary rate of ___ approved positions	$_____
Less lapse (__%)	- _____
Net Compensation	
Associated employee benefits	
Other (non-personnel)	
Travel	
Transportation of Things	
Communications/Utilities	
Printing/Reproduction	
Other Contractual Services:	
25.2 Other Services	
25.3 Purchase of Goods & Services From Government Accounts	
25.4 Operation & Maintenance Of Facilities	
25.6 Medical Care	
Supplies/Materials	
Equipment	_____
Total costs subject to annualization	

[Note: Break out Other Contractual Services as shown and use other object class titles and data as needed. Exclude object classes that have no entries. The 1999 amounts shown in the first data column should be based on amounts shown on the 1999 Financial Analysis exhibit revised to reflect the anticipated 1999 appropriation. The Annualization Required column is based on the second year modular costs minus funding provided in 1999 and 2000. This display is required in your Congressional submissions.]

Annualization of additional positions approved in 2000. This provides for the annualization of _____ additional positions requested in the anticipated 2000 appropriation for (__Program Name, etc__). Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a 2 year progression to the journeyman level. This request includes a decrease of $_____ for one-time items associated with the increased positions, and an increase of $_____, for full-year costs associated with these additional positions at the journeyman level, for a net increase of $_____.

	Approved 2000 Increases	Annualization Required for 2001
Annual salary rate of ___ approved positions	$_____	
Less lapse (__%)	- _____	$_____
Net Compensation		
Associated employee benefits		
Other (non-personnel)		
Travel		
Transportation of Things		
Communications/Utilities		
Printing/Reproduction		
Other Contractual Services:		
25.2 Other Services		
25.3 Purchase of Goods & Services From Government Accounts		
25.4 Operation & Maintenance Of Facilities		
25.6 Medical Care		
Supplies/Materials		
Equipment	_____	_____
Total costs subject to annualization		

[Note: Break out Other Contractual Services as shown and use other object class titles and data as needed. Exclude object classes that have no entries. The 2000 amounts shown in the first data column should be based on amounts shown on the 2000 Financial Analysis exhibit revised to reflect the anticipated 2000 appropriation. The Annualization Required column is based on the first year modular costs minus funding provided in 2000. This display is required in your Congressional submissions.]

* The FY 1999 and 2000 annualizations are similar narratives. Please repeat the narrative and fill in the appropriate numbers.

Administrative Salary Increase. This request provides for the annual pay adjustment of administratively determined salaries for the Assistant U.S. Attorneys occupying ungraded positions in the U.S. Attorneys offices ($_____ for pay and $_____ for benefits totaling $_____).

Transfer of CSRS employees to FERS retirement system: This request provides for the increase in Federal Employees retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $_____ for benefits.

Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of health insurance. This request includes $_____ for these costs.

General Services Administration (GSA) rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $_____ is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels. [For the FBI use 6 percent].

Lease Expirations: GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $_____ is requested for [organization title].

Antenna Fees. GSA will charge the Department antenna fees in FY 2001. The fees includes all current antennae utilized by Justice components that have antennae atop their buildings. Funding of $_____is requested [for DEA, FBI, INS, USMS, and JMD/FASS only].

Accident compensation. This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $_____.

International Cooperative Administrative Support Services (ICASS). Under the ICASS, an annual charge will be made by the Department of State (DOS) for administrative support based on the overseas staff of each Federal agency. This request is based upon the actual 1999 ICASS invoice billing for post invoices and other ICASS costs from the DOS. Funding of $_____ is requested for [organizational titile].

General Services Administration (GSA) Blue Pages. Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000.00. Funding of $_____ is requested for [organization title].

Medical Hospital Service costs. The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 3.8 percent against medical services. An increase of $_____ will be required for 2001.

JCONII Operational Costs. This request provides for the costs related to operation, maintenance, and upgrading of the JCONII systems. Adding and upgrading existing hardware, software maintenance for functionality and management purposes, and labor costs for help desk administration to support the system are all required components. These upgrades allow the Department's professional staff to perform considerably more complex tasks on the computer, which will allow staff to work more effectively as well as keep the Department competitive with the private sector. Funding of $_____ is requested for [General Administration only].

Spectrum Frequency Management. Public Law 104-134 authorized the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 2001 will increase by $504,139 above the 2000 estimate of $1,403,824, based on the annual number of frequency assignments and initiatives that are required by the NTIA. In the past the wireless communication was handled by the individual law enforcement components within the Department of Justice. In 2000, the Department has been directed to consolidate the development, management and resources for wireless communications system into the Wireless Management Office. Funding of $_____is requested for [Narrowband only].

Security Guard Services. This request applies the OMB pricing guidance to guard service costs and other miscellaneous expense categories. Funding of $_____ is requested for [Federal Prisoner Detention only].

Transcription and Translation Services. This request provides for the cost increases built into the court interpreter and transcription contracts. The cost per hour for contract interpreters increases 4 percent each year, per contract. The cost per page of the transcription contact increases 6 percent each year, per the contract. Funding of $_____ is requested for [Administrative Review and Appeals only].

Travel Management Center Fees. In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at approximately $2,500,000.00. Funding of $_____ is requested for [organization title].

Modernization and Repair. This request applies to the Bureau of Prisons (BOP) which undertakes essential rehabilitation and renovation or replacement projects at existing institutions. This ensures that structures, utility systems, and other facilities are kept in a good state of repair. In FY 2000 the BOP used a 2 percent replacement value method of funding recommended by the Federal Facilities Council Report Number 131, which recommends that maintenance programs are funded at a 2 to 4 percent of their replacement value, at a minimum. This method will allow the BOP to complete more projects in a shorter time period and save repair dollars. Funding of $_____ is requested for [BOP only].

General pricing level adjustments. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

National Archives and Records Administration (NARA). The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services.

In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, an increase of almost $300,000, based on current records maintained by NARA. Funding of $_____ is requested for [organizational title].

Other. Other adjustments that pertain to only one organization do not have standard phraseology. Each organization must develop an appropriate explanation of each requested change. The explanation should show the reason for the increases/decrease, arithmetic calculations of the change and the base to which the increase or decrease applies.

Decreases:
List and justify each decrease for your organization separately. OMB has specifically requested more explanation of these items and your explanation should show the reason for the decrease, arithmetic calculations of the change, and the base to which the decrease applies.

DEPARTMENT OF JUSTICE
2001 APPROPRIATION LANGUAGE CHANGES

The information provided below describes substantive changes from the Department of Justice Appropriations Act, 2000. Non-substantive changes such as new funding requests, changes in the number of motor vehicles, or changes in references to fiscal years are not included. Also excluded from this discussion are deletion of separate language provisions that provided one-time rescissions and permanent transfers in 2000, and language provisions that provided funding from the Violent Crime Reduction Trust Fund, for which authorization expires at the end of 2000.

General Administration. Language is proposed deleting the provisions limiting the Department Leadership Program and the operations of the Offices of Legislative and Public Affairs.

Joint Automated Booking System. Language is proposed to clarify that the funding for the Joint Automated Booking System includes an automated capability to transmit fingerprint and image data.

Public Key Infrastructure. Language is proposed to request funding of $4,376,000, to remain available until expended for the Public Key Infrastructure. Funds are to implement a Public Key Infrastructure, which provide the means to secure the Department's critical infrastructures.

Narrowband Communications. Language is proposed to clarify that the Narrowband Communications funding includes the costs for operation and maintenance of Land Mobile Radio legacy systems.

Detention Trustee. Language is proposed to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshals Service (USMS); and the detention of aliens in the custody of the Immigration and Naturalization Service (INS). The Trustee is to be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the detention functions; and the direction of the USMS and INS with respect to detention policy setting and operations for the Department.

Salaries and Expenses, General Legal Activities. Language is proposed that allows the use of office automation funds by the United States Trustee Program, Executive Office for Immigration Review and Community Relations Service. These funds may currently be used by General Legal Activities, Antitrust Division, United States Attorneys, and General Administration.

Antitrust Division. Language is proposed providing that fees collected during FY 2001, in excess of the $104,966,000, cannot be made available in FY 2001 through a reprogramming pursuant to section 605 of the Appropriations Act. This provision, if enacted, would require a supplemental appropriation in order to make additional receipts available for use prior to FY 2002.

Salaries and Expenses, United States Attorneys. Language is proposed deleting 1) the provision that expands existing Violent Crime Task Forces in the United States Attorneys Offices into demonstration projects; and 2) the provision that in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, other positions and full-time equivalent workyears shall be supported from funds for the United States Attorneys. These provisions were required to meet specific circumstances and are no longer needed.

Federal Prisoner Detention. Language is proposed that will allow the U.S. Marshals Service (USMS) to enter into multi-year contracts with private entities for the confinement of Federal prisoners. Language is also proposed that will allow the USMS to reimburse the Federal Bureau of Prisons for salaries and expenses of providing transportation, guard services, and medical care outside of the Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

Fees and Expenses of Witnesses. Language is proposed which will make available $5,000,000 for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

United States Trustee Program. Language is proposed that excess fees collected during FY 2001 will remain available until expended but will not be available for obligation until October 1, 2001.

Justice Prisoner and Alien Transportation System Fund. Language is proposed that allows funds to be used for operating equipment lease agreements that do not exceed 10 years. The current language provides the use of funds for lease agreements that do not exceed 5 years.

Federal Bureau of Investigation (FBI), Salaries and Expenses. Language is proposed deleting the restriction on providing ballistics imaging equipment to any State or local authority. The Memorandum of Understanding signed on December 2, 1999, no longer provides ballistic imaging equipment for State and local law enforcement.

Immigration and Naturalization Service (INS), Salaries and Expenses. Language, which limits the operations of the Offices of Legislative Affairs and Public Affairs, is proposed for deletion. Also, language that provides that the number of positions filled through non-career appointment shall not exceed four permanent positions and four full-time FTE is proposed for deletion. Language is proposed stating that overtime pay in excess of $30,000 per calendar year may not be paid, except in such circumstances when the Commissioner determines that enforcing the overtime provision would harm enforcement or service activities. Lastly, the provision limiting funds for operation of the San Clemente and Temecula checkpoints unless traffic is being checked on a 24-hour basis is proposed for deletion.

Immigration Support, Immigration Services Capital Investment Account. Language is proposed requesting funding of $34,800,000, to remain available until expended. Funds are for backlog reduction, infrastructure improvements, process improvements, major capital acquisitions, and such other service-related expenses and programs necessary for the administration of the laws relating to immigration, naturalization, and alien registration. This account will provide for the depositing into a separate U.S. Treasury account a portion of the receipts generated from immigration adjustment of status penalties, business-related application premium processing revenues and appropriations.

Shared Support Operations Fund. Language is proposed establishing a Shared Support Operations Fund for the Immigration and Naturalization Service (INS), which shall be available without limitation, for expenses and equipment necessary for the operation and maintenance of such administrative services as the Commission, with the approval of the Department and Office of Management and Budget, determines may be performed as central services.

Federal Prison Systems (FPS), Salaries and Expenses. Language is proposed that reduces the amount of carryover funding for facilities activation from $90,000,000 to $50,000,000. This amount should meet activation needs of FPS.

Buildings and Facilities. Language is proposed for advance appropriations for planning, acquisition of sites and construction of new facilities, to become available on October 1 of the fiscal year specified and remain available until expended: in fiscal year 2002, $791,000,000; and fiscal year 2003, $535,000,000.

Office of Justice Programs (OJP), State and Local Law Enforcement Assistance. Language is proposed to delete funding for the Local Law Enforcement Block Grants. No funding is requested for this program in 2001.

Language is proposed revising the language display for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended, the Prison Grant Program, and the Tribal Courts Initiative. All of these programs were funded from this account in FY 2000. The current language proposal is intended to be more easily used.

Language is proposed to provide both formula and discretionary grant funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance program under this appropriation since authorization for the Violent Crime Reduction Trust Fund (VCRTF), from which funding was provided in FY 2000, expires at the end of 2000. Included in this proposal is language that $5,000,000 for the National Institute of Justice for program evaluation. Also included is language providing $59,500,000 for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Language is proposed to provide $9,000,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act, $2,000,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act, and $1,000,000 for televised testimony. Funds for these programs were provided from the VCRTF.

Language is proposed to provide funding for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act. Language is also included for Grants to Encourage Arrest Policies, for Rural Domestic Violence and Child Abuse Assistance Grants and for training programs to assist probation and parole officers who work with released sex offenders. In 2000, funds for these programs were provided from VCRTF.

Language is proposed for Residential Substance Abuse grants and provides that States that have existing in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grant funds for treatment and sanctions, both during incarceration and after release under this appropriation since authorization for the VCRTF, from which funding was provided in FY 2000, expires at the end of 2000.

Language is proposed for the new Indian Country Grants Program initiative for demonstration grants on alcohol and crime in Indian Country ($8,000,000), for establishment of sexual assault nurse examiner units in Indian Country ($5,000,000), and for a Tribal Youth Mental Health and Behavior Program ($8,000,000).

Language is proposed for the Missing Alzheimer's Disease Patient Alert Program ($900,000), the Motor Vehicle Theft Prevention Program ($1,300,000), the Drug Courts ($50,000,000), the Law Enforcement Family Support Programs ($1,500,000) and the Telemarketing Fraud against Seniors ($2,000,000). The programs were funded from VCRTF in 2000.

Language is proposed to provide $75,000,000 for the new Zero Tolerance Drug Testing and Intervention Initiative, including $10,000,000 for Indian Tribes and $25,000,000 for the Re-entry Initiative.

Language is proposed that funds made available under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of dealt penalty Federal habeas corpus petitions and for drug testing initiatives.

Further, language is proposed that balances for these programs may be transferred from the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account to this account.

Community Oriented Policing Services. Language is proposed to provide the Attorney General the authority to transfer any 2000 COPS funds, and balances for programs funded under this heading in 2000, to the " State and Local Law Enforcement Assistance" account, and to allow administrative expenses associated with such transferred amounts to be further transferred to the "Justice Assistance" account. This language will provide optimum flexibility in the operation of these programs.

Language is proposed to delete reference to the use of unobligated balances in 2000 language. Language is proposed for funding Public Safety and Community Policing Grants, including programs to combat violence in schools, matching grant program for Law Enforcement Armor vests, for program support for the Court Services and Offender Agency for the District of Columbia, and improve tribal law enforcement, funding for National Police Officer Scholarships, and for Police Corps education, training, and service. Similar language was provided in 2000. The current proposal is intended to make language proposals more easily used.

Language is proposed to fund innovative programs to combat crime, including $70,000,000 for grants to upgrade criminal records, $15,000,000 for State and local forensic labs to reduce convicted offender DNA sample backlog, $35,000,000 for State, Tribal and local DNA laboratories, $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers, $10,000,000 for assistance to use and improve crime-solving, data sharing and crime forecasting technologies, $6,000,000 to establish regional forensic computer labs and $199,000,000 for discretionary grants. The discretionary grants language, including planning grants, to States, under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grant to law enforcement agencies.

Language is proposed for a Community Prosecution Program, including $150,000,000 for grants to States and local government to address gun violence "hot spots."

Language is proposed for funding $135,000,000 for grants, training, and technical assistance in support of community crime prevention efforts.

OJP, Juvenile Justice Programs. Language is proposed that would provide $3,000,000 to the National Institute of Justice for research into the dependency court system's response to child abuse and neglect, $10,000,000 for prevention and reduction of youth gun violence, and $10,000,000 for demonstration programs to reduce drug us among juveniles. Language referring to the re-authorization of Juvenile Justice Programs is proposed for deletion.

Public Safety Officers Benefits. Language is proposed to request $4,800,000, for the Public Safety Officers Dependents Assistance Program, to remain available until expended.

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 2001. Sections 101 through 107 are substantively unchanged from the 2000 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 2000 provision.

Section 102 continues the authorizations contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980" until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

Section 103, (section 104 of the 2000 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 an abortion.

Section 104 (section 105 of the 2000 Act) states that nothing in section 103 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 2000 Act) 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 limitations found in 18 U.S.C. 3059 and 3072. 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 2000 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 expires at the end of 2000.

Section 107 (section 108 of the 2000 Act) provides the authorization of the Assistant Attorney General for the Office Of Justice Programs to make grants, enter into cooperative agreements and contracts, and have final authority over all grants, cooperative agreements, and contracts, for the Office of Justice Programs, for fiscal year 2001 and hereafter. The permanent extension of this authority, and the deletion of the transfer of authority to the Assistant Attorney General for the Office of Justice Programs, which was made permanent on August 1, 2000, are the only changes.

Section 108 (section 112 of the 2000 Act) states that Section 3024 of the Emergency Supplemental Appropriations Act, 1999, shall apply for fiscal year 2001. Section 3024 states that the Director of the Office of Crime Victims of the Office of Justice Programs, may make grants, as provided in the Victims of Crime Act of 1984, as amended, to victim service organizations and public agencies, with emergency or on-going assistance to the victims of the bombing of Pan Am flight 103. The extension of this section to 2001 is the only change.

Section 109 amends section 151 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (5 U.S.C 5928 note), is amended 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. The Federal Bureau of Investigation is working with the Department of State to handle objections to this provision.

Section 110 provides that for fiscal year 2001 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 appropriation 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 111 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 $2.00, to $8.00, and would also 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 adjacent island 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. In 2000, INS anticipates that program costs will exceed new revenues and that prior year carry forward funds will be depleted by FY 2001.

Language is proposed 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 2001.

Language is proposed to establish an Immigration Services Capital Investment Account (ISCIA) to fund service infrastructure, system upgrades, and address other immigration benefit backlogs. Establishing the ISCIA would provide a mechanism for tracking infrastructure spending in immigration services. The proposed request of $127,300,000 would be capitalized from the Premium Processing Fee ($55,000,000), reauthorization of a permanent 245(i) adjustment of status program ($37,500,000), and direct appropriation ($34,800,000). A fee for "Premium Service" would be voluntary for business-related applications and would not impact family based applications. Premium service would provide businesses with a consistently high level of customer service and improved processing. The improved service would include: guaranteed processing within 15 days for business cases, fax capability for resolution of evidentiary issues and access to an ombudsman to quickly rectify processing errors. Additional services may be provided based upon customer needs. The proposed fee for this service would be $1,000. This new fee would provide businesses with an option besides the regular processing of business cases, which currently requires 60 days to over one year, depending upon the form type and the servicing office. In 2001, the premium processing fee would generate approximately $80,000,000. Of this amount, $25,000,000 would be used for adjudication and naturalization processing and fraud investigations. The remaining $55,000,000 would be put into the Immigration Services Capital Investment Account.

Language is proposed to establish a Genealogy Fee for providing genealogy research and information services. This fee shall be deposited into the Examinations Fee account. Fees for research and information services would be set at a level that would ensure recovery of full costs of providing all such services.

Section 112 states that beginning in fiscal year 2001 and thereafter, funds appropriated to the Federal Prison System may be used to place in privately operated prisons only such persons sentenced to incarceration under the D.C. Code as the Director, Bureau of Prisons, may determine to be appropriate. The proposed language would allow the Director, Bureau of Prisons, the authority to provide for incarceration of D.C. prisoners in privately operated prisons, consistent with other Federally sentenced inmates. The change would ensure that, in discharging its privatization obligations, the Bureau of Prisons will not be obligated to place felons determined to be dangerous in less secure facilities.

Section 113 provides in addition to any amounts otherwise available, one percent of the funds appropriated to the programs of the Office of Justice Programs may be transferred to and merged with the funds for the National Institute of Justice to carry out research and evaluation.

Section 114 provides that amounts in the Crime Victims Fund, established under 42 U.S.C. 10601 in fiscal year 2001 in excess of $550,000,000 shall not be available for obligation until October 1, 2001. It is anticipated that this will reduce scoring $513,000,000.

Section 115 amends section 506(c) of P.L. 103-317 (108 Stat. 1766) to read the amendment made by subsections (a) and (b) shall take effect on October 1, 1994. This proposed language will permanently extend section 245(i) of the Immigration and Nationality Act, which permits aliens illegally in the United States to adjust their immigration status while remaining in the United States, provided the applicant pays a penalty fee.

Section 116 amends section 245(i)(3)(B) of the Immigration and Nationality Act, 8 U.S.C. 1255(i)(3)(B) to read, "Any remaining portion of fees remitted shall be allocated in equal shares to the Breached Bond Detention Fund and to the Immigration Services Capital Investment Account." This proposed language reallocates receipts that would result from the permanent reauthorization of section 245(i) of the Immigration and Nationality Act. INS estimates receipts generated from such filings will total $75,000,000. Of this amount, half of these receipts would be directed to the Breached Bond/Detention Fund, and half to the Immigration Services Capital Investment account.

Section 117 amends section 108 of the Department of Justice Appropriations Act, 1994, by stating that the Attorney General may credit up to 6 percent of all amounts collected by the Department of Justice Working Capital Fund, for personnel, administrative, and litigation expenses of civil debt collection activities. Currently, 3 percent of debt collections may be used for these purposes. The proposed language will provide for "first" paying the costs of processing and tracking of civil debt collection litigation activities of the Department.

Section 118 amends Section 5545a of title 5, United States Code, to propose the payment of availability pay to a pilot, border patrol agent, or detention-and-deportation officer employed by the Immigration and Naturalization Service. This provision shall take effect on the first day of the applicable pay period that begins on or after 120 days after the date of enactment of this Act. In addition, The Attorney General may establish special salary rates for border patrol agents, grades 5 through 11 of the General Schedule without regard to section 5305 of title 5, United States Code.

Section 119 provides that notwithstanding 42 U.S.C. 13798(b)(3), up to 5 percent of the funds made available by this Act for the Prison Grant Program may be used for the Violent Offender Incarceration Truth in Sentencing program.

The following sections are proposed for deletion and do not appear in the 2001 request. The section numbers are those in the 2000 Appropriations Act. Most of these sections amend the underlying statute or are permanent authorities and, thus, do not need to be continued.

Section 103 prohibited the use of Department of Justice funds to pay for an abortion. The Administration proposes to delete this provision and will work with Congress to address this issue.

Section 109 made the authority of sections 115 and 127 of the Department of Justice Appropriations Act, 1999 permanent. Therefore, this section is no longer required. Section 115 amended the Violent Crime Control and Law Enforcement Act of 1994 by providing additional flexibility to the FBI in using funds for support to investigations in Indian Country. Section 127 provided the Attorney General authority to hire additional assistant United States Attorneys and investigators in the City of Philadelphia, Pennsylvania, for a demonstration project and applies to fiscal year 2000 and thereafter.

Section 110 made the authority to pay judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, permanent. In addition the MOU for payment of litigation expenses was made permanent. Therefore, this section is no longer required.

Section 111 permanently amended section 507 of title 28, United States Code, as amended by adding subsection (c) which states , " ._._._the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice." This section makes this authorization permanent.

Section 113 permanently amended section 1930(a)(1) of title 28, United States Code, which changes the filing fees for certain bankruptcy proceedings, from $130 to $155. Therefore, this section is no longer required.

Section 114 permanently amended section 4006 of title 18, United States Code, which prohibits the payment for certain services by the U.S. Marshals Service and the Immigration and Naturalization Service at a rate in excess of amounts charged for such services under the Medicare or Medicaid Programs. Therefore, this section is no longer required.

Section 115, which prohibited funds in the Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed in fiscal year 2000, is proposed for deletion. The Administration is proposing this for deletion without prejudice on the merits of the provision.

Section 116 states that section 113 of the Department of Justice Appropriation Act 1999, as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31), is amended by inserting "for fiscal year 2000 and hereafter." This made permanent a provision to clarify the term "tribal" for the purpose of making grant awards under title I of the Act. Therefore, this section is no longer required.

Section 117 permanently amended section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B). This language provides a procedure to grant national interest waivers to physicians if they have served an aggregate of five years and will continue to serve in areas designated as medically undeserved or at facilities under the jurisdiction of the Secretary of Veteran Affairs. This provision essentially restores the situation that existed for alien physicians prior to the Immigration and Naturalization Service decision in *New York State Department of Transportation*, and those physicians who filed prior to November 1, 1998, shall be

granted a national interest waiver if they agree to serve three years in medically underserved areas or at facilities under the jurisdiction of the Secretary of Veterans Affairs. Therefore, this section is no longer required.

Section 118 permanently amended section 286(q)(1)(A) of the Immigration and Nationality Act of 1993 (8 U.S.C. 1356(q)(1)(A), as amended. This provision permanently authorizes the Land Border Inspection Fee account, therefore, this section is no longer required.

Section 119 amended section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 1060 1(d). This provision extended the authorities included in the fiscal year 1998 Act, which authorized funds to be provided for the U.S. Attorneys victim witness coordinator and advocate program from the Crime Victims Fund. This provision is no longer required since a permanent amendment was made.

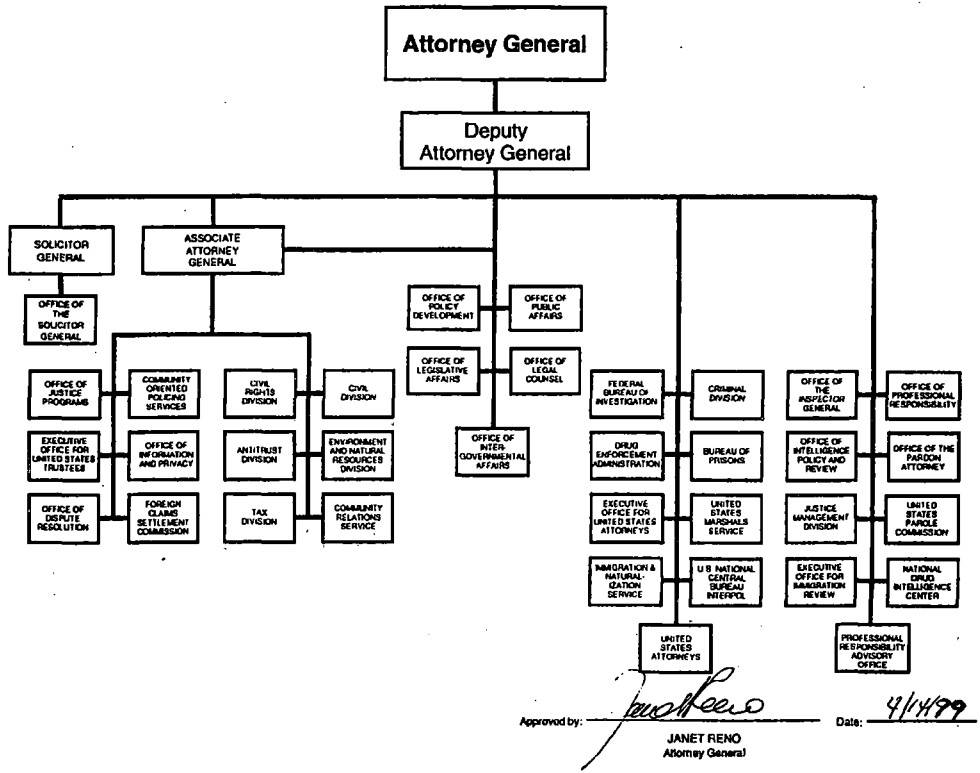
Section 120 amended Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994, subtitle C, section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), as amended. This provision authorized the collection and analysis of DNA samples voluntarily contributed from the relatives of missing persons. Since the statute was amended permanently, this provision is no longer needed.

Section 121 amended subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) by inserting "to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report," and subsection (b)(2) of that section is amended by inserting "forwarded". This provision changes the entity to which electronic communication service providers report instances of child pornography. Since the statute was amended, this provision is no longer needed.

Department of Justice
General Administration
Estimates for Fiscal Year 2001
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U.S. DEPARTMENT OF JUSTICE



General Administration
Salaries and Expenses
Summary Statement
Fiscal Year 2001

The General Administration (GA) appropriation is requesting a total of 654 positions, 764 workyears, and $88,196,000 in FY 2001. This request represents an increase of 18 positions, 12 workyears, and $3,019,000 from the FY 2001 base.

The primary mission of the GA appropriation is to support the Attorney General and Department of Justice senior policy level officials in managing Department resources and developing policies for legal, law enforcement, immigration, and criminal justice activities. In addition, providing administrative support services to the legal divisions and policy guidance to all Department organization is also part of the primary mission of this appropriation. The major 2001 initiatives and resource requests for these activities are summarized below.

This budget activity includes resources for the Offices that support the following program: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility, and the Justice Management Division.

The Department Leadership Program consists of the Office of the Attorney General, the Office of the Deputy Attorney General, and the Office of the Associate Attorney General. These Offices are responsible for developing policies regarding the administration of justice in the United States; representing the United States in civil and criminal law matters; and, providing advice and opinions on legal issues to the President, members of Congress, and the heads of Executive departments and agencies. The Department Leadership request includes program increases of 8 positions, 7 workyears, and $932,000 for the establishment of the Office of Tribal Justice within GA.

The Executive Support Program consists of the Offices of Policy Development (OPD), Public Affairs (PAO), Legislative Affairs (OLA), and Intergovernmental Affairs (IGA). The Executive Support program missions include conducting legal and policy analysis in support of Department initiatives in the many policy areas in which the Justice Department has jurisdiction or responsibilities; informing Department personnel, the media, and the public of Department activities; advising the Attorney General and other Department officials in their dealings with the media and Congress; acting as a liaison with Federal State, local and international governments and law enforcement officials. The Executive Support request includes program increases $587,000 for increased funding in OLA and PAO. In addition, OLA is requesting $500,000 for an automated filing system.

The Intelligence Policy and Professional Responsibility Program consists of the Offices of Intelligence Policy and Review (OIPR), Professional Responsibility (OPR), and Professional Responsibility Advisory Office (PRAO). These Offices are responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the United States are consistent with relevant law; and overseeing the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel. OIPR is requesting 10 positions, 5 workyears, and $1,000,000 to handle the increased number and type of Foreign Intelligence Surveillance Act (FISA) applications and counterterrorism work. The OIPR request also includes $50,000 to expand the current FISA system.

The Justice Management Division provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration; ensures compliance by DOJ components with departmental and other Federal policies and regulations; and provides a full range of management and administrative support services. There are no enhancement requests within JMD.

General Administration

Salaries and Expenses

Proposed Changes in Appropriation Language

The 2001 budget estimates include changes in the appropriation language listed and explained below. New language is italicized and deleted matter is enclosed in brackets.

Salaries and Expenses

For expenses necessary for the administration of the Department of Justice, [$79,328,000] *$88.196.000* of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended [Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1999: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso:] Provided [further], That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, 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: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act. (Department of Justice Appropriations Act,2000, as enacted by section 1000(a)(1) of the Consolidated Appropriation Act, 2000 (P.L. 106-113).)

Explanation of Changes

1. The revised amount reflects changes totaling $3,019,000.
2. The second change deletes language which 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.

General Administration
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Program Direction and Policy Coordination															
Department Leadership	43	44	8,136	....	....	....	....	....	....	....	....	....	43	44	$8,136
Executive Support	76	89	9,695	....	....	....	....	....	....	....	....	....	76	89	9,695
Intelligence Policy & Prof. Resp	64	64	8,395	....	....	....	....	....	....	....	....	....	64	64	8,395
Justice Management Division	453	460	53,102	....	....	....	....	....	120	....	....	12,250	453	460	65,472
Total	636	657	79,328	....	....	....	....	....	120	....	....	12,250	636	657	91,698
National Drug Intelligence Ctr	....	222	27,000	....	....	....	....	....	....	....	....	....	....	222	27,000
Reimbursable Workyears		79			....			....			....			79	
Total Workyears		958			....			....			....			958	
Other Workyears:															
LEAP		0			....			....			....			....	
Overtime		13			....			....			....			13	
Total Compensable:															
Workyears		971			....			....			....			971	

The NDIC amount reflects the transfer of funds from the Intelligence Community Management Account to the Department of Justice to support the Department of Defense's counterdrug responsibilities in the operation of NDIC in Johnstown, Pennsylvania.

Transfers Between Accounts. Transfer of $120,000 for Y2K funding.

Unobligated Balance Brought Forward. General Administration brought forward $12,250,172 from funds provided in 1998 for the procurement of equipment for for the Facilities Program 2000.

General Administration
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

Activity/Program	2000 President's Budget Request			Congressional Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Program Direction and Policy Coordination												
Department Leadership	43	44	$8,676	...	...	($540)	...	...	...	43	44	$8,136
Executive Support	81	92	11,416	(5)	(3)	(1,721)	...	...	...	76	89	9,695
Intelligence Policy & Prof. Responsibility	69	67	9,310	(5)	(3)	(915)	...	...	...	64	64	8,395
Justice Management Division	459	463	58,132	(6)	(3)	(5,030)	...	...	...	453	460	53,102
Total	652	666	87,534	(16)	(9)	(8,206)	...	...	...	636	657	79,328
National Drug Intelligence Center (NDIC)	...	222	27,000	...	...	...	...	...	...	...	222	27,000

The NDIC amount reflects the transfer of funds from the Intelligence Community Management Account to the Department of Justice to support the Department of Defense's counterdrug responsibilities in the operation of NDIC in Johnstown, Pennsylvania.

Congressional Appropriations Actions on 2000 Request

Congress provided funding at the FY 1999 levels. Therefore, no requested program enhancements or adjustments to base are refelcted in the Appropriation enacted.

General Administration
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Pos.	WY	Amount
2000 Appropriation as Enacted	636	657	$79,328
Adjustment-to-Base Increases	...	...	5,890
Adjustment-to-Base Decrease (automatic, non-policy)	...	...	(41)
2001 base	636	657	85,177
Program Changes (See Program Narrative for Details)	18	12	3,019
2001 estimate*	654	669	88,196

* If funds are available from the Assets Forfeiture Fund Super Surplus, $5,000,000 will be made available within the General Administration appropriation for an IDENT/IAFIS 10-print pilot project. Projects to be supported with these resources would build on research and developmental work that is occurring during FY 2000. The specific focus of initiatives scheduled for FY 2001 is largely dependent on the results of these ongoing activities. In FY 2001, the Department will: 1) continue system design and development work associated with establishing the new Integrated FBI/INS Fingerprint Identification System, including the possibility of pilot testing a new FBI Federal Lookout File; and 2) complete additional operational assessments consistent with those undertaken during during FY 2000 and intended to assess the impact on the Border Patrol of ten-printing individuals at border stations.

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Program Direction and Policy Coordination:																		
Department Leadership	43	44	$8,136	43	41	$7,518	43	44	$8,136	43	44	$8,708	51	51	$9,640	8	7	$932
Executive Support	76	89	9,695	76	75	8,938	76	89	9,695	76	89	10,345	76	89	11,432	...	...	1,087
Intelligence Policy & Professional Responsibility	64	64	8,395	64	60	7,884	64	64	8,395	64	64	8,958	74	69	9,958	10	5	1,000
Justice Management Division	453	460	65,472	453	469	50,169	453	460	53,102	453	460	57,166	453	460	57,166	...	...	...
General Administration S&E X-Account	...	...	...	...	...	4,722	...	...	...	...	...	...	...	...	...	...	...	...
Total	636	657	91,698	636	645	79,231	636	657	79,328	636	657	85,177	654	669	88,196	18	12	3,019
National Drug Intelligence Center (NDIC) (1)	...	222	27,000	...	171	23,692	...	222	27,000	...	222	27,000	...	222	27,000	...	...	...
Reimbursable workyears		79			79			95			95			95			...	
Total workyears		958			895			974			974			986			12	
Other workyears:																		
Holiday/Overtime		13			13			13			13			13			...	
Total Comp. workyears		971			908			987			987			999			12	

(1) This amount reflects the transfer of funds from the Intelligence Community Management Account to the Department of Justice to support the Department of Defense's counterdrug responsibilities in the operation of NDIC in Johnstown, Pennsylvania.

General Administration
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Sources												
Antitrust Division	...	...	$60	...	...	$58	...	...	$60	...	...	2
Bureau of Prisons	8	8	1,335	8	8	1,295	8	8	1,334	...	...	39
Civil Division	...	...	387	...	...	375	...	...	387	...	...	11
Criminal Division	...	...	838	...	...	813	...	...	837	...	...	24
D C Superior Court		...	700	...	...	...	...	...	...	...	...	...
Drug Enforcement Administration	2	2	491	4	4	476	4	4	711	...	...	234
Executive Office of U S Attorneys	7	7	1,304	7	7	1,265	7	7	1,303	...	...	38
Executive Office of U S Trustees			39	...	...	38	...	...	39	...	...	1
Federal Bureau of Investigation	4	4	2,829	5	5	2,744	5	5	2,936	...	...	192
Immigration & Naturalization Service	30	30	3,036	36	36	2,945	36	36	3,693	...	...	748
U.S Marshals Service	2	2	330	2	2	320	2	2	330	...	...	10
Working Capital Fund (WCF)			1,883	...	...	1,827	...	...	1,881	...	...	55
Offender Supervision; Trustees			56,564	...	...	...	...	...	...	...	...	...
Assets Forfeiture Fund			6,412	...	...	6,220	...	...	11,406	...	...	5,186
All Other	26	26	27,859	33	33	26,369	33	33	27,520	...	...	1,151
Budgetary Resources	79	79	104,067	95	95	44,745	95	95	52,437	...	...	7,692

General Administration
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Obligations by Program:												
Department Leadership	...	...	$928	...	...	$225	...	...	$234	...	...	$9
Executive Support	40	40	7,566	46	46	4,198	46	46	4,366	...	...	168
Intelligence Policy & Professional Responsibility			272	...	...	2,000	...	...	2,200	...	...	200
Justice Management Division	39	39	95,301	49	49	38,322	49	49	45,637	...	...	7,315
Total	79	79	104,067	95	95	44,745	95	95	52,437	...	...	7,692

The figures for the Justice Management Division FY 1999 reflect the reimbursable funding for the Offender Supervision (D.C. Revitalization) Account.

General Administration
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Grades	Department Leadership Pos	Department Leadership Amount	Executive Support Pos	Executive Support Amount	Intelligence Policy and Prof Responsibility Pos.	Intelligence Policy and Prof Responsibility Amount	Justice Management Division Pos.	Justice Management Division Amount	Total Pos.	Total Amount
SES-III	...	...	...	...	1	130	...	...	1	130
SES-I	1	120	...	...	...	...	...	...	1	120
GS-15	...	...	...	...	7	614	...	...	7	614
GS-14	4	298	...	...	2	149	...	...	6	447
GS-13	1	63	...	...	...	...	...	...	1	63
GS-12	...	...	...	...	...	...	...	...	...	...
GS-11	...	...	...	...	...	...	...	...	...	...
GS-10	1	40	...	...	...	...	...	...	1	40
GS-9	1	37	...	...	...	...	...	...	1	37
GS-8	...	...	...	...	...	...	...	...	...	...
GS-7	...	...	...	...	...	...	...	...	...	...
GS-5	...	...	...	...	...	...	...	...	...	...
Total positions & annual rate	8	558	...	...	10	893	...	...	18	1,451
Lapse (-)	(1)	(82)	...	587	(5)	(453)	...	...	(6)	52
Other Personnel Compensation	...	...	...	...	...	...	...	...	...	...
Total workyears & personnel compensation	7	476	...	587	5	440	...	...	12	1,503
Personnel benefits		130		...		119		...		249
Travel & transp of persons		40		...		49		...		89
Transportation of things		8		...		10		...		18
GSA Rent		100		...		125		...		225
Comm., rents, & utilities		28		...		32		...		60
Printing		10		...		15		...		25
Advisory and Assistance Svs		54		...		52		...		106
Other Services		40		...		25		...		65
Purchases of goods & Svcs from Gov'		32		...		45		...		77
Operation of GOCOs		2		...		8		...		10
Research and Development Contracts		...		...		...		...		...
Operation and Maint. of Equipment		5		...		10		...		15
Supplies & materials		8		...		20		...		28
Equipment		...		500		50		...		550
Total, workyears & obligations changes requested, 2001	7	932	...	1,087	5	1,000	...	...	12	3,019

General Administration
Salaries and Expenses
2001 Priority Rankings

BASE PROGRAM

Program	Ranking
Department Leadership	1
Intelligence Policy Professional Responsibility	2
Justice Management Division	3
Executive Support	4

PROGRAM INCREASES

Program	Ranking
Department Leadership	1
Executive Support Program	2
Intelligence Policy and Review	3

General Administration
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001		
					Program	Total	
	Authorized	Reimbursable	Authorized	Reimbursable	Increases	Authorized	Reimbursable
Attorneys (905)	130	15	130	19	9	139	19
Paralegals (950)	12	17	12	17	1	13	17
Other Legal & Kindred (900-998)	2	...	2	...	...	2	...
Gen. Admin. Clerical (300-399)	142	19	142	19	8	150	19
Information and Arts (1000-1099)	37	...	37	...	...	37	...
Business & Industry (1100-1199)	24	7	24	7	...	24	7
Security Specialist (080)	57	7	57	7	...	57	7
Personnel Management (200-299)	50	...	50	...	...	50	...
Accounting Budget (500-599)	76	12	76	24	...	76	24
Library (1400-1499)	36	...	36	...	...	36	...
Equipment, Facilities, and Service Group (1600-1699)	12	...	12	...	...	12	...
Supply Group (2000-2099)	19	...	19	...	...	19	...
Motor Vehicle Operations (5703)	10	2	10	2	...	10	2
Miscellaneous Occupations (010-099)	29	...	29	...	...	29	...
Total	636	79	636	95	18	654	95
Washington	636	77	636	93	18	654	93
U.S. Field	...	2	...	2	...	...	2
Total	636	79	636	95	18	654	95

General Administration
Salaries and Expenses
Summary of Agents and/or Attorneys and Support Positions
FY 2000 - 2001

APPROPRIATED POSITIONS

	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Department Leadership	23	23	20	21	43	44	1	1	7	6	8	7	24	24	27	27	51	51
Executive Support	45	44	31	45	76	89	...	...	...	...	...	...	45	44	31	45	76	89
Intelligence Policy & Professional Responsibility	40	40	24	24	64	64	8	4	2	1	10	5	48	44	26	25	74	69
Justice Management Division	22	23	431	437	453	460	...	...	...	...	...	...	22	23	431	437	453	460
Total	130	130	506	527	636	657	9	5	9	7	18	12	139	135	515	534	654	669

REIMBURSABLE POSITIONS

	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total		Agents/ Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Executive Support	19	19	27	27	46	46	...	...	...	...	...	...	19	19	27	27	46	46
Justice Management Division	...	...	49	49	49	49	...	...	...	...	...	...	...	...	49	49	49	49
Total	19	19	76	76	95	95	...	...	...	...	...	...	19	19	76	76	95	95

General Administration
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	636	657	79,328
Adjustments to base:			
Increases:			
2001 Pay Raise	...	...	1,486
Annualization of 2000 Pay Raise	...	...	745
Within-grade Increases	...	...	722
CSRS Employees FERS Retirement System	...	...	103
Federal Health Insurance Premiums	...	...	413
GSA Rent	...	...	949
Lease Expirations	...	...	54
Antenna Fees (GSA)	...	...	24
Accident Compensation	...	...	24
GSA Blue Pages	...	...	10
JCON II Operational Costs	...	...	1,205
Travel Management Centers Contract Fees	...	...	44
General Pricing Level Adjustments	...	...	109
National Archives and Record Projections	...	...	2
Total Increases	...	...	5,890
Decreases:			
Accident Compensation Decreases	...	...	(41)
Total Adjustments to Base	...	...	5,849
2001 Base	636	657	85,177
Program Changes	18	12	3,019
2001 Estimate	654	669	88,196

DEPARTMENT OF JUSTICE
OMB SUBMISSION
ESTIMATES FOR FISCAL YEAR 2001

NARRATIVE FOR ADJUSTMENT-TO-BASE ITEMS

Increases:	**Pos**	**FTE**	**Amount**
2001 pay raise.	...	...	**$1,486,000**

This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $1,486,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($1,170,000 for pay and $316,000 for benefits totaling $1,486,000).

Annualization of 2000 pay raise.	...	...	**$ 745,000**

This pay annualization represents first quarter amounts (October through December) of the approved 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved level of 4.8 percent. The amount requested $745,000, represents the pay amounts for three-quarters of the year ($587,000 for compensation and $158,000 for benefits).

Within-grade increases.	...	...	**$ 722,000**

This request provides for the expected increase in costs of within-grade increases for slow or no-growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $568,000 for pay and $154,000 for benefits.

	Pos	FTE	Amount
Transfer of CSRS Employees FERS Retirement System.	...	...	$ 103,000

This request provides for the increase in Federal Employees Retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $103,000 for benefits.

Increased Federal Health Insurance Costs.	...	...	$ 413,000

This request provides for the increase in agency contributions to Federal employee health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $413,000 for these costs.

General Services Administration (GSA) rent.	...	...	$ 949,000

GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $949,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.

Lease Expirations.	...	...	$ 54,000

GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $54,000 is requested for General Administration.

Antenna Fees.	...	...	$ 24,000

GSA will charge the Department antenna fees in FY 2001. The fees include all current antennas utilized by Justice components that have antennas atop their buildings. Funding of $24,000 is requested for the Facilities and Administrative Services Staff (FASS).

	Pos	FTE	Amount
Accident Compensation.	...	...	$ 24,000

This increase reflects the estimated General Administration (Non-Justice Management Division) billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $24,000.

General Services Administration (GSA) Blue Pages.	...	...	$ 10,000

Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $10,000 is requested for General Administration.

JCON II Operational Costs.	...	...	$1,205,000

Recurring Operation Costs - This request provides for the increased costs related to operation, maintenance, and upgrading of the JCONII systems. Adding and upgrading existing hardware, software maintenance for functionality and management purposes, and labor costs for help desk administration to support the system are all required components. These upgrades allow the Department's professional staff to perform considerably more complex tasks on the computer, which will allow staff to work more effectively as well as keep the Department competitive with the private sector. Funding of $1,205,000 is requested for General Administration.

Travel Management Center Fees.	...	...	$ 44,000

In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $44,000 is requested for General Administration.

	Pos	FTE	Amount
General Pricing Level Adjustments.	...	...	**$ 109,000**

This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Funding of $109,000 is requested for General Administration.

National Archives and Records Administration (NARA).	...	...	**$ 2,000**

The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. The Department's FY 2001 estimated costs total $6,599,584, based on current records maintained by NARA. Funding of $2,000 is requested for General Administration.

Decreases

Accident Compensation Decrease.	...	...	**($ 41,000)**

This decrease reflects the estimated Justice Management Division (JMD) billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 JMD cost will be a decrease of $41,000 from the actual 1999 billing.

TOTAL	...	...	**$5,849,000**

General Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level I, $157,000	1		1		1		...	
Executive Level II, $141,300	1		1		1		...	
Executive Level III, $130,200	1		1		1		...	
Executive Level IV, $122,400	1		1		1		...	
ES-6, $130,200	7		7		7		...	
ES-5, $130,200	8		8		8		...	
ES-4, $130,200	18		18		18		...	
ES-3, $126,825	...		...		1		1	
ES-2, $121,264	2		2		3		1	
ES-1, $115,811	10		10		10		...	
GS-15, $84,638-110,028	97		97		104		7	
GS-14, $71,954-93,537	82		82		88		6	
GS-13, $60,890-79,155	86		86		87		1	
GS-12, $51,204-66,564	75		75		75		...	
GS-11, $42,724-55,541	23		23		23		...	
GS-10, $38,885-50,554	33		33		34		1	
GS-9, $35,310-45,900	43		43		44		1	
GS-8, $31,968-41,557	34		34		34		...	
GS-7, $28,866-37,522	47		47		47		...	
GS-6, $25,976-33,768	12		12		12		...	
GS-5, $23,304-30,292	14		14		14		...	
GS-4, $20,829-27,080	38		38		38		...	
GS-3, $18,555-24,120	3		3		3		...	
Total, appropriated positions	636		636		654		18	
Average ES Salary		$119,697		$125,442		$130,200		
Average GS Salary		$54,618		$57,240		$59,472		
Average GS Grade		12.04		12.06		12.08		

General Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11 1 Total workyears & personnel compensation	598	$39,726	619	$42,092	631	$43,480	12	$1,388
11 3 Other than full-time permanent	47	1,548	38	1,672	38	1,741	...	69
11 5 Total, Other personnel compensation	13	1,068	13	1,135	13	1,182	...	47
Overtime	*13*	*272*	*13*	*299*	*13*	*311*	...	*12*
Other Compensation	...	*796*	...	*836*	...	*870*	...	*34*
11 8 Special personal services payments	...	...	...	...	...	...	...	...
Total	658	42,342	670	44,899	682	46,402	12	1,503
Reimbursable workyears								
Full-time permanent	[79]		[95]		[95]		[...]	
Other Object Classes								
12 0 Personnel benefits		11,432		12,123		12,370		247
21 0 Travel and transportation of persons		853		903		993		90
22 0 Transportation of things		1,471		1,386		1,404		18
23 2 GSA rent		9,018		9,424		9,649		225
23 3 Comm., util. & other misc. charges		1,927		2,120		2,180		60
24 0 Printing and reproduction		893		753		778		25
25 1 Advisory and assistance services		1,125		1,643		1,349		(294)
25 2 Other services		1,775		3,565		2,530		(1,035)
25 3 Purchases of goods & services from Govern		1,383		1,694		1,596		(98)
25.4 Operation of GOCOs		31		34		44		10
25 5 Research and Development Contracts		413		456		456		(0)
25 7 Operation and Maintenance of Equipment		46		51		66		15
26.0 Supplies and materials		720		1,269		1,297		28
31.0 Equipment		1,400		3,634		3,104		(530)
Total obligations		74,829		83,954		84,218		264
Unobligated balance, start of year		(12,250)		(12,951)		(8,325)		
Unobligated balance, end of year		12,951		8,325		12,303		
Unobligated balance, lapsing		3,918		...		...		
Total requirements		79,448		79,328		88,196		
Relation of Obligation to Outlays:								
Total obligations		74,829		83,954		84,218		
Obligated balance, start of year		32,892		20,831		11,107		
Obligated balance, end of year		(20,831)		(11,107)		(2,650)		
Outlays		86,890		93,678		92,675		

Department Leadership
General Administration
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 appropriation enacted	43	44	$8,136
Adjustments to Base			
2001 Pay Raise	...	...	140
Annualization of 2000 Pay Raise	...	...	74
Within-grade Increases	...	...	51
CSRS Employees FERS Retirement System	...	...	9
Federal Health Insurance Premiums	...	...	19
GSA Rent	...	...	118
Accident Compensation	...	...	24
GSA Blue Pages	...	...	3
JCON II Operational Costs	...	...	119
Travel Management Centers Contract	...	...	5
General Pricing Level Adjustments	...	...	10
Total Adjustments to Base	...	...	572
2001 base	43	44	8,708
Program Changes (See Program Narrative for Details)	8	7	932
2001 estimate	51	51	9,640

Estimate by program	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Anticipated Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Department Leadership:																		
Attorney General	14	15	$3,478	14	16	$3,228	14	15	$3,478	14	15	$3,738	14	15	$3,738	...	...	...
Deputy Attorney General	24	24	3,439	24	19	3,168	24	24	3,439	24	24	3,669	24	24	3,669	...	...	...
Associate Attorney General	5	5	1,219	5	6	1,122	5	5	1,219	5	5	1,301	13	12	2,233	8	7	932
Total	43	44	8,136	43	41	7,518	43	44	8,136	43	44	8,708	51	51	9,640	8	7	932
Reimbursable workyears		...			...			...			...			...			...	
Total workyears		44			41			44			44			51			7	

Department Leadership	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	43	44	$ 8,136
2001 Base	43	44	8,708
2001 Estimate	51	51	9,640
Increase / Decrease	8	7	932

BASE PROGRAM DESCRIPTION:

The Department Leadership Program consists of the Office of the Attorney General, the Office of the Deputy Attorney General, and the Office of the Associate Attorney General.

The general goals and objectives of the Department Leadership Program are:

To advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States.

To formulate and implement policies and programs that advance the administration of justice in the United States.

To manage the Department of Justice.

To provide executive-level leadership in: the continuing war on drugs; combating violent crimes; investigating and prosecuting fraud and other white collar crimes; diminishing prison overcrowding; protecting our Nation's borders; and, enforcing environmental and civil rights laws.

To provide executive-level oversight and management of: international law enforcement training and assistance; financial institutions, reform, recovery, and enforcement programs; and investigative policy.

To coordinate criminal justice matters with Federal, State, and local law enforcement and criminal justice agencies.

To investigate, process, and make recommendations to the President on candidates for judicial and Justice Department Presidential appointments.

To maintain and supervise the Attorney General's Honor Law Graduate and Attorney Employment program.

To prepare and disseminate an Annual Report to the Congress and the public regarding the programs and accomplishments of the Department of Justice.

PROGRAM CHANGES

	Perm. Pos.	FTE	Amount
Institutionalize the Office of Tribal Justice	8	7	$932

Within the Office of the Associate Attorney General (OASG), 8 positions, 7 workyears, and $932,000 is requested to institutionalize the Office of Tribal Justice (OTJ) as an integral, ongoing component of the Department. Since 1995, OTJ has had notable success in promoting government-to-government relations and has gained wide acceptance and support throughout the government and among Indian tribes. OTJ should be a continuing component of the Department because DOJ has very significant and wide-ranging responsibilities to Indian country. DOJ's responsibilities include law enforcement, civil rights protection, environmental protection, protection of tribal rights, trust resources, and tribal self-government, provision of financial and technical assistance for tribal law enforcement and justice systems, and representation of the Department of the Interior and other federal agencies in litigation involving Indian interests. The Department of Justice has significant responsibilities towards Indian country, supporting the development of strong tribal law enforcement, tribal courts, and institutions of self-government. In this light, OTJ is a valuable component of the Department that ensures that tribal government interests and rights are appropriately considered, and that tribal governments are consulted when DOJ activities may impact tribal sovereignty or self-government, trust resources, or tribal rights. Notwithstanding any other provision of law, tribal governments and their business partners may provide hiring and employment preferences for tribal members for activities on or relating to lands within the jurisdiction of the tribe.

To ensure the continued success of OTJ in promoting the government-to-government relations policy and sound Indian affairs policy, the Department requests that OTJ be provided appropriated funding to support its continuing mission to serve as a tribal liaison and policy coordination office for the Department on Indian issues.

Executive Support
General Administration
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 appropriation enacted	76	89	$9,695
Adjustments to Base			
2001 Pay Raise	...	...	168
Annualization of 2000 Pay Raise	...	...	88
Within-grade Increases	...	...	60
CSRS Employees FERS Retirement System	...	...	12
Federal Health Insurance Premiums	...	...	23
GSA Rent	...	...	140
JCON II Operational Costs	...	...	142
Travel Management Centers Contract	...	...	5
General Pricing Level Adjustments	...	...	12
Total Adjustments to Base	...	...	650
2001 base	76	89	10,345
Program Changes (See Program Narrative for Details)	...	...	1,087
2001 estimate	76	89	11,432

Estimate by program	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Executive Support:																		
Policy Development	29	35	$4,202	29	33	$3,891	29	35	$4,202	29	35	$4,484	29	35	$4,484	...	...	...
Public Affairs	15	20	1,722	15	15	1,530	15	20	1,722	15	20	1,837	15	20	2,085	...	...	248
Legislative Affairs	26	28	3,089	26	24	2,965	26	28	3,089	26	28	3,296	26	28	4,135	...	...	839
Intragovernmental Affairs	6	6	682	6	3	552	6	6	682	6	6	728	6	6	728	...	...	...
Total	76	89	9,695	76	75	8,938	76	89	9,695	76	89	10,345	76	89	11,432	...	...	1,087
Reimbursable workyears		40			40			46			46			46			...	
Total workyears		129			115			135			135			135			...	

General Administration
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Executive Support	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	76	89	$ 9,695
2001 Base	76	89	10,345
2001 Estimate	76	89	11,432
Increase / Decrease	...	...	1,087

BASE PROGRAM DESCRIPTION:

The Executive Support program consists of the Offices of Policy Development (OPD), Public Affairs (PAO), Legislative Affairs (OLA), and Intergovernmental Affairs (IGA). These offices are responsible for serving as the liaison between the Department and Congress; coordinating Department and Administration policy initiatives in the areas of civil and criminal justice; and ensuring that the public and the news media are kept informed about the activities and policies of the Department, the Attorney General, and the Administration in the fields of law enforcement and legal affairs.

The general goals and objectives of the Executive Support Program are:

To improve the Department's effectiveness in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities.

To improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration.

To maintain an efficient and responsive legislative liaison service operation.

To handle the processing of judicial and other nominations efficiently and responsively.

To provide support in advancing the Administration's overall legislative agenda.

To assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements.

To disseminate timely, accurate information about the Department, the Attorney General and the Administration's law enforcement priorities, policies and activities to the news media and the general public.

To enhance and promote the enforcement goals of the Department through distribution of news releases, coordinating press conferences and telephone and video conferences announcing indictments, settlements, and statements on civil rights, environment, criminal, antitrust, and other Department enforcement activities.

To ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests.

PROGRAM CHANGES

	Perm. Pos.	FTE	Amount
Increased Funding for OLA	...	...	339
OLA Automated Filing System	...	...	500
Increased Funding for PAO	...	...	248
	...	...	1,087

OLA is requesting $339,000 to support the continued payment of salaries, benefits, and expenses for the FTE level authorized in FY 1999. The mission of OLA is to provide prompt and responsive service to the needs and requests of the Congress. At the Attorney general's direction, the Office has sought to strengthen and improve its ability to be responsive. OLA plays a critical role in forging internal consensus among DOJ components with regard to Administration legislation. The overall Congressional demands on OLA are massive and increasing. There are major ongoing oversight matters that require huge amounts of OLA attention and resources in order to address Congressional needs adequately. Congress' legislative agenda has been extremely ambitious and DOJ is asked to play a role in almost every important piece of legislation. In addition, OLA is requesting $500,000 for an Automated Filing System to organize the massive amount of files it is required to maintain.

PAO is requesting $248,000 for salaries, benefits, and expenses to bring the staff up to its authorized FTE level of 20. Currently, PAO has 5 vacancies as a result of recent budget cuts. This increased funding is necessary for PAO to properly serve the Attorney General and the Justice Department. Although PAO received funds in FY 1999 to cover some adjustments to base increases, it has been forced to function every year as if it was not going to get the minimum funds necessary to maintain current staffing levels, let alone hire additional staff. The Office has tried to meet increasing demands with reduced resources by implementing a number of stop-gap measures, but resources have been stretched to the limit.

Intelligence Policy and Professional Responsibility
General Administration
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 appropriation enacted	64	64	$8,395
Adjustments to Base			
2001 Pay Raise	...	...	148
Annualization of 2000 Pay Raise	...	...	76
Within-grade Increases	...	...	52
CSRS Employees FERS Retirement System	...	...	10
Federal Health Insurance Premiums	...	...	19
GSA Rent	...	...	121
ICON II Operational Costs	...	...	123
Travel Management Center Contract	...	...	4
General Pricing Level Adjustment	...	...	10
Total Adjustments to Base	...	...	563
2001 base	64	64	8,958
Program Changes (See Program Narrative for Details)	10	5	1,000
2001 estimate	74	69	9,958

Estimate by program	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Intelligence Policy and Professional Responsibility																		
Intelligence Policy and Review	29	29	$4,084	29	28	$3,795	29	29	$4,084	29	29	$4,358	39	34	$5,358	10	5	$1,000
Professional Responsibility	35	35	4,311	35	32	4,089	35	35	4,311	35	35	4,600	35	35	4,600	...	...	...
Total	64	64	8,395	64	60	7,884	64	64	8,395	64	64	8,958	74	69	9,958	10	5	1,000
Reimbursable workyears		...			...			...			...			...			...	
Total workyears		64			60			64			64			69			5	

Intelligence Policy and Professional Responsibility	Perm. Pos.	FTE	Amount
2000 Appropriated Enacted	64	64	$8,395
2001 Base	64	64	8,958
2001 Estimate	74	69	9,958
Increase / Decrease	10	5	1,000

BASE PROGRAM DESCRIPTION:

The Intelligence Policy and Professional Responsibility Program consists of the Offices of Intelligence Policy and Review and Professional Responsibility, as well as the Professional Responsibility Advisory Office, which is currently a fully reimbursable office. These Offices are responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the United States are consistent with relevant law; and overseeing the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.

The general goals and objectives of the Intelligence Policy and Professional Responsibility Program are:

To provide legal advice concerning intelligence and national security matters to the Attorney General and to other Executive Branch officials.

To participate in the development of legal aspects of national security and intelligence policy.

To prepare FBI and other applications for intelligence searches and surveillance and approve other counterintelligence investigative activities.

To represent intelligence agencies as legal counsel before the United States Foreign Intelligence Surveillance Court.

To participate in pre-trial litigation involving the Foreign Intelligence Surveillance Act in criminal prosecutions for espionage and international terrorism.

To maintain liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprized of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

To improve and refine the Department-wide reporting system in which allegations of criminal or administrative misconduct against Department employees are reported, investigated and monitored.

To conduct, oversee, and coordinate all internal investigations of serious allegations concerning the conduct of Department personnel that may be in violation of law, Department regulations or orders, or applicable standards of conduct, and which affects the Department's ability to investigate, litigate, or prosecute.

** Please note that the objectives of the Office of Professional Responsibility (OPR) are different from the Office of the Inspector General (OIG) in that OPR focuses on investigations concerning allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses its investigations on allegations of waste and abuse, and other matters which do not implicate the ability of the Department to investigate, litigate, or prosecute.

PROGRAM CHANGES

	Perm. Pos.	FTE	Amount
Increased Staffing for OIPR	10	5	$1,000

OIPR is requesting 10 positions, 5 workyears, and $1,000,000 to handle the additional number and type of Foreign Intelligence Surveillance Act (FISA) applications and counterterrorism work and to expand the current FISA system (estimated to cost $50,000). OIPR maintains the responsibility of reviewing all requests for surveillance or search under FISA, preparing the applications and representing the cases before Court. In addition, when evidence obtained under FISA is proposed to be used in a criminal proceeding, OIPR obtains the necessary authorization from the Attorney General. In coordination with the FBI and the intelligence community, OIPR's primary operational functions are to prevent acts of terrorism and espionage from being perpetrated in the U.S. by foreign powers, and to facilitate the collection of counterintelligence regarding foreign agents and foreign powers. FISA applications have increased significantly over the last five years. There were 484 applications under FISA in 1992; by 1998, this number had nearly doubled to 796. Given this growth, OIPR's workload in this area has, and will continue to grow as intelligence agencies submit requests under FISA for intelligence purposes. In addition, several Congressional committees are developing legislation that would expand efforts of the Department of Energy, FBI, and other intelligence agencies in counterintelligence (CI) and foreign counterintelligence (FCI) matters. The FBI is requesting a significant number of personnel including agents for CI and FCI matters. This re-emphasis on counter espionage and the increase of FBI and other intelligence agency personnel will increase requests under FISA and thus the caseload of OIPR attorneys.

The FY 2001 request for the Justice Management Division (JMD) is 453 positions, 460 workyears and $57,166,000. This represents no increase over the estimated FY 2001 base. JMD plays a key role in Department-wide management functions of planning and resource allocation, personnel recruitment and related services, telecommunications support and information processing, financial policy and oversight, debt collection management, security support, procurement policy, and the maintenance and administration of DOJ facilities. The requested resource level will permit JMD to improve how it performs its responsibilities and will contribute toward strengthening the overall efficiency and effectiveness of the Department and its component organizations.

Over the past several years JMD has become increasingly involved with issues in response to policy-level expectations and directives and statutory mandates that have attracted significant public interest and political debate. JMD resources have also been used extensively in conducting or overseeing the completion of cross-organizational management reviews of special interest to Congress and in other strategic planning efforts affecting major DOJ programs. Consistent with its role of providing liaison with external organizations, JMD also continues to be DOJ's point of contact for coordinating implementation of the Administration's reinventing government and customer service initiatives.

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

JMD's mission and program activities most directly support the following three strategic goals from the Management core function of DOJ's strategic plan:

- Achieve excellence in management practices,
- Meet or exceed customer expectations, and
- Make effective use of information technology.

JMD Mission statement

To provide advice to senior DOJ officials and develop departmental policies in the areas of strategic planning, budget formulation and execution; program and financial oversight, procurement policy guidance/implementation, human resources management and other areas of general administration; to ensure compliance by DOJ components with departmental and other Federal policies and regulations; to provide a full range of management and administrative support services; and to assist in the implementation of selected government-wide management initiatives.

B. FY 2001 Performance Goals and Indicators

During FY 2001, JMD will continue to improve the guidance, oversight and services that it provides to DOJ component organizations. Those statutory-based or other high priority core activities to which JMD will give increased attention in the coming year generally fall within one of the following broad categories:

1. Strategic planning and program/budget oversight
2. Financial policy oversight and resource management
3. Information management and technology development
4. Human resources, attorney recruitment and other specialized functions

JMD's efforts to support overall DOJ management improvements will require continued attention to existing oversight processes, as well as further development of a stronger and more fully-automated infrastructure. The means and strategies to be pursued toward these ends, and the specific performance goals established for FY 2001, are described in the following pages.

Consideration of High Risk Management Issues and Liaison with Other Components. JMD's management oversight responsibility also contributes towards addressing and resolving some of the high-risk management concerns that have been

identified through other processes. The more significant of these issues involve the following: [NOTE: examples listed below based on DOJ's 12-97 Management Control Rpt. and on GAO's 1-98 report entitled Federal Management Issues]

- asset forfeiture program
- DOJ financial management
- INS management
- information security

JMD's efforts directly support DOJ's commitment to ensure the integrity of DOJ programs and operations. Toward that end, JMD cooperates in any appropriate way with related reviews or investigations that may be undertaken by the independent Office of the Inspector General, the Office of Professional Responsibility, or internal review units of DOJ's component organizations. Each of the general functional areas is discussed separately below.

STRATEGIC PLANNING AND PROGRAM/BUDGET OVERSIGHT

Means and Strategies. Consistent with the Results Act's requirements and congressional expectations, JMD has been working to more fully integrate long and short-range planning into component-level and DOJ's own budget formulation processes. JMD staffs collaborate to use available review processes, e.g., the Spring Call Submission and related analyses, to ensure that component-level budget requests are directly linked to DOJ's strategic plan. JMD also participates actively in meeting the congressional consultation requirements of the Results Act. As another part of its oversight function, JMD is routinely tasked with conducting management reviews that are of special interest to DOJ policy officials.

FY 2001 Performance Goals:

1. **Better presentation and use of component-specific data, planning and evaluation efforts.** In FY 2001, JMD will work to ensure that all major component organizations have standalone performance plans that demonstrate full integration of strategic planning and data verification efforts. In addition, JMD will continue to perform evaluations on an as needed basis for the Attorney General's approval.

2. **Implementation of procurement-related improvements.** In FY 2001, JMD will provide guidance and support to the continuing implementation and refinement of procurement training designed to meet government-wide education and training standards. The DOJ acquisition WEBSITE will become the focal point for electronic commerce and procurement information for DOJ procurement activities and the general public.

3. **Increased use of program and organizational reviews.** As resources permit, JMD staffs will seek more information on how and to what extent clients are satisfied with our products and services and use them.

Performance Indicators

-- increased congressional satisfaction with/use of DOJ and component-specific planning/budgeting documents
-- implementation of upgraded procurement career management program to meet 1998 OPM directives

FINANCIAL POLICY OVERSIGHT AND RESOURCE MANAGEMENT

Means and strategies. JMD, primarily through its Finance Staff, provides guidance that will enable DOJ and its component organizations to make the type of improvements in financial management required by the Federal Financial Management Improvement Act of 1996 and related Administration directives. These improvements include the installation of new accounting systems in several major components and overseeing corrective action in response to audited financial statements.

FY 2001 Performance Goals:

1. Progress toward achieving an unqualified audited opinion on the DOJ-wide financial statements. In FY 2001, JMD will demonstrate continued progress toward achieving unqualified audit opinions on financial statements required by the Government Management Reform Act. Achieving this objective depends largely on the ability of DOJ components to implement and/or maintain systems which substantially comply with Federal financial management systems requirements and accounting standards, and with the U.S. Standard General Ledger. The JMD monitors bureau compliance with these criteria, and evaluates and reviews corrective action plans where a component was judged to be non-compliant in the preceding year. This is expected to result in the development of an integrated financial management system within each component which provides accurate, reliable, and timely financial information.

Performance Indicator:

-- number of DOJ annual financial statements that received an unqualified audit opinion

Means and Strategies. The wise use of advanced information systems technology is pivotal to improved mission performance. JMD has already taken steps to improve its planning and monitoring of information technology investments in accord with the Clinger-Cohen Act by establishing an Information Technology Investment Board (ITIB). JMD has been actively involved in fostering component involvement in the development and deployment of new technologies across the Department and will lead the Departmentwide effort to accomplish a smooth Year 2000 transition and ensure that contingency plans are in place if problems do arise. The leadership of JMD, in defining a departmental architectural blueprint, will work to ensure the development and operation of secure, integrated information systems and the ITIB will work to carefully oversee all major new and on-going information technology projects to ensure the cost, schedule and performance targets are met.

FY 2001 Performance Goals

1. **DOJ's Information Technology Architecture.** In FY 2001, the Departmentwide Information Technology Architecture is expected to enable components to enhance operational capabilities and lower costs through a controlled migration to a secure, interoperable computer and communications environment.

2. **Wireless Communications.** In FY 2001, JMD will continue to set the strategic direction for the funding and acquisition of narrowband radio equipment and the operation and maintenance of the existing infrastructure across component organizations.

3. **Digital Signature.** In FY 2001, JMD will attempt to establish departmental guidelines for the adoption of public key infrastructure and provide tested digital signature technologies for use by component organizations.

4. **Capital Planning.** In FY 2001, JMD will consider expanding the use of the ITIB investment criteria to the evaluation of proposed investments in information systems that are not subject to the ITIB review process.

Performance Indicators

– degree of component compliance with architectural standards on new information technology investments.
– adoption of a departmental strategy for the acquisition of narrowband radio equipment.

– utilization of secure, authenticated exchange of information using digital signature technologies among two or more large components.
– percentage of new and ongoing investment subject to the ITIB evaluation criteria.

HUMAN RESOURCES, ATTORNEY RECRUITMENT AND OTHER SPECIALIZED MANAGEMENT RESPONSIBILITIES

Means and strategies. JMD ensures that personnel management responsibilities throughout DOJ are carried out in accord with applicable laws, regulations and other guidance and that DOJ successfully competes with the private sector to recruit and retain a high-caliber attorney workforce. In support of its Equal Employment Opportunity (EEO) program goals, JMD reviews DOJ components' employment program plans, assists in evaluating these plans, and develops and issues policy guidance on diversity/workplace issues. It also identifies and establishes training requirements in direct support of a strong DOJ sexual harassment prevention program. In addition, JMD plays a leadership role to implement worklife programs, which are designed to better balance the family and personal needs of employees with DOJ program responsibilities.

JMD is also actively engaged in fostering innovation and improvements in departmental operations through special management initiatives. For example, through the Justice Performance Review (JPR) Laboratory Program, JMD's Management and Planning Staff establishes, monitors, and assists reinvention lab teams in solving longstanding, multicomponent problems. A JPR award program, JustWorks, recognizes and rewards employee teams for their innovative efforts. The Management and Planning Staff (MPS) provides leadership and facilitation services, and serves as the contracting officer's technical representative for major organizational reengineering projects and process evaluation efforts within DOJ components. Another MPS initiative encourages implementation of customer service standards in DOJ components.

FY 2001 Performance Goals

1. **Attorney Recruitment.** In FY 2001, JMD's Office of Attorney Personnel Management (OAPM) will provide effective leadership and support to the Department in the recruitment of law students, entry-level attorneys, and experienced attorneys. This will result in an excellent and diverse applicant pool from which DOJ components can make hiring decisions. OAPM will also effectively review and adjudicate security investigations conducted on attorney applicants.

2. **Strengthened DOJ EEO Program.** In FY 2001, JMD's EEO program will seek to ensure that DOJ's workforce includes a diverse representation at all levels, including managerial and supervisory positions and that additional specialized training and information is provided to eliminate all incidents of sexual harassment in DOJ's workforce.

3. **Increased participation in the JustWorks' Best Practices Program.** In FY 2001, JMD will expand employee awareness of this award program which recognizes and rewards employee teams for innovative ideas that improve departmental business and operational processes. DOJ teams, representing more components, will submit nominations. Components will implement ideas published in JustWorks publications.

4. **Stronger Employee Assistance Program (EAP).** In FY 2001, JMD will support making EAP services more widely available throughout DOJ, thereby giving more employees access to actual counseling or referral services. These services are intended to assist employees to regain their productive capability; minimize absenteeism, sick leave, and grievances; reduce the need for disciplinary action; and improve morale. Of specific note, over 40 specialized workshops for OBD and U.S. Attorney employees will be conducted in team building and stress management.

C. Highlights of Results

In each of the above functional areas, JMD has taken important implementation steps taken during the past year. Among the more significant among these have been:

Strategic Planning and Program/Budget Oversight Results:

- Convened meetings of DOJ managers to discuss how best to update DOJ's first ever strategic plan.
- Met the Results Act's continuing requirements by submitting DOJ's second DOJ summary-level performance plan, covering FY 2001.
- Completed annual assessments of component budget submissions and oversaw transmittal of formal documents to both OMB and Congress on a timely basis.
- Completed several major program reviews of interest to DOJ leadership or outside overseers since FY 1998, including:

- IDENT and IAFIS – Report of the Feasibility of INS Converting to a Ten-Fingerprint System (5-98)
- National Instant Criminal System Records Retention Review (8-98)
- Review of the Office of Solicitor General (9-98)
- Review of the DOJ Public Affairs Office (10-98)
- Analysis of Criminal Debt Collection in DOJ (10-98)
- Review of INS Naturalization (3-99)
- Options for Improving the Use of INS Records in the NICS Check Process (4-99)
- Review of USMS Special Assignments (5-99)
- Review of Feasibility of Establishing a National Sexual Predator Reporting System (6-99)
- Review of DEA/FBI Agent and US Attorneys Performance Systems (6-99)
- US Trustee Report Sampling (9-99)
- Review of INS Fingerprint System (9-99)

Financial Policy Oversight and Resource Management Results

- In compliance with the Government Reform Act, the Department's FY 1998 consolidated audited financial statements were submitted to the Office of Management and Budget by the March 1999 deadline. The Department did not receive an audit opinion on the consolidated financial statements due to weaknesses in several bureau reporting entities. Individual audit opinions on the balance sheet are as follows: the DEA, FBI, OJP and WCF received unqualified opinions, the FPS received a qualified opinion, and the INS, OBDs, USMS, and AFF/SADF received a disclaimer of opinion. The Department components have initiated Corrective Action Plans to resolve all material weaknesses and enable the Department to obtain an unqualified audit opinion on the FY 1999 consolidated financial statements.

- Participated in the development of Government-wide financial policy and standards and, in conjunction with the Office of Inspector General and component representatives, worked to resolve DOJ-wide financial statement issues.

- Used a variety of forums (e.g., senior manager council and advisory board meetings, monthly Executive Officer and User Group meetings, quarterly Newsletters) to disseminate information to DOJ's financial community. Also, strong support given to enhancing professional development through training.

Information Management and Technology Development Results

- Developed and published the Provisional Information Technology Architecture which describes the current technical environment across all components in the Department of Justice and is the foundation for the enterprise wide strategy and detailed requirements definition that will define the final Information Technology Architecture product.

- Successfully expanded the ITIB review process resulting in improved quality of both the proposals and the technical reviews; and expanded the scope of the reviews to include investments in maintaining legacy systems, significant redesigns of legacy systems, and cross-component initiatives using new technologies.

- Equipped and staffed a computer security laboratory to perform ongoing testing and evaluation of emerging security technologies before they are placed into new or operational systems.

- Initiated and carried out a series of seminars for both departmental and component IRM staff on project management and system development life cycle approaches, methods, and tools.

Human Resources, Attorney Recruitment and Other Specialized Functions Results

- Oversaw the completion of a consultant-supported redesign blueprint of INS' naturalization program.

- Elicited positive feedback from Congress regarding efforts to re-design the INS naturalization process.

- Received and reviewed 35 JustWorks nominations submitted by seven DOJ components for the 1998 competition and 56 nominations submitted by nine DOJ components and five U.S. Attorneys' Offices for the 1999 competition (the greatest annual total since the program began in 1995).

- In February 1999, sponsored the ceremony for the third annual JustWorks Program competition at which the Deputy Attorney General gave awards to seven employee teams.

- Obtained approval for three new labs: 1) Environmental Compliance, a multi-component lab to be sponsored by JMD; 2) Law Enforcement Linguist Clearinghouse, a multi-agency lab to be led by the FBI; and 3) Asset Forfeiture

Professional Development Program to be sponsored by the USMS. The three newly approved labs join six active labs.

- Redesigned, expanded, and updated the JPR web site to provide information and assistance regarding reinvention activities at DOJ and links to other reinvention sites throughout the Federal Government.

- The SENTRI JPR lab achieved finalist status (top 25 of more than 1,400 entries) in the 1998 Ford Foundation Innovations in American Government competition. The construction of new SENTRI lanes is nearing completion at the lab's second site, the world's busiest border port-of-entry, San Ysidro, CA, and SENTRI lanes will be designed to operate at four additional sites within the next two years.

- As of March 31, 1999, the USMS accreditation Laboratory Team has established proof of compliance for 232 (66 percent) of applicable CALEA (Commission on Accreditation for Law Enforcement Agencies) standards and is eight months ahead of schedule; USMS plans to achieve accreditation by November 1999 (rather than July 2000, the original target date).

D. Major FY 2001 Initiatives

The JMD has identified several initiatives that directly support our FY 2001 goals. To achieve our goals and sustain continued support, 2001 bases resources are critical and are detailed in the Justification of Program and Performance.

The Justice Management Division has identified numerical performance indicators to assess program performance. These numerical indicators (see tables below) should be used in conjunction with the narrative Summary Statement and Performance Plan.

Department of Justice Core Function: Management
Strategic Goal: Achieve excellence in management practices
Annual Goal: Achieve a Department-wide Unqualified Audit Opinion

Performance Indicator Information

Type of Indicator	Performance Indicator	Data Source	Performance Report 1998 Actuals	Performance Report 1999 Enacted Plan	Performance Report 1999 Actuals	Performance Plans 2000 Plan	Performance Plans 2000 Revised Plan	Performance Plans 2001 Plan
End Outcome	Number of Unqualified Opinions	Audited Financial Statements	4	10	9	10	10	10

A. Data Validation and Verification
The formal independent auditors reports are the means by which we measure component progress towards achieving a clean opinion, so no additional verification is necessary.

B. FY 1999 Performance Report
All of the Department's reporting entities, with the exception of the Immigration and Naturalization Service (INS) received unqualified opinions in FY 1999. JMD will continue to coordinate meetings of the Department-wide financial statements working group, which works to develop policy and resolve issues in regard to financial statements, with the goal of all reporting entities receiving unqualified opinions in FY 2000 and beyond.

Resources

$57 million and 518 FTE are anticipated to be dedicated to the efforts in 2001.

This goal requires the skills of accountants, financial analysts, budget analysts, and systems analysts.

Modern financial systems are required to meet Federal financial systems requirements. Components of the Department are in the process of implementing new financial systems or enhancing existing systems. This will continue through FY 2001.

JUSTICE MANAGEMENT DIVISION

The Justice Management Division has identified numerical performance indicators to assess program performance. These numerical indicators (see tables below) should be used in conjunction with the narrative Summary Statement and Performance Plan.

Department of Justice Core Function: Management
Strategic Goal: Make effective use of information technology
Annual Goal: Ensure IT Enterprise Integration and Security

Performance Indicator Information

			Performance Report		Performance Plan		
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	2000 Plan	2000 Revised Plan	2001 Plan
Input	IT Investment Approval Requests Subject to IT Board Assessment Criteria	see below	7	9	40	40	40
Output/ Activity	% of Total Information Bandwidth Transitioned to JCON.	see below	17%	25%	90%	90%	100%
	% of JCON II Desktops Deployed to Staff	see below	7%	14%	34%	34%	87%
End Outcome	% of Information Systems Certified and Accredited	see below	...	10%	100%	100%	100%

Data Validation and Verification

Performance data for the JCON II indicator is based on contractor billings and on project management office statistics. Performance data for JCN indicator is based on the existing bandwidth indentified during the JCN requirements analysis. Performance data for the Capital Planning indicator is tracked centrally, maintained electronically, updated monthly, and will provide a reliable indicator of actual performance. Performance data for the component certification and accreditation indicator is based on project oversight statistics. The data is maintained and updated in central data base. Project oversight statistics are based on components self-reporting. An outside contractor will assure the certification results through and independent verification and validation. DOJ is revalidating the universe of systems to ensure comprehensive certification and accreditation.

Resources

FY 1999		FY 2000		FY 2001	
Dollars	FTE	Dollars	FTE	Dollars	FTE
$ 58 million	28	$61 million	27	$75 million	33

Systems engineers and computer scientists, as well as other computer specialists are needed. All personnel must be trained in emerging technologies.

A computer security laboratory is funded and maintained to test new technologies and products before wide-scale deployment. The JCON II help desk and operations staff provide support services to ensure availability of office automation technologies to all users. The penetration testing program provides ongoing information on the system's vulnerabilities.

Justice Management Division
General Administration
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 appropriation enacted	453	460	$53,102
Adjustments to Base			
Increases:			
2001 Pay Raise	...	...	1,033
Annualization of 2000 Pay Raise	...	...	505
Within-grade Increases	...	...	559
CSRS Employees FERS Retirement System	...	...	72
Federal Health Insurance Premiums	...	...	353
GSA Rent	...	...	569
Lease Expirations	...	...	54
Antenna Fees	...	...	24
GSA Blue Pages	...	...	7
JCON II Operational Costs	...	...	820
Travel Management Centers Contract	...	...	31
General Pricing Level Adjustments	...	...	76
National Archives and Record Projections	...	...	2
Decreases:			
Accident Compensation Decreases	...	...	(41)
Total Adjustments to Base	...	...	4,064
2001 base	453	460	57,166
Program Changes (See Program Narrative for Details)	...	...	...
2001 estimate	453	460	57,166

Estimate by program	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Justice Management Division	453	460	53,222	453	469	50,169	453	460	53,102	453	460	57,166	453	460	57,166	...	...	...
Reimbursable workyears		39			39			49			49			49			...	
Total workyears		499			508			509			509			509			...	

General Administration
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Justice Management Division	Perm. Pos.	FTE	Amount
2000 Appropriated Enacted	453	460	$53,102
2001 Base	453	460	57,166
2001 Estimate	453	460	57,166
Increase / Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Justice Management Division provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration; ensures compliance by DOJ components with departmental and other Federal policies and regulations; and provides a full range of management and administrative support services.

The general goals and objectives of the Justice Management Division are:

To effectively establish Department policy, advise the Department leadership, and represent the Department on all matters pertaining to its organization, management, and administration.

To acquire quality, cost-effective automated systems and products that meet user needs and to manage and provide support for those systems.

To secure sufficient resources through budget and procurement processes and to ensure sound fiscal management of those resources.

To recruit, train, and retain a high quality workforce; provide safe, accessible, and environmentally sound work space; and promote worklife policies that contribute to employee effectiveness and satisfaction.

To increase the number of women and minority hires in key occupations and ensure the timely adjudication of EEO complaints.

Department of Justice

Detention Trustee

Estimates for Fiscal Year 2001

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Detention Trustee

Summary Statement and Performance Plan
Fiscal Year 2001

1. Detention Trustee

The Department requests $1,000,000, 6 positions, and 3 FTE for a Detention Trustee and necessary support staff. The Detention Trustee will report to the Deputy Attorney General and be responsible for managing Department detention resource allocations, exercising financial oversight of detention operations, and ensuring the implementation of efficiency and effectiveness improvements in Department detention operations.

In 2001, the President's budget contains requests for $2.2 billion for detention functions within the United States Marshals Service (USMS), the Immigration and Naturalization Service (INS), and the Bureau of Prisons (BOP). This represents 9 percent of the Department's total budget request. Detention costs will continue to increase as the detained population rises as a result of effective law enforcement initiatives, enforcement of immigration laws, and other factors. In 1999, serious funding shortfalls in several of the Department's key detention budgets underscores the need for strong management focus on the Department's detention functions.

In recognition of the importance of planning for detention needs and controlling detention costs, the Department conducted a Detention and Incarceration Study in 1998. This study examined the multiple aspects of detention in the Department, and offered 32 recommendations for improvement of the system. Of particular note, the study comments about various management issues, and makes findings and recommendations pertaining to centralized detention management. The study concluded that the Department's Detention Planning Committee (DPC), which is chaired by the Deputy Attorney General and includes as members the heads of USMS, INS, and BOP, needs "to develop solutions to issues that go beyond their individual component interests" and that "there must be more of a Departmentwide outlook on the part of the DPC."

By appointing a Detention Trustee, the Department will centralize the financial oversight of the detention functions of USMS and INS. In addition, the Trustee will seek to implement measures that improve overall effectiveness and efficiencies in the department's detention processes.

2. Costs of Illegal Aliens Held Outside Continental United States

The Department requests $25,000,000, to remain available until expended, to fund or reimburse other entities for the costs associated with the care, maintenance, detention, and repatriation of illegal aliens held outside the continental U.S.

In 1999, the U.S. Government intercepted 4,782 aliens, primarily from China and Cuba, trying to enter the United States illegally. In general, those aliens intercepted at sea are not subject to the Immigration and Nationality Act, and can be returned fairly quickly to their country of origin. Even in these cases, the U.S. Government often incurs the cost to hold, or to have another Government hold, the aliens until they are repatriated. In 1999, the costs of detaining illegal aliens outside the U.S. exceeded $15,800,000. For those aliens who reach the U.S. or its territories, however, the process becomes more complex and the costs are much greater. Most of these illegal aliens, if not all, apply for political asylum, and are detained pending adjudication of their asylum petitions and subsequent appeals. The U.S. incurs the cost of their care, detention, and, ultimately, repatriation if asylum is not granted. However, no agency is budgeted for these costs, and how these costs will be paid is a continuous issue of major concern.

The Department's request for $25 million will provide a fund from which the costs associated with illegal aliens held outside the continental U.S. can be paid, regardless of which government entity incurs the costs.

Detention Trustee
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service. The Trustee shall be responsible for (1) construction of detention facilities or for housing related to such detention; (2) the management of funds appropriated to the Department for the exercise of any detention functions; and (3) the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department, $26,000,000; of which not to exceed $25,000,000 is made available until expended to fund or reimburse other entities for the costs associated with the care, maintenance, detention, and repatriation of illegal aliens held outside the continental United States.

Explanation of Changes:

1. This language establishes the Detention Trustee account for the Department of Justice.

Detention Trustee
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	...
2001 Base	...	...	...
Program changes (detailed below)	6	3	26,000
2001 Estimate	6	3	$26,000

Estimates by Budget Activity	1999 Availability Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
1. Detention Trustee	...	...	...	...	...	...	...	...	...	...	...	...	6	3	$26,000	6	3	$26,000

Program Changes

The Department is requesting 6 positions, 3 FTE, and $26,000,000 to establish the Detention Trustee account. The Detention Trustee will report to the Deputy Attorney General and be responsible for managing Department detention resource allocations, exercising financial oversight of detention operations, and ensuring the implementation of efficiency and effectiveness improvements in Department detention operations. Of this amount, up to $25,000,000 in no-year funds is requested to fund or reimburse other entities for the costs associated with the care, maintenance, detention, and repatriation of illegal aliens held outside the the continental United States.

Detention Trustee
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: DETENTION TRUSTEE

	Perm. Pos.	FTE	Amount
Detention Trustee			
2000 Appropriation Enacted	...	...	...
2001 Base	...	...	...
2001 Estimate	6	3	26,000*
Increase/Decrease over Base	...	...	26,000

* Includes up to $25 million in no-year funds

PROGRAM DESCRIPTION/CHANGES: The Detention Trustee will report to the Deputy Attorney General and be responsible for managing Department detention resource allocations, exercising financial oversight of detention operations, and ensuring the implementation of efficiency and effectiveness improvements in Department detention operations.

For 2001, the Department seeks $26,000,000 to establish the Detention Trustee account. Of this amount, up to $25,000,000 in no-year funds is requested to fund or reimburse other entities for the costs associated with the care, maintenance, detention, and repatriation of illegal aliens held outside the continental United States.

Detentic :ster
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level III, $130,200	....		....		....		....	
Executive Level IV, $122,400	....		....		....		....	
ES-4, $130,200	....		....		....		....	
ES-3, $126,825	....		....		1		1	
GS-15, $84,638-110,028	....		....		....		....	
GS-14, $71,954-93,537	....		....		4		4	
GS-13, $60,890-79,155	....		....		....		....	
GS-12, $51,204-66,564	....		....		....		....	
GS-11, $42,724-55,541	....		....		....		....	
GS-10, $38,885-50,554	....		....		....		....	
GS-9, $35,310-45,900	....		....		....		....	
GS-8, $31,968-41,557	....		....		1		1	
GS-7, $28,866-37,522	....		....		....		....	
GS-6, $25,976-33,768	....		....		....		....	
GS-5, $23,304-30,292	....		....		....		....	
GS-4, $20,829-27,080	....		....		....		....	
GS-3, $18,555-24,120	....		....		....		....	
Ungraded positions	....		....		....		....	
Total, appropriated positions	....		....		6		6	
Average ES Salary		....		....		$126,825		
Average GS Salary		....		....		$72,483		
Average GS Grade		....		....		12.80		

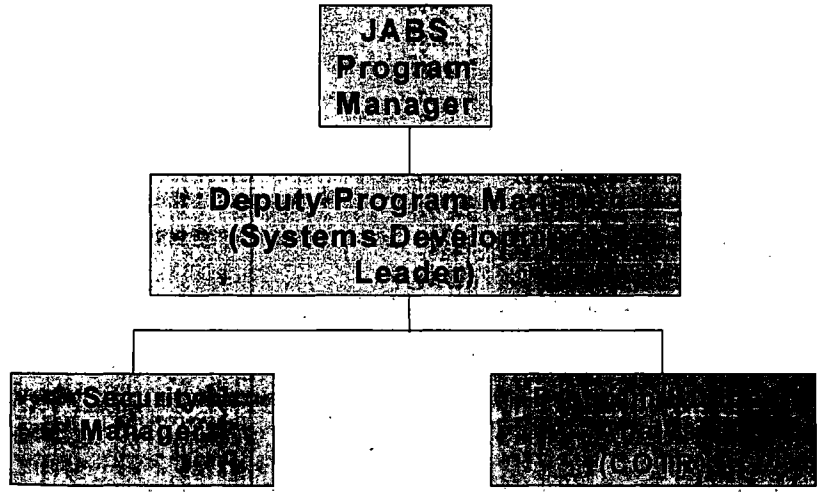
Detention Trustee
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	....	....	....	....	3	362	3	362
11.3 Other than full-time permanent	....	....	....	....	....	....	....	....
11.5 Total, Other personnel compensation	....	....	....	....	....	....	....	....
Overtime	....	....	....	....	....	....	....	....
Law Enforcement Availability Pay	....	....	....	....	....	....	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
Total	....	....	....	....	3	362	3	362
Reimbursable workyears:								
Full-time permanent	....		....		....		....	
Other Object Classes:								
12.0 Personnel benefits		....		....		121		121
13.0 Benefits to former personnel		....		....		....		....
21.0 Travel and transportation of persons		....		....		27		27
22.0 Transportation of things		....		....		3		3
23.1 GSA rent		....		....		145		145
23.3 Rental payments to others		....		....		....		....
23.3 Comm., util., & other misc. charges		....		....		5		5
24.0 Printing and reproduction:		....		....		6		6
25.1 Advisory and assistance services		....		....		....		....
25.2 Other services		....		....		25,303		25,303
25.3 Purchases of goods & svcs from Gov't account		....		....		....		....
25.4 Operation of GOCO's		....		....		....		....
25.5 Research and development contracts		....		....		....		....
25.7 Operation and Maintenance of Equipment		....		....		3		3
26.0 Supplies and materials		....		....		10		10
31.0 Equipment		....		....		15		15
Total obligations						26,000		26,000
Unobligated balance, start of year		....		....		....		
Unobligated balance, end of year		....		....		....		
Total requirements						26,000		
Relation of Obligation to Outlays:								
Total obligations						26,000		
Obligated balance, start of year		....		....		....		
Obligated balance, end of year		....		....		....		
Adjustments in expired accounts		....		....		....		
Outlays						26,000		

Department of Justice
Joint Automated Booking System
Estimates for Fiscal Year 2001
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Department of Justice
Joint Automated Booking System
Program Management Office



Joint Automated Booking System
Salaries and Expenses
Summary Statement
Fiscal Year 2001

For FY 2001, the Department requests $1,800,000 for the continued support of the Joint Automated Booking System (JABS) Program Management Office (PMO), and to fund operations and maintenance of JABS software and central database servers essential for the storage and transmission of offender data. JABS will eliminate repetitive booking of offenders, standardize Federal booking data elements, enable cross-agency sharing of booking information, enhance cooperation between law enforcement agencies, and reduce the threat to law enforcement officials and the public by facilitating the rapid and positive identification of offenders. JABS is intended to be transparent to each agency's mission critical booking capability, and will rely on component-supplied interfaces to integrate data from their mission critical booking systems. JABS will be designed to use the existing Depart of Justice (DOJ) IT architecture, DOJ's Justice Consolidated Network and the participating agencies' respective IT infrastructures and information systems. This request represents no increase over the appropriation for FY 2000.

Program Goals:

The JABS program goals are to:

- Automate the collection and transmission of biographical data, fingerprints and photographs of offenders;
- Provide an automated conduit for federal criminal justice agencies to IAFIS;
- Support the automation of federal booking processes;
- Reduce process and data redundancies in arrest bookings through data sharing;
- Reduce the time required for positive identification and processing of offenders;
- Enable law enforcement organizations to track offenders from booking through disposition, and;
- Enable law enforcement organizations to share and exchange booking information.

Joint Automated Booking System

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For expenses necessary for the nationwide deployment of a Joint Automated Booking System *including automated capability to transmit fingerprint and image data,* $1,800,000 to remain available until expended, *Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113)*

Explanation of Changes

1. This language clarifies the use of the Joint Automated Booking System for automated transmission of fingerprint and image data.

Joint Automated Booking System
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

Activity/Program	2000 President's Budget Request			Congressional Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Joint Automated Booking System			...			$1,800						$1,800
Total	...	...	...	...	...	1,800	...	...	...	...	...	1,800

Congressional Appropriations Actions

The Congressional Budget submission for FY 2000 did not include a Justice Automated Booking System (JABS) funding request. However, Congress proivded $1,800,000 for the JABS. In addition, Congress provided that $4,200,000 in Assets Forfeiture Fund/Super Surplus may be used for JABS.

Joint Automated Booking System
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$1,800
Increases:			
Adjustments to Base	...	...	...
2001 base	...	...	1,800
Program Changes (See Program Narrative for Details)	...	...	...
2001 estimate	...	...	1,800

Estimates by budget activity	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Joint Automated Booking System									$1,800	...	...	$1,800	...	...	$1,800	...	...	...
Total									1,800	...	...	1,800	...	...	1,800	...	...	...

Joint Automated Booking System
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

Collections by Sources	1999 Actual Pos.	WY	Amount	2000 Approp. Enacted Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Asset Forfeiture Fund			$10,000	..	..	$4,200	...	...	...	...	...	(4,200)
Budgetary Resources			10,000			4,200	...	...	...	...	...	(4,200)

In FY 1999 $10,000,000 was provided in reimbursable funding from the Assets Forfeiture Fund/Super Surplus (AFF/SS)
In FY 2000, $4,200,000 was provided in reimbursable funding from the AFF/SS

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Joint Automated Booking System
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Narrowband Communications	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	$ 1,800
2001 Base	...	...	$ 1,800
2001 Estimate	...	...	$ 1,800
Increase / Decrease	...	...	...

PROGRAM DESCRIPTION:

JABS has a base program of $1,800,000 for program management support. The JABS Program Management Office (PMO) functions as the technical system integrator for JABS, providing centralized monitoring and oversight. The PMO provides a centralized budget function to ensure the successful, simultaneous deployment of both the JABS information sharing system and agency automated booking capabilities. The PMO also establishes centralized procurement vehicles to facilitate volume purchases of JABS equipment required by the participating components.

JABS is a major DOJ initiative and represents the first information sharing project among DOJ's five law enforcement components: Bureau of Prisons (BOP); Drug Enforcement Administration (DEA); Federal Bureau of Investigation (FBI); Immigration & Naturalization Service (INS) and the U.S. Marshals Service (USMS). JABS itself is not an infrastructure project. However, the JABS Program is an initiative that will enable participating agencies to build an automated booking capability using their respective infrastructures and to share information by using the DOJ information technology infrastructure and architecture.

In regard to the relationship to the DOJ Strategic Plan, JABS will promote the Department's goals of (1) implementation of a common information technology infrastructure and enterprise-wide architecture and (2) the resulting ability of participating agencies to share information in the conduct of their respective criminal justice missions.

For Fiscal Year (FY) 1999, JABS received $10 million from the Assets Forfeiture Fund Super Surplus (AFFSS). These funds were used to support the development of the components' automated booking stations (ABS); to identify security and system requirements as explained in the JABS System Boundary Document; to support the South Florida Pilot System; for JABS system engineering design, engineering, hardware and software; and (5) $1.7 million for JABS Program Management including development of applicable program plans.

For FY 2000, the JABS received $6 million to continue deployment of JABS and the rollout of automated booking capabilities within law enforcement agencies. This $6 million includes $1.8 million in appropriated funding and $4.2 million in additional funding provided via the AFFSS. These funds will be used for program management, maintenance of JABS software, establishing the production and contingency operating sites, and continued support of the components' ABS development and deployment.

Planned Base Initiatives:

For Fiscal Year 2001, the PMO will use the $1.8 million for program management support and maintenance of the JABS production system. Additionally, the PMO will continue to explore possible participation by other Federal agencies (i.e., Treasury) that would benefit from the automated booking capabilities and information sharing capabilities of JABS.

Joint Automated Booking System
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensatio	...	...	...	$407	...	$385	...	($22)
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11 5 Total, Other personnel compensation	...	...	...	...	...	...	...	...
Overtime	...	...	...	...	...	...	...	...
Other Compensation	...	...	...	*10*	...	*9*	...	*(1)*
11 8 Special personal services payments	...	...	...	...	...	...	...	...
Total	...	...	...	417	...	394	...	(23)
Reimbursable workyears								
Full-time permanent			...		...		...	
Other Object Classes								
12.0 Personnel benefits		...		59		56		(3)
21 0 Travel and transportation of persons		...		37		30		(7)
22 0 Transportation of things		...		6		3		(3)
23.1 GSA rent		...		103		86		(17)
23.3 Comm., util., & other misc. charges		...		25		234		209
24.0 Printing and reproduction		...		5		5		...
25.1 Advisory and assistance services		...		1,050		600		(450)
25.2 Other services		...		25		25		...
25.3 Purchases of goods & services from Gover		...		...		...		...
25.4 Operation of GOCOs		...		...		...		...
25.5 Research and Development Contracts		...		...		...		...
25.7 Operation and Maintenance of Equipment		...		...		330		330
26.0 Supplies and materials		...		25		25		...
31.0 Equipment		...		48		12		(36)
Total obligations		...		1,800		1,800		...
Unobligated balance, start of year		...		...		...		
Unobligated balance, end of year		...		...		...		
Total requirements		...		1,800		1,800		
Relation of Obligation to Outlays:								
Total obligations		...		1,800		1,800		
Obligated balance, start of year		...		...		198		
Obligated balance, end of year		...		(198)		(198)		
Outlays				1,602		1,800		9

Department of Justice
Narrowband Communications
Estimates for Fiscal Year 2001
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Narrowband Communications
Salaries and Expenses
Summary Statement
Fiscal Year 2001

For 2001, the Department seeks a total of $205,000,000 in no-year funding, 12 positions, and 12 FTE, for the conversion of wireless radio communications to narrowband operations. This represents an increase of $89,059,000 over the FY 2000 appropriation level to purchase radios and narrowband infrastructure, legacy operations and maintenance, as well as spectrum management services. This request includes $81,555,000 to continue the implementation of the Justice Wireless Network (JWN), $7,000,000 for wireless commercial services, and $504,000 for spectrum management services. The Wireless Management Office (WMO) will consolidate wireless communications management functions, including procurement, radio site development, and spectrum management.

This request includes $92,545,000 which was transferred from various component's bases in FY 2000, as follows: $50,000,000 from the Federal Bureau of Investigation (FBI), $20,733,000 from the Drug Enforcement Administration (DEA), $18,510,000 from the Immigration and Naturalization Service (INS), $2,762,000 from the United States Marshals Service (USMS), $500,000 from the Bureau of Prisons (BOP), and $40,000 from the Office of the Inspector General (OIG).

Federal Government agencies are required by 47 U.S.C. 903(d)(1) to make more efficient use of their radio spectrum. The National Telecommunications and Information Administration (NTIA) is implementing regulations that require all Federal spectrum users to narrow, by one-half, the bandwidth used to transmit radio signals by the year 2005 for Very High Frequency (VHF) allocations and 2008 for Ultra High Frequency (UHF) allocations. The Department's 2001 Budget includes $92,545,000 in FY 2000 transfers from components to accelerate the necessary equipment upgrades to comply with these deadlines.

Narrowband Communications

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 2000 budget estimates include changes in the appropriation language listed and explained below. New language is italicized and underlined, and language for deletion is bracketed.

Salaries and Expenses

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 USC 903(d)(1)), [$10,625,000] *including the costs for operation and maintenance of Land Mobile Radio legacy systems, $205,000,000, to remain available until expended. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)*

Explanation of Changes

1. This language provides funding for implementing the Justice Wireless Network and associated projects.

Narrowband Communications
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

	2000 President's Budget Request			Congressional Appropriations* Action on 2000 Request			Transfers Between Accounts	Reprogrammings			Government-wide .38 % Rescission	2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Amount	Pos.	WY	Amount	Amount	Pos.	WY	Amount
Narrowband Communications Fund	6	6	$80,000	6	6	($69,375)	$92,545	...	...	...	2	12	12	$103,168
Total	6	6	80,000	6	6	(69,375)	92,545	...	...	...	2	12	12	103,168
								...	...	...				

Congressional Appropriation Action on 2000 Request

Congress approved 12 positions, 12 workyears, and $10,625,000 in direct funding, $92,545,000 in transfers (as noted below), and $12,771,000 in Assests Forfeiture Fund/Super Surplus (AFF/SS) funding for the conversion of wireless radio communications to narrowband operations.

Congress approved the following transfers: $50,000,000 from the FBI, $20,733,000 from the DEA, $18,510,000 from INS, $2,762,000 from USMS, $500,000 from the BOP, and $40,000 from the OIG.

Narrowband Communications
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	12	12	$10,625
Transfers from other accounts	...	...	92,545
Government-wide 0.4% rescission pursuant to H.R. 3425			(2)
2000 Availability	12	12	103,168
Increases:			
Adjustments to Base	...	...	13,277
2001 base	12	12	116,445
Program Changes (See Program Narrative for Details)	...	...	88,555
2001 estimate	12	12	205,000

Estimates by budget activity	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
										...		$88,555
Narrowband Communications Fund	12	12	$103,168	12	12	$116,445	12	12	$205,000	...	...	...
Total	12	12	103,168	12	12	116,445	12	12	205,000	...	...	88,555

2000 Funds transferred from other accounts, as follows

FBI	$50,000,000
INS	18,510,000
DEA	20,733,000
USMS	2,762,000
BOP	500,000
OIG	40,000
	$92,545,000

Adjustments to base include $504,000 for spectrum management, and $12,771,000 from the Assets Forfeiture Fund/Super Surplus (AFF/SS).

Narrowband Communications
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

Collections by Sources:	1999 Actual Pos.	WY	Amount	2000 Approp. Enacted Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Asset Forfeiture Fund	...	...	$23,396	...	...	$12,771	...	...	...	...	...	(12,771)
Budgetary Resources	...	...	23,396	...	...	12,771	...	...	...	...	...	(12,771)

In FY 1999, $23,396,000 was provided in reimbursable funding from the Asset Forfeiture Fund Super Surplus (AFF/SS).
In FY 2000, $12,771,000 was provided in reimbursable funding from the AFF/SS.

Narrowband Communications
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Narrowband Communications	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	12	12	$103,168
2001 Base	12	12	116,445
2001 Estimate	12	12	205,000
Increase / Decrease	0	0	88,555

BASE PROGRAM DESCRIPTION:

The Department faces a number of serious challenges in providing its agents and officers with operationally effective wireless communications in the next millennium, including: 1) meeting the National Telecommunications and Information Administration (NTIA) mandate that all Federal spectrum users narrow, by one-half, the bandwidth used to transmit radio signals by the year 2005 for Very High Frequency (VHF) and 2008 for Ultra High Frequency (UHF) allocations, which is based on the Title 47, U.S.C. 903 (d)(1) requirement that all federal government agencies make more efficient use of their radio spectrum; 2) improving interoperability among Federal, state, and local law enforcement personnel, which has become critical as task forces and coordination among different law enforcement agencies have become increasingly important to successful operations; and, 3) taking advantage of new wireless technologies and commercial services to expand features and improve performance. To meet these challenges while minimizing the amount of investment dollars needed to implement new systems, the Department has consolidated and centralized the implementation and management of DOJ narrowband wireless systems for the major DOJ bureaus (Federal Bureau of Investigation, Drug Enforcement Administration, Immigration and Naturalization Service, United States Marshals Service, Federal Bureau of Prisons, and the Office of Inspector General). The establishment of the Narrowband Communications Account is a direct result of this effort and centralizes all funding for Land Mobile Radio (LMR) systems within one account.

Investigative and operational activities of Federal law enforcement rely extensively on the ability to communicate via LMR. Commercial telecommunications services, although improving significantly in terms of coverage and capability, do not meet the reliability, accessibility, and security requirements of Federal law enforcement agencies, particularly for tactical, sensitive communications. In order to provide the ability to communicate, the Department maintains an extensive infrastructure of radio and wireless equipment, vehicular radios, and handheld portable radios to provide reliable, secure and quick communications between

agents and/or field office personnel. Many of the communications systems used by the Department's law enforcement personnel have been operational for an extended period of time and have, or will have, surpassed their life expectancy within the next few years. Further, much of the equipment is out of production and can no longer be supported. These issues coupled with the NTIA narrowband mandate and the need for interoperability among law enforcement agencies requires the Department to make substantial investments in upgrading and improving wireless radio systems.

Over the last year, the Department has made major changes in the management and implementation of wireless radio systems. A comprehensive review and evaluation of the Department's approach for implementing the narrowband conversion has resulted in the development of a Justice Wireless Communications Plan. This has brought down the projected systems investment by almost $1 billion, and both validates the importance of narrowband radio systems and provides a detailed "roadmap" for consolidating the individual component's narrowband efforts into a coordinated and centrally managed program. The cornerstone of the wireless communications plan is the consolidation of component narrowband radio systems into a common wireless "backbone" or Justice Wireless Network (JWN). The development of this system will allow for a phased approach for the consolidation of the components' radio requirements into the JWN. To manage this major consolidation effort, the Department has established the Wireless Management Office (WMO) within the Justice Management Division. The WMO will be responsible for the planning, implementation and operation of the JWN as well as managing all funds within the Narrowband Communications account.

Under the Department plan, FY 2000 will be dedicated to: cutting operations and maintenance costs of legacy systems; developing department-wide standards, policies, and operating procedures; continuing pilot sites in San Diego, Salt Lake City, and Seattle to test operation and system design concepts; completing the planning for the JWN; beginning the implementation of the JWN in the Western part of the United States; and assessing the feasibility of using commercial services to meet DOJ law enforcement wireless communications needs. For FY 2001, the Department is requesting no-year funding to complete implementation of the JWN in the Western part of the United States, to begin implementation in the Central part of the US, and to procure commercial wireless services to minimize the need to invest in LMR infrastructure. All narrowband conversion funds will be managed by the WMO and funds will be reimbursed to components only for use in performing those fiscal year 2001 activities that have been identified in the Department Wireless Communications Plan. The following summarizes the fiscal year 2001 effort.

Additionally, Public Law 1040134 authorized the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 2001 will increase by $504,139 above the 2000 estimate of $1,403,824, based on the annual number of frequency assignments and initiatives that are required by the NTIA.

PROGRAM CHANGES

	Pos.	FTE	Amount
Narrowband Communications	...	...	$88,555

Land Mobile Radio

As part of the total increase of $88,555,000 the Department is requesting an increase of $81,555,000 in no-year funding to continue the implementation of the JWN. In FY 2000, the Department will have established technical standards for resource sharing and interoperability, and will have completed engineering assessments of radio requirements in the West Region for all components. In FY 2001, the Department's efforts will focus mainly on implementing the JWN. The Department has developed a regional implementation framework that sequences activities within regions, beginning with the West Region, which includes the states of Alaska, Hawaii, Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico. The Department will then move to implement the JWN in the Central, East, and Northeast regions. The funds will allow the Department to fully implement the JWN in the West Region in FY 2001, which has over 14,000 agents and officers, and begin implementation in the Central Region (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, and Mississippi).

Specifically, $31,335,000 will be used for infrastructure investment such as base stations, repeaters, and receivers, and $16,420,000 will be used to fund system installation, engineering, integration, documentation, and training. The WMO is concentrating the investment in infrastructure as this element is the most difficult, time intensive aspect to implement and is the critical success factor in meeting the NTIA mandate. Additionally, $33,800,000 will be used to fund the acquisition of subscriber equipment including portable and mobile radios as well as power booster adapters for vehicles. Including base resources, the Department will procure over 14,000 radios in FY 2001. All new radios will meet narrowband specifications and JWN standards.

Commercial Services

The Department is also requesting an increase of $7,000,000 in no-year funding for wireless commercial services.

Maximizing the use of commercial services is central to the DOJ's strategy to minimize land mobile radio (LMR) investment requirements and to provide the right types of functionality in the field to support operations. The types of commercial services included in the request include cellular, personal communications services (PCS), specialized mobile radio (SMR), mobile satellite

services (MSS), and mobile data services. Altogether, they provide a complementary solution to meeting DOJ's wireless requirements. By off-loading non-tactical wireless requirements onto commercial services, DOJ can reduce the investment in LMR solutions, both by reducing the number of subscriber devices and LMR traffic. Both of these factors significantly reduce investment requirements. Commercial services, both voice and data services, also provide additional functionality needed to support operations. Voice capabilities provide the ability to communicate directly with "off-net" parties such as the public and United States Attorneys, and provide additional features such as caller ID and voice mail features. Data capabilities provide formatted computer-based data to the agent which may include case history, deconfliction, biometric data, and other information stored and shared in criminal justice and law enforcement data bases.

Of the amount requested, $5,940,000 will be used to fund cellular, PCS, and SMR services, $450,000 will be used for MSS services, and $610,000 will fund the use of mobile data services.

Narrowband Communications
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

	The Wireless Management Office	
	Pos.	Amount
SES-I	1	126
GS-15	2	210
GS-14	7	518
GS-13	...	...
GS-12	...	...
GS-11	...	...
GS-10	...	...
GS-9	1	34
GS-8	1	31
GS-7	...	...
GS-5	...	...
Total positions & annual rate	12	919
Lapse (-)*	...	...
Other Personnel Compensation	...	...
Total workyears & personnel compensation	12	919
Personnel benefits		235
Travel & transp of persons		181
Transportation of things		3
GSA Rent		33
Comm., rents, & utilities		239
Printing		3
Advisory and Assistance Svs		7,031
Other Services		504
Operation and Maint. of Equipment		72,390
Supplies & materials		34
Equipment		123,428
Total, workyears & obligations changes requested, 2001	12	205,000

*All positions will be occupied 10/1/00

NARROWBAND COMMUNICATIONS
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted*	12	12	$103,168
Adjustments to base:			
Land Mobile Radios	...	...	12,771
FY 2000 resources supporting the Department's Narrowband Wireless Communications Program, which were derived from the Assets Forfeiture Super Surplus Fund, represented one-time resources. Because the initiatives of this program are on-going, appropriated resources are required in FY 2001, and beyond, to procure and maintain the required Land Mobile Radio infrastructure and subscriber equipment, as well as the commercial wireless services and equipment for the FBI, DEA, USMS, INS, BOP, and OIG.			
Pay Raise	...	...	2
Spectrum Management			504
Public Law 104-134 authorized the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 2001 will increase by $504,139 above the 2000 estimate of $1,403,824, based on the annual number of frequency assignments and initiatives that are required by the NTIA.			
Total, Mandatory Increases	...	...	13,277
2001 base	12	12	116,445
Program changes (See Program Narrative for Details)	...	...	88,555
2001 Estimate	12	12	205,000

*Appropriation enacted includes transfers of $92,545,000 from other accounts.

Narrowband Communications
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
ES-6, $130,200	...		1		1		...	
GS-15, $84,636-110,028	...		2		2		...	
GS-14, $71,954-93,537	...		7		7		...	
GS-9, $35,310-45,900	...		1		1		...	
GS-8, $31,968-41,557	...		1		1		...	
Total, appropriated positions	...		12		12		...	
Average ES Salary		...		...		$130,200		
Average Ungraded Salary		...		...		N/A		
Average GS Salary		...		...		$76,265		
Average GS Grade		...		...		14.28		

Narrowband Communications
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	...	...	12	$773	12	$919	...	$146
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11.5 Total, Other personnel compensation	...	...	...	...	...	...	...	...
Overtime	...	...	...	...	...	...	...	...
Other Compensation	...	...	...	...	...	...	...	...
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	...	...	12	773	12	919	...	146
Reimbursable workyears:								
Full-time permanent	...		...		...		...	
Other Object Classes:								
12.0 Personnel benefits		...		180		235		55
21.0 Travel and transportation of persons		...		176		181		5
22.0 Transportation of things		...		3		3		...
23.1 GSA rent		...		33		33		...
23.3 Comm., util., & other misc. charges		...		231		239		8
24.0 Printing and reproduction		...		3		3		...
25.1 Advisory and assistance services		...		4,872		7,031		2,159
25.2 Other services		...		...		504		504
25.3 Purchases of goods & services from Government accl		...		...		...		...
25.4 Operation of GOCOs		...		...		...		...
25.5 Research and Development Contracts		...		...		...		...
25.7 Operation and Maintenance of Equipment		...		63,958		72,390		8,432
26.0 Supplies and materials		...		33		34		1
31.0 Equipment		...		32,906		123,428		90,522
Total obligations		...		103,166		205,000		101,832
Relation of Obligations to Outlays:								
Total Obligations				103,168		205,000		
Obligated balance, start of year		...		...		34,950		
Obligated balance, end of year		...		(34,950)		(61,456)		
Outlays		...		68,218		178,494		

Department of Justice
Public Key Infrastructure
Estimates for Fiscal Year 2001
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Public Key Infrastructure
Salaries and Expenses
Summary Statement
Fiscal Year 2001

For FY 2001, the Department seeks no-year funding of $4,376,000 to begin development and implementation of a DOJ Public Key Infrastructure (PKI). Funds will be allocated to the Drug Enforcement Administration ($2,876,000) to build DEA's certificate authority and directory services, and to the Justice Management Division ($1,500,000) for the development of the DOJ-wide bridge authority that will ensure the DOJ PKI is fully functional across the Department and is compatible with the infrastructure being developed by the Federal bridge authority.

Current legislation requires the Department of Justice and other Federal Agencies to consider alternative means to accept electronic transmissions from the public. The Paperwork Elimination Act mandates that federal agencies provide electronic forms to the public and a secure method for transmitting completed forms back to the government. The Office of Management and Budget has prepared guidelines to help agencies develop electronic versions of forms to accept "electronic signatures." The Department has focused on the functionality provided by a Departmental PKI to assist in meeting the requirements of this mandate.

No-year funding of $4,376,000 will be managed centrally by the Department to ensure all components deploy and implement PKI appropriately.

Public Key Infrastructure

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For expenses necessary to implement public key infrastructure

$4,300,000 to remain available until expended

Explanation of Changes

1. This language establishes the Public Key Infrastructure account for the Department of Justice.

Public Key Infrastructure
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	...
Increases:			
Adjustments to Base	...	...	...
2001 base	...	...	...
Program Changes (See Program Narrative for Details)	...	...	$4,376
2001 estimate	...	...	4,376

Estimates by budget activity	1999 as Enacted Pos.	WY	Amount	1999 Actual Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
Public Key Infrastructure	...	...	...	...	...	...	...	...	...	...	...	...	...	...	$4,376	...	...	$4,376
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,376	...	...	4,376

Public Key Infrastructure
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Public Key Infrastructure	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	...
2001 Base	...	...	...
2001 Estimate	...	...	$ 4,376
Increase / Decrease	0	0	4,376

PROGRAM DESCRIPTION:

The deployment of a full-featured Public Key Infrastructure (PKI) coupled with effective security policies will provide the necessary means through which to secure the Department's critical infrastructures. Public key technology provides a mechanism to strongly authenticate users over closed or open networks, ensure (end-user to end-user) the integrity of data transmitted over those networks, achieve technical non-repudiation for transactions, and allow strong encryption of information for privacy/confidentiality or security purposes. The strong authentication of users is a critical element in securing the Department's critical infrastructure. Ensuring the integrity of data from end-user to end-user makes it more difficult for data substitution attacks. PKI provides the capability for technical non-repudiation, which binds a user to a transaction in a fashion that provides important forensic evidence in the event of a later problem, and confidentiality which protects private information from being divulged.

Current legislation requires the Department of Justice and other Federal Agencies to consider alternative means to accept electronic transmissions from the public. The Paperwork Elimination Act mandates that federal agencies provide electronic forms to the public and a secure method for transmitting completed forms back to the government. The Office of Management and Budget has prepared guidelines to help agencies develop electronic versions of forms to accept "electronic signatures." The Department has focused on the functionality provided by a Departmental PKI to assist in meeting the requirements of this mandate.

To migrate to a secure, paperless electronic environment within the Department, a secure platform is required. The Department anticipates that many paper transactions could be replaced with much more cost effective electronic transactions with a higher level of authentication and integrity which can be handled best by the application of digital signatures. Digital signatures, together with a viable PKI, will accelerate the migration to a secure paperless electronic organization. In the future, to foster seamless electronic communications among the components and to ensure reliable and cost-effective network operations, components of the Department will need to improve network security, and strengthen service level management capabilities through a robust PKI capability.

For FY 2001, the Department seeks no-year funding of $4,376,000 for the PKI development and implementation. The PKI funds will be centrally managed and only used to perform the FY 2001 activities that have been identified in the Departmental PKI Implementation Plan. The following summarizes the FY 2001 component effort that will be accomplished in support of PKI.

PROGRAM CHANGES (Dollars in thousands)

	Perm. Pos.	FTE	Amount
DOJ Bridge Certificate Authority	...	...	$ 1,500
DEA	...	...	2,876
	0	0	$ 4,376

Bridge Certificate Authority

The Departmental PKI architecture will be based on a network model to ensure flexibility, scalability, and interoperability among the components of the Department. The technical implementation of this model will use the Bridge Certificate Authority (CA) concept, which was proposed by the Federal PKI steering committee. The Bridge CA facilitates trust between participating component certificate authorities. The proposed architecture incorporates the notion of full redundancy and disaster recovery for the DOJ Bridge CA and for each component CA. The cost to implement a Bridge CA includes, among other items, the following: design and integration, development of the concept of operations, policy statements, certificate practice statement; Bridge CA secure facility; disaster recovery network, software licenses, digital notary, archive; and, internal firewall.

Component PKI - DEA

Each component PKI is expected to include the following items: development of supporting policy documents; design and integration services; secure facilities and equipment; deployment and installation, archive management; "hot" spare disaster recovery site; user certificates; component directory and border directory; digital notary; archive; required user licenses and client software; and tokens and smart cards. In FY 2001, DEA will become the first DOJ component to implement a certificate authority and begin integrating PKI into several of its application areas. DEA has been chosen to go first because they have the most refined plan for the use and implementation of PKI within DOJ.

Public Key Infrastructure
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	...	...	...	...	...	...	...	...
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11.5 Total, Other personnel compensation	...	...	...	...	...	...	...	...
Overtime	...	...	...	...	...	...	...	...
Other Compensation	...	...	...	...	...	...	...	...
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	...
Reimbursable workyears:								
Full-time permanent	...		...		...		...	
Other Object Classes:								
12.0 Personnel benefits		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.3 Comm., util., & other misc. charges		...		...		...		...
24.0 Printing and reproduction:		...		...		...		...
25.1 Advisory and assistance services		...		...		2,075		2,075
25.2 Other services		...		...		...		...
25.3 Purchases of goods & services from Gover		...		...		...		...
25.4 Operation of GOCOs		...		...		...		...
25.5 Research and Development Contracts		...		...		...		...
25.7 Operation and Maintenance of Equipment		...		...		...		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		2,301		2,301
Total obligations		...		...		4,376		4,376
Unobligated balance, start of year		...		...		...		
Unobligated balance, end of year		...		...		...		
Total requirements		...		...		4,376		
Relation of Obligation to Outlays:								
Total obligations		...		...		4,376		
Obligated balance, start of year		...		...		...		
Obligated balance, end of year		...		...		(481)		
Outlays		...		...		3,895		6

Department of Justice
General Administration
Telecommunications Carrier Compliance Fund
Estimates for Fiscal Year 2001
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Department of Justice
General Administration
Telecommunications Carrier Compliance Fund
Summary Statement and Performance Plan
Fiscal Year 2001

The FY 2001 budget request includes an enhancement of $105,000,000 in direct appropriations for the Telecommunications Carrier Compliance Fund (TCCF). Additionally, the Administration is proposing that $120,000,000 within the Department of Defense appropriation be made available to the TCCF through a reimbursable agreement between the Department of Justice (DOJ) and the Department of Defense.

2001 Performance Plan and 1999 Accountability Report

A. Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Telecommunications Carrier Compliance (TCC) program is to preserve law enforcement's ability to conduct lawfully-authorized electronic surveillance in order to ensure national security and public safety while remaining the public's right to privacy.

The DOJ Strategic Plan (1998-2002) identifies seven "core" functions that establish the framework for the goals and strategies of the plan. The TCC program directly supports two of these core functions: "Investigation and Prosecution of Criminal Offenses" and "Assistance to Tribal, State and Local Governments."

Within the "Investigation and Prosecution of Criminal Offenses" core function, the program supports all five identified goals:

Goal 1: Reduce violent crime, including organized crime and gang-related violence.
Goal 2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.
Goal 3: Reduce espionage and terrorism (sponsored by foreign and domestic groups in the United States and abroad when directed at U.S. citizens or institutions).
Goal 4: Reduce white-collar crime.

Goal 5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal agencies that are critically linked to improved operation of the Nation's justice system.

Within the "Assistance to State and Local Governments" core function, the TCC program specifically supports the following goal:

Goal 1: Invest in the crime-fighting and criminal juvenile justice system capabilities of state and local governments.

B. Highlights of 1999 Mission Critical Results

The DOJ began reimbursement activity to the telecommunications industry during FY 1999. Using a CALEA software Right to Use (RTU) license agreement approach, the DOJ committed $101,800,000 of the $102,580,270 available in the TCCF to reimburse industry for CALEA software solutions on four priority switching platforms. The DOJ pursued software RTU license agreements with manufacturers and their facilitating carrier partners on one or more of their high priority switching platforms. As a result of these negotiations, on September 10, 1999, Ameritech Services, Inc., Nortel Networks, Inc., and the DOJ entered into a software RTU license agreement. The purpose of the agreement is to reimburse Ameritech for its purchase of the CALEA software RTU license for the DMS-100 wireline switching platform and to establish an agreed upon total license fee for four Nortel switching platforms: the DMS-100 and DMS-10 wireline platforms, the DMS-MTX cellular platform, and the DMS-MSC Personal Communications Services (PCS) platform switches. On December 30, 1999, an agreement was signed between Nortel, AirTouch Cellular, and the DOJ for the RTU license on the DMS-MTX switch platform. As a result of this agreement, Nortel Networks will grant a CALEA software RTU license to other carriers at no charge for all switches of the same platform type installed or deployed on or before January 1, 1995. In addition, the DOJ has worked with AG Communications, Lucent Technologies, Motorola, and Siemens, and has reached an informal agreement relative to the nationwide RTU license price with each of these manufacturers; however, these agreements cannot be finalized without additional funding.

The DOJ has also initiated capability-related and capacity-related activities with the telecommunications industry regarding technologies and services other than wireline, cellular and broadband PCS, (e.g., paging, Mobile Satellite Services [MSS]; Specialized Mobile Radio [SMR]; and Enhanced Specialized Mobile Radio [ESMR]. Those activities included developing consensus law enforcement electronic surveillance requirements for telecommunications technologies required to comply with CALEA pursuant to the assistance capability requirements of Section 103, and identifying, publishing, and ensuring deployment of capacity requirements in accordance with Section 104 of CALEA.

C. FY 2001 Performance Goals and Indicators

The goal of the TCC program is to reimburse the telecommunications industry, in a cost effective manner, for the modifications necessary to deploy CALEA solutions. In 2001, it is anticipated that there will be two telecommunications technologies for which capacity-related activities have been initiated.

D. New FY 2001 Initiatives

An enhancement of $105,000,000 will continue the acquisition of generic software releases comprising the CALEA solutions for two additional priority wireline and two priority wireless platforms. It is expected that these acquisitions will make CALEA solutions available in many priority geographic regions, including urban areas where significant crime levels exists. Also included for high priority CALEA coverage are the High Intensity Drug Trafficking Areas and the Southwest Border Initiative locations.

E. Data Validation and Verification Issues

Data Collection and Storage: Data on the number of priority switching platforms/intelligent network peripherals undergoing systems deployment will be collected through disbursement of TCCF funds, and data regarding historical electronic surveillance activity will be collected through the DOJ's Flexible Deployment Assistance Guide using both automated and manual collection and input methods.

Data Validation and Verification: Data regarding historical electronic surveillance activity on specific switches will be validated with respect to the switching equipment using the Local Exchange Routing Guide. To the extent possible, actual historical electronic surveillance activity will be verified with law enforcement agencies performing lawfully-authorized electronic surveillance within a given geographic region.

Data Limitations: Due to the competitive sensitivities regarding the provision of cost and price data, the DOJ has limited access to substantiate CALEA solution prices.

F. Resources

Strategic Goal	1999 Dollars ($000s)	Pos.	FTE	2000 Dollars ($000s)	Pos.	FTE	2001 Dollars ($000s)	Pos.	FTE
Investigation and Prosecution of Criminal Offenses, Goals 1-5 and Assistance to State and Local Government, Goal 1	$0	0	0	$15,000	0	0	$120,000	0	0

G. Summary Performance Plan, Performance Goals, Targets and Actuals

PROGRAM: TELECOMMUNICATIONS CARRIER COMPLIANCE FUND
DEPARTMENT OF JUSTICE CORE FUNCTION: Core Function 1 - Investigation and Prosecution of Criminal Offenses and Core Function 2 - Assistance to Tribal, State and Local Governments.
STRATEGIC GOAL: Supports Goals 1-5 of Core Function 1 and Goal 1 of Core Function 2.
COMPONENT ANNUAL PERFORMANCE GOAL: To preserve the existing capabilities of Federal, State and local law enforcement agencies to lawfully conduct court-authorized electronic surveillance and to effectively articulate law enforcement's electronic surveillance requirements and deployment priorities to the telecommunications industry.

PERFORMANCE INDICATOR INFORMATION

			Performance	Report		Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	# of Embedded Base Switching Platforms Identified from Historical Activity	Analysis of Historical Electronic Surveillance (ELSUR) Activity Data	35	35	35	35	35
	Embedded Base Switching Platforms Representing Priority Platforms		19	14	14	14	14
	# of Priority Platforms Identified for Solutions						
	Wireline		14	7	7	7	7
	Wireless		5	7	7	7	7
Activities	# of Priority Switching Platforms/Intelligent Network Peripherals Undergoing Systems Deployment (Cumulative)	Analysis of Historical ELSUR Activity Data	....	...	...	4	6
Outputs	Percent of historical wiretap activity covered by solutions resident on switched	Historical ELSUR Activity Data	...	...	...	20	45

A: Data Validation and Verification: Data Collection and Storage: Data on the number of priority switching platforms/intelligent network peripherals undergoing systems deployment will be collected through disbursement of TCCF funds, and data regarding historical electronic surveillance activity will be collected through the DOJ's Flexible Deployment Assistance Guide using both automated and manual collection and input methods.

Data Validation and Verification: Data regarding historical electronic surveillance activity on specific switches will be validated with respect to the switching equipment using the Local Exchange Routing Guide. To the extent possible, actual historical electronic surveillance activity will be verified with law enforcement agencies performing lawfully-authorized electronic surveillance within a given geographic region.

Data Limitations: Due to the competitive sensitivities regarding the provision of cost and price data, the DOJ has limited access to substantiate CALEA solution prices.

Systems Deployment - Results in deployment to geographical areas with highest need.

C. Issues Affecting Selection of FY 2000 and 2001 Plans.
Industry design and development of CALEA solution independent of cooperative agreements.
Date of solution availability.
Market price established by what the market will bear as carriers purchase solutions.
The level of funding which will be transferred or available to the TCCF.

General Administration
Telecommunications Carrier Compliance Fund
Justification of Proposed Changes in Appropriations Language

The 2001 Request to the Congress includes proposed changes in the appropriations language listed and explained below. New language is italicized and underlined, while deleted matter is enclosed in brackets.

Telecommunications Carrier Compliance Fund

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), [$15,000,000] *$120,000,000*, to remain available until expended. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act , Public Law 106-113).

Explanation of Change: The 2000 Justice Appropriations Act provided $15,000,000 for the Telecommunications Carrier Compliance Fund. For 2001, base level funding of $15,000,000 plus an increase of $105,000,000 is requested for payments authorized by the Act, for a total of $120,000,000.

General Administration
Telecommunications Carrier Compliance Fund
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Telecommunications Carrier Compliance	...	...	...	...	...	...	...	...	...	...	...	$60,000	...	...	$60,000

Reprogrammings. None.

Transfers Between Accounts. None.

Unobligated Balance Brought Forward. In addition to the $60,000,000 unobligated balance brought forward from prior years, $42,580,270 in reimbursable resources was available, for a total of $102,580,270.

General Administration
Telecommunications Carrier Compliance Fund
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers Between Accounts			Reprogrammings			2000 Appropriation Enacted		
Program	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Telecommunications Carrier Compliance	...	...	$15,000	...	...	...	...	...	...	...	...	...	...	...	$15,000

Congressional Appropriations Action on 2000 Request. Congress provided an enhancement of $15,000,000 to the Telecommunications Carrier Compliance Fund.

Transfers Between Accounts. None.

Reprogrammings. None.

General Administration
Telecommunications Carrier Compliance Fund
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$15,000
2001 Base	...	...	$15,000
Program Changes (See Program Narrative for Details)	...	...	$105,000
2001 Estimate	...	...	$120,000

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Telecommunications Carrier Compliance	...	...	$15,000	...	...	$15,000	...	...	$120,000	...	...	$105,000
Total	...	...	$15,000	...	...	$15,000	...	...	$120,000	...	...	$105,000

General Administration
Telecommunications Carrier Compliance Fund
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability*			1999 Actual**			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos	WY	Amount	Pos.	WY	Amount
Telecommunications Carrier Compliance..	...	...	$60,000	...	...	$17,420	...	...	$15,000	...	...	$15,000	...	...	$120,000	...	...	$105,000

* In addition to the $60,000,000 unobligated balance brought forward from prior years, $42,580,270 in reimbursable resources was available for a total of $102,580,270.

** In addition to the $17,419,730 in direct obligations, $2,580,270 in reimbursable resources was obligated.

General Administration
Telecommunications Carrier Compliance Fund
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Department of Justice Working Capital Fund	...	...	$40,000	...	...	...	...	...	...	...	...	...
United States Customs Service	...	...	1,580	...	...	...	...	...	...	...	...	...
United States Postal Inspection Service	...	...	1,000	...	...	...	...	...	...	...	...	...
Department of Defense	...	...	...	...	...	...	...	...	$120,000	...	...	$120,000
Budgetary Resources	...	...	$42,580	...	...	...	...	...	$120,000	...	...	$120,000

Obligation by Program	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
General Administration	...	...	$42,580	...	...	...	...	...	$120,000	...	...	$120,000
Budgetary Resources	...	...	$42,580	...	...	...	...	...	$120,000	...	...	$120,000

Justification of Increase. General Administration
The 2001 Estimate includes reimbursable funding of $120,000,000 from the Department of Defense for the Telecommunications Carrier Compliance Fund.

Telecommunications Carrier Compliance Fund
Program Performance Information
(Dollars in Thousands)

ACTIVITY: TELECOMMUNICATIONS CARRIER COMPLIANCE

Telecommunications Carrier Compliance	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$15,000
2001 Base	...	...	$105,000
2001 Estimate	...	...	$120,000
Increase/Decrease	...	...	$105,000

BASE PROGRAM DESCRIPTION:

The Communications Assistance for Law Enforcement Act (CALEA), Public Law 103-414, was enacted in 1994 to preserve the existing capabilities of federal, state, and local law enforcement agencies to lawfully conduct court-authorized electronic surveillance and to effectively articulate law enforcement's electronic surveillance requirements and deployment priorities to the telecommunications industry. CALEA clarified the responsibility of telecommunications carriers to assist law enforcement agencies with the lawful interception of communications and the collection of call-identifying information in a rapidly changing telecommunications environment. This legislation was necessitated by the erosion of law enforcement interception capabilities as a result of the deployment of advanced telecommunications features and technologies in the public switching telephone network.

To facilitate compliance by telecommunications carriers, CALEA authorized an appropriation of $500,000,000 to pay for reasonable costs directly associated to modify eligible equipment, facilities, and services to establish the necessary capabilities and capacities identified by law enforcement. The Attorney General delegated management and administrative responsibilities of CALEA to the FBI in February 1995 (28 C.F.R. 0.85 (o)). The FBI is implementing CALEA on behalf of all federal, state and local law enforcement agencies.

The Omnibus Consolidated Appropriations Act of 1997 (Public Law 104-208) established the Department of Justice (DOJ)

Telecommunications Carrier Compliance Fund (TCCF) to make payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to Section 109 of CALEA. Additionally, Congress authorized any agency of the United States with law enforcement or intelligence responsibilities to deposit into the TCCF any unobligated balances that are available until expended, consistent with congressional notification requirements for reprogramming of funds.

In 2001 base level funding is $15,000,000. Cumulative total funding in the TCCF would be $132,580,270 consisting of prior year funding of $102,580,270, plus the 2000 appropriation of $15,000,000, plus 2001 base funding of $15,000,000. These funds will be applied to purchase the unlimited "right to use" generic software upgrades containing the CALEA solution for priority telecommunication switching platforms, required modifications to eligible intelligent network peripherals (INPs), and for solution deployment on the remaining available priority platforms.

Justification for Resources Requested

Item: Reimbursements to Telecommunications Carriers, $105,000,000

The current state of CALEA implementation reflects a decision by the Federal Communications Commission (FCC) to extend the assistance capability compliance date to June 30, 2000. With this date rapidly approaching, the implementation of CALEA has taken on a new urgency within the telecommunications industry. For example, telecommunications equipment manufacturers are finalizing their development of CALEA solutions for the various switching platforms used throughout the network. Based on the DOJ's discussions with several manufacturers, most are in the advanced stages of CALEA solution development or have already begun making solutions available to their customers. Having reached an agreement with Nortel Networks for a nationwide Right-to-Use (RTU) license, the DOJ is currently in RTU license agreement negotiations with the following manufacturers: AG Communications, Lucent Technologies, Motorola, and Siemens. When considered cumulatively, the switches of these four manufacturers and Nortel Networks account for approximately 90 percent of historic lawfully-authorized electronic surveillance activity.

The activities associated with pursuing nationwide RTU licenses include analyzing the financial merits of a manufacturer's proposed price in relation to the Government's commercial exposure of reimbursing individual carriers on a switch-by-switch basis; detailed contractual negotiations with manufacturers and their associated carrier partners; and testing and evaluating a manufacturer's proposed solution.

With technical solutions available for carriers to deploy within their networks, the DOJ will conduct analysis of carriers' deployment proposals. The analysis will consider how carriers' proposed deployment of CALEA-compliant solutions meet law enforcement's lawfully-authorized electronic surveillance needs within the financial constraints of the available funding within the TCCF.

Additionally, a central tenet of the DOJ's overall CALEA implementation strategy includes allowing carriers to deploy CALEA-compliant solutions in accordance with their normal business cycles, where such deployment will not delay implementation of CALEA solutions in high priority areas. This strategy is the result of the DOJ's recognition of the issues facing carriers and represents an attempt by the DOJ to minimize the costs and operational impact of CALEA compliance on the industry. To this end, the DOJ has developed a Flexible Deployment Assistance Guide and will analyze carrier-provided Flexible Deployment schedules in coordination with the FCC with respect to carrier petitions for extensions of the June 30, 2000 and September 30, 2001 assistance compliance dates.

Vendors of telecommunications switching equipment and peripherals began to make CALEA solutions available in calendar year 1999. Many of those were incremental solutions. Solutions providing all CALEA capabilities will be available in calendar years 2000 and 2001. Previous TCCF funds have been applied to reimburse the telecommunications industry for CALEA software RTU licenses for limited numbers of priority switching platforms.

Base level funding is $15,000,000. The $105,000,000 requested provides significant funding for deployment of CALEA solutions in high priority geographical regions. Additionally, this funding will allow for the acquisition of CALEA RTU licenses on either two priority wireline platforms or two priority wireless platforms.

The telecommunications industry has recognized the time requirements of the original law, as later modified by the FCC, and understands that capability requirements are to be available by June 30, 2000, and the capacity required by law enforcement is mandated to be available by March 12, 2001.

Enhanced funding will provide the opportunity to address major portions of the country currently having difficulty in addressing serious crime problems. An example is the High Intensity Drug Trafficking Areas and Southwest Border areas where significant drug trafficking exists. Earlier deployment of CALEA solutions will provide law enforcement with the ability to conduct electronic surveillance in priority areas of the country, greatly maximizing the effectiveness of law enforcement agencies.

Without the required enhancement, reimbursement to telecommunications carriers for CALEA software and deployment will not be

possible. As a result, many high priority areas of the country will remain without the CALEA capability. Without funding to deploy CALEA solutions, the integrity of law enforcement's surveillance activity will be at risk, and its ability to arrest and successfully prosecute criminals eroded.

Please see Summary Performance Plan, Performance Goals, Targets and Actuals, Section G for workload and performance measures.

General Administration
Telecommunications Carrier Compliance Fund
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Telecommunications Carrier Compliance Increases	
	Pos.	Amount
Grades		
GS-15	...	...
GS-14	...	...
GS-13	...	...
GS-12	...	...
GS-11	...	...
GS-9	...	...
GS-7	...	...
GS-5	...	...
Total positions and annual rate	...	...
Lapse (-)	...	...
Other personnel compensation	...	...
Total workyears and personnel Compensation	...	...
Personnel benefits	...	...
Travel and transportation of persons	...	...
Transportation of things	...	...
GSA rent	...	...
Rental payments to others	...	...
Comm., utilities, and misc. charges	...	...
Printing and reproduction	...	...
Advisory and assistance services	...	...
Other services	...	$105,000
Operations/maintenance of facilities	...	...
Research and development contracts	...	...
Operations/maintenance of equipment	...	...
Supplies and materials	...	...
Equipment	...	...
Land and structures	...	...
Total program workyears and obligations changes requested, 2001	...	$105,000

General Administration
Telecommunications Carrier Compliance Fund
Status of Congressionally Requested Studies, Reports, and Evaluations

1. In accordance with the Communications Assistance for Law Enforcement Act (CALEA) of 1994 and the 1997 Justice Appropriations Act (P.L. 104-208), an annual report to the Congress regarding deposits to, and expenditures from, the Telecommunications Carrier Compliance Fund is required within 60 days after the close of the fiscal year. The CALEA annual report for 1999 was forwarded to the Congress on January 6, 2000.

General Administration
Telecommunications Carrier Compliance Fund
2001 Priority Ranking

Base Program		Program Increases	
Program	Rank	Initiative	Rank
Telecommunications Carrier Compliance	1	Telecommunications Carrier Compliance	1

General Administration
Telecommunications Carrier Compliance Fund
Summary of Change
(Dollars in thousands)

	Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	$15,000
2001 Base	...	...	$15,000
Program Changes	...	...	$105,000
2001 Estimate	...	...	$120,000

General Administration
Telecommunications Carrier Compliance Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Request WY	2001 Request Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	...
Reimbursable Workyears								
Full-time permanent	...	...	...	...	...	...	...	...
Other than permanent	...	...	...	...	...	...	...	...
Other Object Classes								
12 Personnel benefits		...		...		...		...
13 Benefits to former personnel		...		...		...		...
21 Travel and transportation of persons		...		...		...		...
22 Transportation of things		...		...		...		...
23.1 GSA Rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Communications, utilities, miscellaneous charges		...		...		...		...
24 Printing and reproduction		...		...		...		...
25.2 Other services		$17,420		$57,580		$120,000		$62,420
25.4 Operation and maintenance of facilities		...		...		...		...
25.7 Operation and maintenance of equipment		...		...		...		...
26 Supplies and materials		...		...		...		...
31 Equipment		...		...		...		...
32 Land and Structures		...		...		...		...
42 Insurance claims and indemnities		...		...		...		...
Total obligations	...	17,420	...	57,580	...	120,000	...	62,420
Unobligated balance, start of year		(60,000)		(42,580)		...		
Unobligated balance, end of year		42,580		...		...		
Total requirements		...		15,000		120,000		
Relation of Obligations to Outlays:								
Total obligations		17,420		(57,580)		120,000		
Obligated balance, start of year		...		4,900		...		
Obligated balance, end of year		(4,900)		...		...		
Outlays		12,520		62,480		120,000		

Department of Justice

Counterterrorism Fund

Estimates for Fiscal Year 2001

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Counterterrorism Fund

Summary Statement and Performance Plan
Fiscal Year 2001

Component Mission: To reimburse Departmental Components for extraordinary costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, to finance reward payments in connection with such activities, and to restore the operational capacities of offices destroyed or damaged in any domestic or international terrorist acts.

For 2001, the Department seeks $25,000,000 in no-year funding for the Attorney General's Counterterrorism Fund. In 2000, $10,000,000 in no-year funding was provided by the Congress.

The Counterterrorism Fund has been utilized by the Department of Justice since 1995. With $22,844,150 in carryover funding and the 2000 appropriation of $10,000,000, the Fund should have sufficient funds to respond to any terrorist threats/acts in 2000. In 2001, $25,000,000 would be used to replenish the Fund in the event of emergency situations that could arise.

It is the Attorney General's policy to approve the use of resources from the Counterterrorism Fund for extraordinary costs only (costs such as base salaries are not considered "extraordinary" in nature). Since its inception, approximately $76 million has been distributed from the Fund for extraordinary costs. The Attorney General has approved the use of the Counterterrorism Fund to fund extraordinary costs related to the Oklahoma City bombing and trial, the G-7 Economic Summit, the bombing of the Al-Khobar Towers in Saudi Arabia, the 1996 Summer Olympics in Atlanta, the Centennial Park bombing in Atlanta, the 1996 Political Conventions, the Freeman Trial, and the investigation of the bombings of the U.S. Embassies in Kenya and Tanzania.

Counterterrorism Fund
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For necessary expenses, as determined by the Attorney General, [$10,000,000] *$25,000,000*, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act. (Department of Justice Appropriations Act, FY 2000, P.L. 106-113)

Explanation of Changes:
1. No substantive changes proposed.

Counterterrorism Fund
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogramming			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amt	Pos.	WY	Amt
1. Counterterrorism Fund	...	...	$145,000	...	...	...	...	...	$26,783	...	...	$171,783
Total	...	...	$145,000	...	...	...	...	...	$26,783	...	...	$171,783

Counterterrorism Fund
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amt	Pos.	WY	Amt
1. Counterterrorism Fund	...	...	$27,000	...	...	($17,000)	...	...	...	...	...	$10,000
Total	...	...	$27,000	...	...	($17,000)	...	...	...	...	...	$10,000

President's Budget Request:

Funds were requested to cover extraordinary costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, to finance reward payments in connection with such activities, and to restore the operational capacities of offices destroyed or damaged in any domestic or international terrorist acts. (The traditional mission of the CT Fund). Funds were also requested for the costs of conducting a threat assessment of Federal agencies and their facilities, costs associated with ensuring the continuance of essential government functions during a time of emergency, costs for activities related to the protection of the Nation's critical infrastructure, costs of the National Domestic Preparedness Office, and the costs of designing the Federal Intrusion Detection Network.

Congressional Appropriation Action:

Funds provided were to cover the traditional mission of the CT Fund, with funding for the National Infrastructure Protection Center, the National Domestic Preparedness Office, and the Continuation of Operations (COOP)/Continuity of Government (COG) provided to appropriate agency accounts.

Counterterrorism Fund
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	$10,000
2001 Base	...	...	10,000
Program Changes	...	...	15,000
2001 Estimate	...	...	$25,000

Estimates by Budget Activity	1999 Availability Pos.	WY	Amount	1999 Obligations Pos.	WY	Amount	2000 Appropriation Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
1. Counterterrorism Fund	...	...	$171,783	...	...	$150,596	...	...	$10,000	...	...	$10,000	...	...	$25,000	...	...	$15,000

Program Changes

An enhancement of $15,000,000 is requested over the 2000 base. Funds will be used to reimburse any component of the Department of Justice for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism; to finance reward payments in connection with such activities; and to restore the operational capacities of offices destroyed or damaged by domestic or international terrorist acts.

Other:
All funds will be distributed under Object Class 25.3, purchase of goods and services from government accounts.

Counterterrorism Fund
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: COUNTERTERRORISM FUND

	Perm. Pos.	FTE	Amount
Counterterrorism Fund			
2000 Appropriation Enacted	...	...	$ 10,000
2001 Base	...	...	10,000
2001 Estimate	...	...	25,000
Increase/Decrease over Base	...	...	15,000

BASE PROGRAM & PROGRAM CHANGES: The Counterterrorism Fund has been utilized by the Department of Justice since 1995 mainly to reimburse extraordinary costs, above and beyond base levels, of Departmental components. These extraordinary costs were incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, to finance reward payments in connection with such activities, and to restore the operational capacities of offices destroyed or damaged in any domestic or international terrorist acts.

The personal loss and injury sustained in terrorist episodes warrant a heightened, more timely response to terrorism. Although Departmental components have base funding to address terrorism concerns, these resources have neither the depth nor the flexibility to ensure that unanticipated terrorist episodes are addressed in the most rapid and effective manner possible. It is the Attorney General's policy to approve the use of resources from the Fund for extraordinary costs only (costs such as base salaries are generally not considered "extraordinary" in nature). Since its inception, approximately $76 million has been distributed for funding of extraordinary expenses. The Attorney General, after notification of OMB and Congress, has used the Counterterrorism Fund to cover extraordinary costs related to the Oklahoma City bombing and trial, the G-7 Economic Summit, the bombing of the Al-Khobar Towers in Saudi Arabia, the 1996 Summer Olympics in Atlanta, the Centennial Park bombing in Atlanta, and the 1996 Political Conventions. In addition, Counterterrorism Fund resources have also been used for such things as:

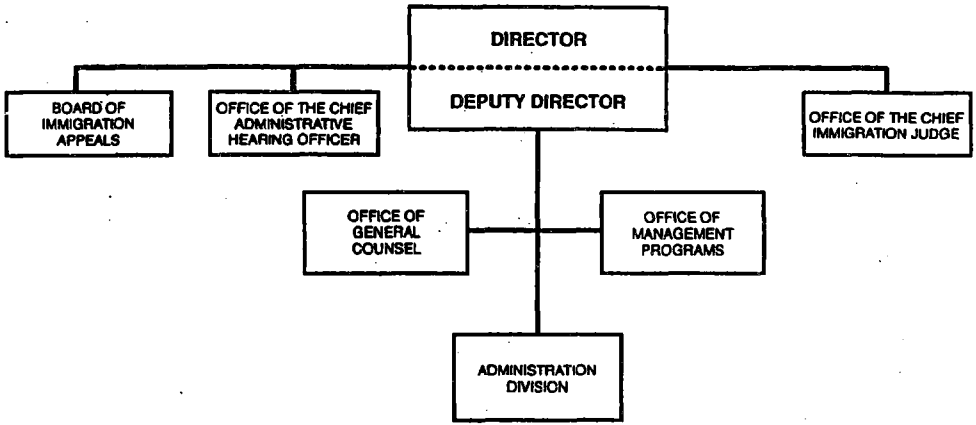
- Proactive counterterrorism efforts for the 2002 Winter Olympics in Ogden, UT
- The investigation of the crash of TWA flight 800
- Combating Middle Eastern terrorism
- The Freeman Trial
- Investigation of the bombings of the U.S. Embassies in Kenya and Tanzania

Although it is impossible to predict the timing, frequency, and severity of terrorist threats/acts, the widespread devastation resulting from terrorism compels that law enforcement be prepared to the highest possible level. Based on the available balance of the Fund and the level of past requests for reimbursement of extraordinary expenses, the resource level requested is needed to provide the Fund with the critical depth and flexibility necessary to respond to future terrorist threats/acts.

DEPARTMENT OF JUSTICE
ADMINISTRATIVE REVIEW AND APPEALS
2001 CONGRESSIONAL SUBMISSION
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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



Approved by: _____ Date: 6/29/99
JANET RENO
Attorney General

Administrative Review and Appeals

Summary Statement and Performance Plan
Fiscal year 2001

The Department's Administrative Review and Appeals function is comprised of the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney (OPA).

The Executive Office for Immigration Review (EOIR) is requesting a total of 1,140 permanent positions, 1,147 workyears, and $162,822,000 for FY 2001. This request represents a net increase of 42 positions, 24 workyears , and $15,926,000 over the 2000 anticipated appropriation of 1,098 positions, 1,123 workyears, and $146,896,000. The request includes a base reduction of 20 positions and 7 workyears.

EOIR's total requested program increases for FY 2001 (62 positions, 31 workyears, and $4,979,000) support the continued implementation of the Administration's comprehensive immigration reform effort and tie directly to enforcement increases requested by the Immigration and Naturalization Service (INS). A detailed explanation of EOIR's FY 2001 program increases is described on pages 8-10, and a corresponding explanation of EOIR's base program is described on pages 21-26.

The Office of the Pardon Attorney is charged with the receipt and review of all petitions for executive clemency, initiates and directs the necessary investigations, and prepares the Department's recommendations to the President in connection with all forms of executive clemency, including pardon, commutation of sentence, remission of fine, and reprieve. The OPA is requesting a total of 15 permanent positions, 15 workyears, and $1,727,000 for FY 2001. This represents an increase of $127,000 over the 2000 enacted appropriation of $1,600,000. Both FY 2001 permanent positions and workyears remain constant at FY 2000 budgeted levels.

I. Summary Performance Plan

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

EOIR's FY 2001 request/performance plan directly supports many of the immigration and management priorities, general goals and strategic approaches included in the Department of Justice Strategic Plan, FY 1997-2002. In addition, it incorporates information on performance measurement which will continue to allow EOIR to identify and report performance results. The DOJ Strategic Plan, under the Immigration core function, establishes the connection between strategic goals and those shorter-term objectives identified for FY 2001.

EOIR Mission

The Attorney General is charged with the administration and enforcement of the Immigration and Nationality Act, as amended, and has delegated certain authorities to EOIR to administer and interpret the immigration laws. Generally, EOIR's mission is to provide a uniform interpretation and application of immigration law, ensuring fair treatment for all parties involved. **As such, EOIR's mission directly supports the Attorney General's Department-wide goal to "administer and enforce immigration laws in a fair, effective manner."** The adjudicative components of EOIR are the Office of the Chief Immigration Judge; the Board of Immigration Appeals (BIA); and, the Office of the Chief Administrative Hearing Officer (Administrative Law Judges).

EOIR Goals and Objectives

The goals and objectives identified below are defined, of necessity, in quantitative terms. However, at their core, all of EOIR's adjudicative efforts rest upon the primary goal of ensuring, maintaining and improving upon the **quality** of judicial decision-making.

1. To expedite all immigration cases for which EOIR is responsible, including cases involving detained aliens, criminal aliens and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all parties involved.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION: IMMIGRATION, Goal 2: **Deliver services to the public in a timely, consistent, fair and high quality manner**; Goal 5: **Maximize deterrence to unlawful migration and enforce immigration laws in the interior through effective and coordinated use of resources to reduce the incentives of unauthorized employment and assistance; remove deportable/inadmissible aliens expeditiously; address interior smuggling and benefit and document fraud; and increase intergovernmental cooperation and the integration of activities among law enforcement entities at all levels of government***; and, Goal 6: **Expedite the adjudication of immigration cases while ensuring due process and fair treatment for all parties.**

2. To achieve the case processing and adjudication goals of asylum reform, rendering Immigration Judge decisions in all new expedited asylum cases within 180 days of the date of filing.

DOJ Immigration Goals 2, 5 and 6.

3. To achieve the case processing and adjudication goals related to the Criminal Alien Institutional Hearing Program, rendering decisions in those criminal alien cases prior to each alien's release from incarceration.

DOJ Immigration Goals 2, 5 and 6.

***While Goal 5 relates largely to the enforcement functions of the INS, EOIR's role as the independent adjudicator of cases brought by enforcement entities is a key part of the Department's overall strategy to interpret and uphold the immigration laws.**

4. To increase productivity by streamlining procedures and implementing management improvements.

This directly relates to several Department goals, including DOJ Strategic Plan, CORE FUNCTION: MANAGEMENT, Goal 2: **Meet or exceed the expectation of our customers;** Goal 3: **Achieve excellence in management practices;** and Goal 4: **Make effective use information technology (IT).**

The **strategies** outlined in the DOJ Strategic Plan under Immigration Goals 2, 5 and 6 include: the maintenance of a fair and timely asylum process; and, the hiring, training and deployment of Immigration Judges in cities and institutions in order to manage effectively the projected caseload resulting from strengthened immigration enforcement. **EOIR's longstanding core goals and objectives directly support these DOJ goals and strategies.**

B. Highlights of 1999 Mission-Critical Results

EOIR has achieved several notable results related to the implementation of the Illegal Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and subsequent legislation, including the Nicaraguan Adjustment and Central American Relief Act (NACARA). These achievements included the preparation of a variety of regulations and the modification of policies, procedures and automated systems required by the new laws. However, the purpose of this section is to highlight EOIR's mission-critical results as measured against performance indicators tied to GPRA. These results are presented below.

1. Adjudication of Criminal Alien Cases

Goal: Immigration Judges complete 95% of Institutional Hearing Program (Criminal Alien) cases prior to the aliens' release for incarceration.

1999 Performance: Immigration Judges completed 91% of IHP cases prior to the aliens' release. This compares to 94% in 1998 and 91% in 1997.

2. Adjudication of Detained Cases

Goal: Immigration Judges complete 95% of detained cases, without applications for relief, within 30 days of receipt.

1999 Performance: Judges completed 84% of these cases within 30 days. This compares to 91% in 1998 and 1997.

3. Adjudication of Asylum Cases

Goal: Immigration Judges complete 95% of expedited asylum cases within the 180-day established timeframe.

1999 Performance: Judges completed 88% of these cases within 180 days. This compares to 90% in 1998 and 1997.

C. FY 2001 Performance Goals and Indicators

EOIR is proposing an FY 2001 Performance Plan which is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals, organized around EOIR's ongoing priorities, will establish a baseline upon which future performance may be tracked and reported, as required by GPRA.

All of EOIR's management, adjudicative and support programs, strategies and initiatives are tied to the central goal of adjudicating immigration cases in a fair and timely manner. As such, the performance plan targets outcomes in terms of both **quantity** and **timeliness.** Of course, the **quality** of both the work environment and work products is a critical consideration.

- EOIR Priority: **Adjudication of Criminal Alien Cases**
  - EOIR will target sufficient resources to the adjudication of the immigration status of alien inmates incarcerated in federal, state and local institutions as a result of convictions for criminal offenses (the Criminal Alien Institutional Hearing Program).
  - Immigration Judges will complete 95 percent of these cases prior to the aliens' release from incarceration.

- EOIR Priority: **Adjudication of Detained Cases**
  - EOIR will allocate sufficient resources at or near INS detention facilities to provide a level of adjudicative effort which will allow for the optimum effective usage of bed spaces. In consideration of the increasing emphasis upon detention, (e.g., the mandatory detention provisions included in the 1996 Act) the processing of detained alien caseload will continue to be a priority.
  - Immigration Judges will adjudicate 95 percent of detained cases, without applications for relief, within 30 days of receipt.

- EOIR Priority: **Adjudication of Asylum Cases**
  - EOIR will allow for a sufficient number of Immigration Court dockets to be devoted to asylum adjudications.
  - Immigration Judges will complete 95 percent of expedited asylum cases within the 180-day established timeframe.

D. New FY 2001 Initiatives

EOIR's requested program increases of 62 positions, 31 workyears, and $4,979,000 are tied to two INS enforcement initiatives and grouped into EOIR's initiative to coordinate adjudications resources with those of INS enforcement programs.

Initiative	Positions	FTE	Amount
Coordination with INS Initiatives	62	31	$ 4,979,000

Initiative: Coordination with INS Initiatives (62 positions, 31 workyears, and $4,979,000). INS has developed the following initiatives for FY 2001 which, taken together, will increase Immigration Judge caseload by 10,000 cases and BIA caseload by 1,200 appeals annually: 1) Border Management and Coordination (5,400 cases and 650 appeals); and 2) Interior Enforcement (4,600 cases and 550 appeals). EOIR's portion of these initiatives includes 10 Immigration Judges, 6 BIA staff attorneys, and the required legal and clerical support positions.

The INS initiatives are fully explained in the INS FY 2001 submission. In general, the Service is requesting additional Border Patrol positions, and Detention and Deportation positions and bedspaces in support of a variety of enforcement goals, including the enhanced capability to apprehend, detain and remove increasing numbers of criminal and non-criminal aliens. The INS initiatives will focus upon the border, criminal aliens, increased detention and alien removals, all areas directly involving EOIR operations.

Critical to the success of these initiatives will be the ability of EOIR to process the resulting Immigration Judge and appellate caseload in a timely fashion. INS removal goals are, in large measure, inextricably tied to EOIR's adjudication process. Similarly, the efficient utilization of enhanced detention capacity is dependent upon the expedited processing of the Immigration Judge and appellate caseload, thereby maximizing the number of aliens INS is able to process through detention facilities. This initiative directly relates to the following immigration goals in DOJ's Strategic Plan:. Goal 2: **Deliver services to the public in a timely, consistent, fair and high quality manner;** Goal 5: **Maximize deterrence to unlawful migration and enforce immigration laws in the interior through effective and coordinated use of resources to reduce the incentives of unauthorized employment and assistance; remove deportable/inadmissible aliens expeditiously; address interior smuggling and benefit and document fraud; and increase intergovernmental cooperation and the integration of activities among law enforcement entities at all levels of government;** and, Goal 6: **Expedite the adjudication of immigration cases while ensuring due process and fair treatment for all parties.**

E. Data Validation and Verification Issues

Data Collection and Storage: EOIR collects its data from a nationwide case-tracking and office automation system which is entirely integrated with routine case processing operations at both the trial and appellate levels (ANSIR - the Automated Nationwide System for Immigration Review).

Data Validation and Verification: Data is verified by on-line edits of virtually every data field. Further, headquarters and field office users and managers have manuals and handbooks which list the routine daily, weekly and monthly reports which check and verify data. In addition, audits are conducted, using the system's random number generator, comparing automated data with the corresponding hard case files. Finally, all data entered by courts nationwide is instantaneously transmitted and stored at EOIR headquarters. That process allows for the generation of timely and complete statistical and other data. Data validation is also performed on a routine basis through data comparisons between EOIR and INS databases.

Data Limitations: The volume, nature, and geographic concentration of EOIR's caseload is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS and legislative and regulatory changes to immigration laws and procedures.

F. Resources

	1999			2000			2001		
Strategic Goals	**Dollars**	**Pos.**	**FTE**	**Dollars**	**Pos.**	**FTE**	**Dollars**	**Pos.**	**FTE**
Immigration Cases Completed Within Target Timeframes	**$ 137,854**	**1,122**	**1,075**	**$ 146,896**	**1,098**	**1,123**	**$ 162,822**	**1,140**	**1,147**

G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

CORE FUNCTION 4: Immigration

Strategic Goal 4.6: Expedite the Adjudication of Immigration Cases While Ensuring Due Process and Fair Treatment for All Parties.

Key Summary Level Indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Percent of Asylum Cases Completed Within Target Timeframes	90%	95% / 88%	95%	95%
Percent of IHP Cases Completed Within Target Timeframes	94%	95% / 91%	95%	95%
Percent of Detained Cases Completed Within Target Timeframes	91%	95% / 84%	95%	95%

Administrative Review and Appeals
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, [$98,136,000] $*164,549,000*. [In addition, $50,363,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund] (Dept. of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) for the Consolidated Appropriations Act, 2000 (PL. 106.113).

Explanation of change

1. Language for VCRTF is deleted. No appropriation from VCRTF is requested in 2001 because authorization for this fund expires in 2000.

ADMINISTRATIVE REVIEW AND APPEALS
Salaries and expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Direct	1999 as Enacted			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Executive Office for Immigration Review	1,122	1,140	132,963	...	...	4,000	...	...	5,126	1,122	1,140	142,089
Office of the Pardon Attorney	15	15	1,600	...	...	0	...	...	0	15	15	1,600
Subtotal, Direct	520	577	75,312	...	...	4,000			5,126	520	577	84,438
Subtotal, VCRP	617	578	59,251	...	...	0	...	...	0	617	578	59,251
Total	1,137	1,155	134,563	0	0	4,000	0	0	5,126	1,137	1,155	143,689

ADMINISTRATIVE REVIEW AND APPEALS
Salaries and expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Direct	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Government-wide .38 Percent Rescission			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Executive Office for Immigration Review	1,105	1,127	147,483	(7)	(4)	(587)	...	...	(3)	...	...	...	1,098	1,123	146,896
Office of the Pardon Attorney	15	15	1,669	0	0	(69)	...	...	0	...	...	...	15	15	1,600
Subtotal, Direct	503	564	89,901	(7)	(4)	8,232	...	...	(3)				496	560	98,133
Subtotal, VCRP	617	578	59,251	0	0	(8,888)	...	...	0	...	...	...	617	578	50,363
Total	1,120	1,142	149,152	(7)	(4)	(656)			(3)				1,113	1,138	148,496

Administrative Review and Appeals
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated (Direct)	496	560	98,136
Government-wide .38% rescission pursuant to H.R. 3425			(3)
2000 Appropriation Anticipated (VCRP)	617	578	50,363
2000 Appropriation Anticipated	1,113	1,138	148,496
Adjustments to Base Increases		13	11,074
Adjustments to Base Decreases	(20)	(20)	0
2001 Base	1,093	1,131	159,570
Program Changes	62	31	4,979
2001 Estimate	1,155	1,162	164,549

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Executive Office for Immigration Review	1,122	1,140	142,089	1,122	1,075	137,854	1,098	1,123	146,896	1,078	1,116	157,843	1,140	1,147	162,822	62	31	4,979
2. Office of the Pardon Attorney	15	15	1,600	15	15	1,600	15	15	1,600	15	15	1,727	15	15	1,727	0	0	0
Direct (non-add)	[520]	[577]	[84,438]	[520]	[684]	[79,936]	[496]	[560]	[98,133]									
VCRP (non-add)	[617]	[578]	[59,251]	[617]	[406]	[59,518]	[617]	[578]	[50,363]									
Total	1,137	1,155	143,689	1,137	1,090	139,454	1,113	1,138	148,496	1,093	1,131	159,570	1,155	1,162	164,549	62	31	4,979
Other Workyears																		
Overtime		6			6			6			6			6				

Administrative Review and Appeals
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos	WY	Amount
Collections by Sources:												
Immigration and Naturalization Service	...	...	1,200	...	...	1,200	...	...	1,200	...	...	0
Budgetary Resources			1,200			1,200			1,200			0
Obligations by Program:												
Executive Office for Immigration Review..		...	1,200	...	...	1,200	...	...	1,200	...	...	0
Total			1,200			1,200			1,200			0

INS provides funds to the Executive Office for Immigration Review for contract court interpreters for immigration proceedings.

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Immigration Judges Complete All Institutional Hearing Program (IHP) Cases Prior to the Alien's Release From Incarceration, While Ensuring Fair Treatment to All Parties

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1. IHP Cases Received	ANSIR	13,878	20,000	13,946	14,000	N/A	15,000
Output/Activity	2. IHP Cases Completed	ANSIR	14,281	20,000	12,794	14,000	N/A	15,000
Intermediate Outcome	3. % of IHP Cases Completed by IJs Prior to the Alien's Release from incarceration	ANSIR	94%	95%	91%	95%	N/A	95%
End Outcome	4. Increased Number of Criminal Aliens Removed from the United States. Reduced Incidents of Crime Related to Those Aliens.	INS	☆	☆	☆	☆	N/A	☆

A. Data Validation and Verification:

1) How the information is collected: EOIR collects its data from a nationwide case-tracking and office automation system which is entirely integrated with routine case processing operations at both the trial and appellate levels (ANSIR-the Automated Nationwide System for Immigration Review).

2) How the information is verified: Data is verified by on- line edits of virtually every data field. Further, headquarters and field office users and managers have manuals and handbooks which list the routine daily, weekly and monthly reports which check and verify data. In addition, audits are conducted, using the system's random number generator, comparing automated data with the corresponding hard case files. Finally, all data entered by courts nationwide is instantaneously transmitted and stored at EOIR headquarters. That process allows for the generation of timely and complete statistical and other data. Data validation is also performed on a routine basis through data comparisons between EOIR and INS databases.

3) Data limitations: None.

* See INS for end outcome data

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Immigration Judges Complete All Institutional Hearing Program (IHP) Cases Prior to the Alien's Release From Incarceration, While Ensuring Fair Treatment to All Parties

B. FY 1999 Performance Report:
During 1999, of the total number of IHP cases adjudicated to completion by Immigration Judges, 91% were completed prior to the alien's release from incarceration, as compared to the 95% performance target.

The IHP included 76 federal, state and municipal prison hearing locations, nearly all of which required judges and support staff to travel to remote sites across the United States to conduct Immigration Court hearings. As such, the volume of sites, coupled with their remoteness, impacted performance. Another factor was the considerable lead time required to plan for IHP detail assignments. The details were planned well in advance, both to provide sufficient notice to the parties and to coordinate IHP calendars with the dockets developed for judges in their home courts. The number and duration of IHP details were based upon past caseload trends, then modified whenever possible as the year progressed. On occasion, it was not always possible from a scheduling standpoint nor practical from a cost/resource perspective to schedule details on short notice for case filings which were either atypical in terms of volume/location or involved aliens whose release dates were near in the future (the amount of time remaining on an alien's sentence at the time the charging document is filed with the court directly affects EOIR's ability to complete the case prior to release). Other factors affecting performance included the seeking of continuances for representation, due to illness, etc.

Notwithstanding the above, the relatively small gap between performance and targets can be closed by continuing to review caseload trends, site-by-site, and allocating new resources and reallocating base level resources to target IHP caseload. Further, the continued expansion of the use of video teleconferencing equipment will enhance EOIR's capability to adjudicate cases in a timely fashion.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
The performance indicators and targets selected for the FY 2000 and 2001 Plans remain unchanged. The indicators continue to reflect EOIR's priority adjudications. The targets, while high, reflect EOIR's commitment to achieve levels of performance which exceed those reported for FY 1999.

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Asylum Reform: Streamline Asylum Processing to Expeditiously Complete All Asylum Cases, While Ensuring Fair Treatment to All Parties

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1 Expedited Asylum Cases Received	ANSIR	20,556	30,000	26,143	25,000	N/A	26,000
Output/Activity	2. Expedited Asylum Cases Completed	ANSIR	27,975	30,000	25,398	26,000	N/A	26,000
Intermediate Outcome	3. % of Expedited Asylum Cases Completed Within 180 Days from Initial Receipt at the Department of Justice	ANSIR	90%	95%	88%	95%	N/A	95%
End Outcome	4. Number of Frivolous Claims Filed at Asylum Offices Decreases and Legitimate	INS	☆	☆	☆	☆	N/A	☆

A. Data Validation and Verification:

1) How the information is collected: EOIR collects its data from a nationwide case-tracking and office automation system which is entirely integrated with routine case processing operations at both the trial and appellate levels (ANSIR-the Automated Nationwide System for Immigration Review).

2) How the information is verified: Data is verified by on- line edits of virtually every data field. Further, headquarters and field office users and managers have manuals and handbooks which list the routine daily, weekly and monthly reports which check and verify data. In addition, audits are conducted, using the system's random number generator, comparing automated data with the corresponding hard case files. Finally, all data entered by courts nationwide is instantaneously transmitted and stored at EOIR headquarters. That process allows for the generation of timely and complete statistical and other data. Data validation is also performed on a routine basis through data comparisons between EOIR and INS databases.

3) Data limitations: None.

B. FY 1999 Performance Report:

During 1999, Immigration Judges completed 88% of all expedited asylum cases within the 180-day target timeframe, as compared to the 95% performance goal. As with all EOIR caseload, the volume, nature and geographic concentration of case receipts is dependent upon external factors, primarily the enforcement and adjudication policies and actions of the INS. With respect to asylum adjudications, EOIR monitors receipt rates and processing times on a court-by-court basis and attempts to adjust court dockets, as necessary. Reviews were conducted during 1999 in light of preliminary data showing a slight degredation of performance during 1999, as opposed to that reported for 1998. This attention increased the focus upon those cases. As a consequence, performance levels increased to 90% during the first quarter of FY 2000. EOIR will redouble its efforts to assure continuing progress in this area, including increasing the frequency of case receipt/performance reviews and, as required, adjusting court dockets to allow additional time and resources to be devoted to asylum adjudications.

*See INS for end outcome data

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Asylum Reform: Streamline Asylum Processing to Expeditiously Complete All Asylum Cases, While Ensuring Fair Treatment to All Parties

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
The performance indicators and targets selected for the FY2000 and 2001 Plans remain unchanged. The indicators continue to reflect EOIR's priority adjudications. The targets, while high, reflect EOIR's commitment to achieve levels of performance which exceed those reported for FY 1999.

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Handle All Other Immigration Cases for Which EOIR is Responsible in a Timely Manner, While Ensuring Fair Treatment to All Parties

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1. Total Matters Received	ANSIR	297,108	310,000	263,174	280,000	N/A	290,000
Output/Activity	2. Total Matters Completed	ANSIR	294,687	305,000	268,743	280,000	N/A	290,000
Intermediate Outcome	3. % of Detained Cases, without applications for relief, Completed Within 30 days by an Immigration Judge	ANSIR	91%	95%	84%	95%	N/A	95%
End Outcome	4. Cases are adjudicated timely, aliens ordered deported are removed timely, thus discouraging illegal immigration	INS	☆	☆	☆	☆	N/A	☆

A. Data Validation and Verification:

1) How the information is collected: EOIR collects its data from a nationwide case-tracking and office automation system which is entirely integrated with routine case processing operations at both the trial and appellate levels (ANSIR-the Automated Nationwide System for Immigration Review).

2) How the information is verified: Data is verified by on- line edits of virtually every data field. Further, headquarters and field office users and managers have manuals and handbooks which list the routine daily, weekly and monthly reports which check and verify data. In addition, audits are conducted, using the system's random number generator, comparing automated data with the corresponding hard case files. Finally, all data entered by courts nationwide is instantaneously transmitted and stored at EOIR headquarters. That process allows for the generation of timely and complete statistical and other data. Data validation is also performed on a routine basis through data comparisons between EOIR and INS databases.

3) Data limitations: None. .

* See INS for end outcome data

DECISION UNIT/PROGRAM: Executive Office for Immigration Review
Department of Justice Core Function: Immigration
Strategic Goal: Asylum Reform: Streamline Asylum Processing to Expeditiously Complete All Asylum Cases, While Ensuring Fair Treatment to All Parties

B. FY 1999 Performance Report:
Several legislative actions have directly resulted in a decrease in EOIR's overall caseload figures. Specifically, the expedited removal provisions of IIRIRA have allowed INS to remove aliens who are ineligible for any relief from removal. In previous years most of these cases would have come to EOIR in the detained arena and would be expeditiously completed at the first hearing. The overall detained caseload dropped by 15,000 cases in FY 1999. Virtually all of those cases would have been completed during the first hearing. The processing times for the remaining detained caseload were virtually identical from FY1998 to FY1999.

During 1999, Immigration Judges completed 84% of detained cases within 30 days of receipt. The performance goal was 95%. A review of the data indicated two key points: 1) while the 84% performance level for all subject cases was below EOIR's goal, on average, detained cases were completed in less than 17 days during 1999; 2) of the cases completed outside the 30-day goal, the great majority were completed within 1 to 10 days of the goal. Case fluctuations and requests for continuances, as always, affected performance. EOIR will continue to review performance and to target new resources and reallocate base level resources upon detained case adjudications.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
The performance indicators and targets selected for the FY 2000 and 2001 Plans remain unchanged. The indicators continue to reflect EOIR's priority adjudications. The targets, while high, reflect EOIR's commitment to achieve levels of performance which exceed those reported for FY1999.

The Office of the Pardon Attorney
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
ACTIVITY: Office of the Pardon Attorney			
2000 Appropriation Anticipated	15	15	$ 1,600,000
2001 Base	15	15	1,727,000
2001 Estimate	15	15	1,727,000
Increase/Decrease	-	-	--

Base Program Description: The Pardon Attorney receives and reviews all petitions for executive clemency, initiates and directs the necessary investigations, and prepares the Department's recommendations to the President in connection with all forms of executive clemency, including pardon, commutation of sentence, remission of fine, and reprieve. OPA's mission includes, in addition to processing requests for clemency, providing accurate and timely advise on clemency-related issues to the President, the Department and other government agencies, and the public..

Administrative Review and Appeals
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
ACTIVITY: EOIR			
2000 Appropriation Anticipated	1,098	1,123	$ 146,896,000
2001 Base	1,078	1,116	157,843,000
2001 Estimate	1,140	1,147	162,822,000
Increase/Decrease	62	31	4,979,000

Base Program Description: EOIR, headed by the Office of the Director, is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Office of the Director also provides legal and administrative support to the three adjudicative components. Operations include fifty-two field offices located nationwide.

The volume, nature and geographic concentration of Immigration Judge, Administrative Law Judge and appellate caseload is entirely dependent upon external factors, primarily the enforcement, investigation, adjudication and detention policies and actions of the INS.

The following provides more detailed information concerning the responsibilities and activities of EOIR's components:

Board of Immigration Appeals

Under the direction of the Chairman, the Board hears appeals of decisions of Immigration Judges and certain decisions of INS officers in a wide variety of proceedings in which the Government of the United States is one party and the other party is either an alien, a citizen, or a business firm. The Board is directed to exercise its independent judgement in hearing appeals for the Attorney General, and provides a nationally uniform application of the immigration laws, both in terms of the interpretation of the law and the exercise of the significant discretion vested in the Attorney General. The majority of cases before the Board involve appeals from orders of Immigration Judges entered in immigration proceedings.

Appeals of decisions of INS officers, reviewed by the Board, principally involve appeals from familial visa petition denials and decisions involving administrative fines. The Board also renders decisions on applications by organizations that have requested permission to practice before the Board, the Immigration Judges, and INS, and renders decisions on individual applications by employees of such organizations.

The Board's mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decision process. The Board plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing an increasing caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The Board has provided the principal interpretation of the Immigration Reform and Control Act of 1986 (IRCA), the Immigration Amendments of 1988, the Anti-Drug Abuse Act of 1988; the Immigration Act of 1990 (IMMACT 90); the Anti-terrorism and effective Death Penalty Act of 1996 (AEDPA);the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); and, the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA). These laws have represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952, and have presented a myriad of new issues of statutory construction. The Board has issued interpretive decisions and has then reinterpreted the Act as the laws have been redrafted.

In response to the continuously increasing caseload associated with various Administration initiatives and legislative developments, the Board has initiated a variety of management and regulatory improvements designed to increase efficiency and productivity. A key initiative has been the expansion of the Board from five to nineteen members, allowing the consideration of appeals using multiple panels. Further, Board attorney staff have been restructured into eight discrete teams, each assigned directly to a Board panel. These structural changes have improved caseload management, accountability and communication.

In addition to management initiatives, EOIR has continued to improve programs through the regulatory process. As an example, the Motions and Appeals Regulation streamlined the motions and appeals practice before the Board by requiring that appeals of Immigration Judge decisions and motions to reopen and reconsider decisions by the Board be filed directly with the Board. These provisions have allowed the Board to assume direct control of filings, replacing a cumbersome and decentralized system of filing at INS District Offices. Further, the regulation establishes time and number limitations on motions to reopen and on motions to reconsider. More recently, EOIR has published regulations which allow consideration of appeals using two en banc panels. A much broader regulatory proposal, "Regulations Streamlining Appellate Procedures at the Board of Immigration Appeals," has been promulgated and will be implemented during FY 2000.

The Board continues to experience a dramatic rise in caseload, increasing from the 12,774 appeals received in 1992 to 30,789 in 1999. Receipts for 2000 and 2001 are projected to exceed 32,000 and 33,000 appeals, respectively, representing an increase of nearly 175 percent since 1992.

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Office of the Chief Immigration Judge

The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the Immigration Judges located in fifty-two field offices throughout the United States. Generally, Immigration Judges hold removal hearings to determine the immigration status of aliens. Immigration Judges may order aliens removed or grant relief such as cancellation of removal, voluntary departure, suspension of deportation, registry, adjustment of status, political asylum or waiver of deportability. If the Immigration Judges decide that removability has not been established, they may terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or a reduction in the amount of bond.

With respect to criminal alien adjudications, the Institutional Hearing Program (IHP) provides the framework for hearings which determine the immigration status of aliens convicted of criminal offenses who are incarcerated in prisons across the United States. In concert with the INS, EOIR has concentrated on the Federal program and those in the seven states most affected by illegal immigration: California, Texas, New York, Florida, Arizona, New Jersey and Illinois. There are also programs in virtually all other states, the District of Columbia, Puerto Rico, the Virgin Islands, selected municipalities and Bureau of Prisons facilities. The seven state programs, known as the Enhanced IHP, account for the vast majority of the state program caseload and that of the total IHP. This program is a central component of a variety of initiatives designed to expedite the removal of criminal aliens and involves close coordination with INS, BOP and state and local corrections authorities. Currently, 91 percent of the cases which begin in the IHP hearing process are completed prior to the aliens' release from incarceration.

Asylum reform has streamlined the procedures involved in processing asylum cases, integrated INS and EOIR processes, and eliminated duplicative adjudications. Claims that are not approved by INS are automatically referred to EOIR's Immigration Judges who conduct full asylum adjudications in the context of removal proceedings. The new asylum procedures, which became effective in January, 1995, include provisions limiting the INS approval of employment authorization to those aliens who have gained asylum, or whose applications are not adjudicated within 180 days of their filing date. As a consequence, the success of asylum reform is largely dependent upon the ability of Immigration Judges to render decisions within established time frames. Absent that ability, the benefit of work authorization would accrue to thousands of aliens not otherwise entitled. Currently, Immigration Judges are completing 88 percent of the expedited asylum adjudications within the 180-day time frame.

EOIR has coordinated the implementation of expanded programs with the INS to ensure the optimal placement of resources based upon the volume and geographic concentration of detained, asylum and criminal alien workload. This includes the expansion of a majority of field offices and the establishment of several new offices. EOIR's ADP system has been modified to facilitate the implementation of asylum reform by enhancing case tracking capabilities, e.g., the tracking of case processing times, and by allowing all local and regional INS asylum offices access to the system. Among other benefits, these improvements have allowed the introduction of two key case processing initiatives. First, INS personnel are able to access the ANSIR system and schedule cases for Immigration Judge hearings immediately upon their decision to refer asylum claims to EOIR. Second, INS regional service centers are able to access the ANSIR database to ascertain the status of cases in order to determine the eligibility of aliens for employment authorization. This "interactive" scheduling system has been made available, for all case types, to INS nationwide. Further, EOIR has coordinated with INS to enable the "download" of a wide range of case information which will assist several Service programs.

EOIR also has been active in the regulatory area, publishing regulations which include provisions allowing the use of stipulated deportations, thereby enabling the expedited deportation of criminal aliens in applicable cases. Regulations also have been published which codify the practice of Immigration Judges conducting telephonic hearings and the authority of Immigration Judges to hold video electronic hearings. Most recently, EOIR worked closely with the Service in publishing regulations implementing the 1996 Act and NACARA.

Finally, in keeping with the customer service goals of the National Performance Review, EOIR has established an electronic phone system (1-800 number) to provide ready access to Immigration Court information such as hearing dates, times and locations, status of asylum cases, Immigration Judge decisions and case appeal dates. The system, provided in English and Spanish, reduces the time required for the public to obtain information and schedules. The system is currently receiving in excess of 100,000 calls per month.

Administration initiatives continue to have a significant impact upon EOIR's Immigration Judge program. In 1999, Immigration Judge workload approached 235,000 case receipts. INS enforcement initiatives planned for FY 2000 and requested for FY 2001 will bring an estimated 15,000 additional cases annually.

Office of the Chief Administrative Hearing Officer

The Chief Administrative Hearing Officer provides overall program direction, articulates policies and procedures, and establishes priorities for the Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 274A, 274B and 274C of the INA. Section 274A provides for sanctions against employers or entities who: (1) hire, recruit or refer for a fee or continue to employ unauthorized aliens; (2) refuse to comply with the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 274B provides for the imposition of penalties against employers who discriminate against any individual (other than an unauthorized alien) in employment-related situations because of the individual's national origin or citizenship status. Section 274C provides civil penalties for immigration-related document fraud. Such judicial proceedings are initiated by complaints filed with the Office of the

Chief Administrative Hearing Officer and assigned to ALJs. Complaints are filed by: (1) (274A and 274C cases)–the Immigration and Naturalization Service; (2) (274B cases)–the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC); or (3) (274B cases) if OSC declines a case, an aggrieved party or a representative.

The ALJs hold hearings and related administrative proceedings and render decisions on the complaints assigned to them. They impose sanctions and penalties as prescribed by law in appropriate cases and may, where warranted, award attorney's fees, back pay, and issue cease and desist orders. The Chief Administrative Hearing Officer may conduct administrative review and takes the final agency action with respect to cases decided by ALJs under Sections 274A and 274C, and certifies ALJs who hear Section 274B cases as having received the requisite training in employment discrimination matters.

INITIATIVES

Initiative	Positions	Workyears	Amount
Coordination with INS Initiatives	62	31	$ 4,979,000

INS has developed the following initiatives for FY 2001 which, taken together, will increase Immigration Judge caseload by 10,000 cases and BIA caseload by 1,200 appeals annually: 1) Border Management and Coordination (5,400 cases and 650 appeals); and 2) Interior Enforcement (4,600 cases and 550 appeals). EOIR's portion of these initiatives includes 10 Immigration Judges, 6 BIA staff attorneys, and the required legal and clerical support positions.

The INS initiatives are fully explained in the INS FY 2001 submission. The Service is requesting 430 additional Border Patrol positions, additional Detention and Deportation positions and 1,038 additional bedspaces in support of a variety of enforcement goals, including the enhanced capability to apprehend and remove increasing numbers of criminal and non-criminal aliens. The INS initiatives will focus upon the border, criminal aliens, detention and alien removals, all areas directly involving EOIR operations.

Critical to the success of these initiatives will be the ability of EOIR to process the resulting Immigration Judge and appellate caseload in a timely fashion. INS removal goals are, in large measure, inextricably tied to EOIR's adjudication process. Similarly, the efficient utilization of enhanced detention capacity is dependent upon the expedited processing of the Immigration Judge and appellate caseload, thereby maximizing the number of aliens INS is able to process through detention facilities.

Base funding levels could not support any of the additional workload generated by the increased INS enforcement effort. Absent resource increases, many of the goals identified by these efforts would be severely jeopardized by EOIR's inability, owing to resource inadequacies, to process the resulting caseload. As in the past, EOIR would apply resources to areas where caseload volume, complexity and processing times are most critical.

EOIR's initiative includes 10 of each of the following positions required to support the judges requested: law clerks, interpreters, legal technicians and clerk typists. The 6 BIA attorney positions requested will require the support of 6 paralegal positions.

This initiative directly relates to the following immigration goals in DOJ's Strategic Plan: Goal 2: **Deliver services to the public in a timely, consistent, fair and high quality manner;** Goal 5: **Maximize deterrence to unlawful migration and enforce immigration laws in the interior through effective and coordinated use of resources to reduce the incentives of unauthorized employment and assistance; remove deportable/inadmissible aliens expeditiously; address interior smuggling and benefit and document fraud; and increase intergovernmental cooperation and the integration of activities among law enforcement entities at all levels of government;** and, Goal 6: **Expedite the adjudication of immigration cases while ensuring due process and fair treatment for all parties.**

Administrative Review and Appeals
Salaries and Expenses
Financial Analysis—Program Changes
(Dollars in Thousands)

Item	Coordination with INS Initiative				TOTAL	
	BIA		OCIJ			
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
IJ-1 thru 4			10	1329	10	1329
GS-13	6	378			6	378
GS-11			10	442	10	442
GS-9			10	365	10	365
GS-7	6	179			6	179
GS-6			10	269	10	269
GS-5			10	241	10	241
Total Positions & Annual Rate	12	557	50	2646	62	3203
Lapse (-)	-6	-278	-25	-1323	-31	-1601
Total Workyears and Personnel Compensation	6	279	25	1323	31	1602
Personnel Benefits		75		357		432
Travel & Transportation		0		109		109
Comm., utilities, and misc charges		27		112		139
Printing		3		11		14
Advisory & Assistance Svc		1		2		3
Other services		98		758		856
Purchase of Goods & Svc		53		212		265
Operation & Maintenance of Facilities		15		62		77
Medical Care		0		1		1
Operation & Maintenance of Equipment		28		115		143
Supplies and materials		63		222		285
Equipment/Desktop Computers		52		218		270
Furniture/Fixtures		41		262		303
Land and Structure		70		410		480
Total program workyears & obligations changes requested, 2001	6	805	25	4174	31	4979

Administrative Review and Appeals
Salaries and Expenses
2001 Priority Rankings

BASE PROGRAM

Program	Ranking
Executive Office for Immigration Review	1
Office of the Pardon Attorney	2

PROGRAM INCREASES

Program	Ranking
Coordination with INS Initiatives	1

Adminis. .ive Review and Appeals
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001
(Dollars in Thousands)

Category	1999	2000	2001		
	Authorized	Total Authorized	Base Shortfall	Program Increases	Total Authorized
Attorneys (905)	366	366		16	382
Paralegal specialists (950)	18	23		0	23
Other Legal Kindred (900-998)	340	341		20	361
Personnel Management (200-299)	18	17		0	17
Gen. Admin. Clerical and Office Services (300-399)	276	251	(20)	16	247
Accounting and Budget (500-599)	5	4		0	4
Information and Arts Group (1000-1099)	110	107		10	117
Supply Group (2000-2099)	0	0		0	0
Other Miscellaneous (001-099)	4	4		0	4
Total	1,137	1,113	(20)	62	1,155
Washington	330	330		12	342
U.S. Field	807	783	(20)	50	813
Foreign Field	0	0		0	0
Total	1,137	1,113	(20)	62	1,155

ADMINISTRATIVE REVIEW AND APPEALS
Salaries and Expenses
Summary of Agents and/or Attorneys and Support Positions
(Dollars in Thousands)

Appropriated Positions

Decision Unit	2000 Appropriation Enacted						2001 Changes								2001 Request Level					
	Attorneys		Support		Total		Base Shortfall		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Board of Immigration Appeals	124	149	106	73	230	222			6	3	6	3	12	6	130	152	112	76	242	228
Office of the Chief Immigration Judge	221	250	521	539	742	789	-20	-7	10	5	40	20	30	18	231	255	541	552	772	807
Off. of the Chief Admin. Hearing Officer	5	5	19	19	24	24			0	0	0	0	0	0	5	5	19	19	24	24
Office of the Director	10	9	92	79	102	88			0	0	0	0	0	0	10	9	92	79	102	88
Office of the Pardon Attorney	6	6	9	9	15	15			0	0	0	0	0	0	6	6	9	9	15	15
Total	366	419	747	719	1,113	1,138	-20	-7	16	8	46	23	42	24	382	427	773	735	1,155	1,162

Administrative Revi... and Appeals
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos	Work-Years	Amount
2000 President's Request	1,120	1,142	149,152
2000 Congressional Action	(7)	(4)	(656)
2000 Appropriation Anticipated	1,113	1,138	148,496
Adjustment-to-base increases:			
2001 Pay Raise			2,783
Annualization of 2000 Pay Raise			1,353
Annualization of 2000 positions		13	1,446
Federal Health Insurance Premiums			326
GSA Rent			3,468
Lease Expirations			119
Antenna Fees (GSA)			2
Accident Compensation			74
Transcription and Translation Services			1,463
Travel Management Center Fees			27
General Pricing Level			12
Nat'l Archive and Record Projections			1
Total, increases	0	13	11,074
Decreases:			
Adjustment to Align Pos/FTE with funding	(20)	(20)	0
2001 base	1,093	1,131	159,570
Program changes	62	31	4,979
2001 estimate	1,155	1,162	164,549

Administrative Review and Appeals
Salaries and Expenses
Justification of Adjustments to Base

Increases:

1. 2001 pay raise..... ... ... ? 783

This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $2,783, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($2,032 for pay and $751 for benefits totaling $2,783).

2. Annualization of 2000 pay raise..... 1,353

This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $1,353 represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($1,035 for compensation and $318 for benefits).

3. Annualization of additional positions..... ... 13 1,446

This provides for the annualization of 13 additional FTE requested in the enacted 1999 appropriation for Coordination with INS Initiatives. This request includes an increase of $1,446.

	Annualization Required for 2001
Net Compensation	621
Associated employee benefits	142
Travel & Transportation	42
Communications/Utilities	56
Printing/Reproduction	7
Other Contractual Services:	
25.1 Advisory & Assistance Svc	1
25.2 Other Services	320
25.3 Purchase of Goods & Svc	13
25.4 Operation & Maintenance of Facilities	32
25.6 Medical Care	1

25.7 Operation & Maintenance of Equip.	57
Supplies/Materials	115
Equipment	39
Land & Structure	0
	1,446

4. Increased Federal Health Insurance Costs 326

This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $326 for these costs.

5. General Services Administration (GSA) rent 3,468

GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $3,468 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.

6. Lease Expirations 119

GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $119 is requested for the Executive Office for Immigration Review.

7. Antenna Fees 2

GSA will charge the Department antenna fees in FY 2001. These fees include all current antennae utilized by Justice components that have antennae atop their buildings. Funding of $2 is requested.

8. Accident compensation 74

This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $74.

9. Transcription and Translation Services 1,463

This request provides for the cost increases built in to the court interpreter and transcription contracts. The cost per hour for contract interpreters increases 4 percent each year, per contract. The cost per page of the transcription contract increases 6 percent each year, per the contract. .Funding of $1,463 is requested for Administrative Review and Appeals.

10. Travel Management Center Fees 27

In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at approximately $2,500,000.00. Funding of $27 is requested for Administrative Review and Appeals.

11. General pricing level adjustments 12

This request applies OMB pricing guidance to selected expenses categories. The increases costs identified result from applying a factor of 2.1 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

12. National Archives and Records Administration (NARA) 1

The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services.

In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, based on current records maintained by NARA. Funding of $1 is requested for the Executive Office for Immigration Review.

Total, ATB increases ... 13 11,074

Decreases:

1. Adjustment to Align Pos/FTE with Funding.....	-20	-20	0

EOIR reduces its base positions by 50 and its FTE by 30 in the FY 2000 budget to eliminate unfunded vacant positions resulting from EOIR's longstanding base shortfall. Additional reductions of 20 vacant positions and 20 FTE are taken in FY2001 to reflect personnel resources that can be funded with available resources.

Administrative Review and Appeals
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase Decrease Pos. & Wys.	Increase Decrease Amount
AL-3, $82,555-$125,900	4		3		3		0	
SL-3, $126,934-$130,200	15		15		15		0	
IJ1-IJ4, $82,880-$123,154	219		216		226		10	
ES-6, $130,200	1		1		1		0	
ES-5, $130,200	3		3		3		0	
ES-4, $130,200	2		2		2		0	
ES-3, $126,825	0		1		1		0	
ES-2, $121,264	1		0		0		0	
ES-1, $115,811	0		0		0		0	
GS-15, $84,638-110,028	114		114		114		0	
GS-14, $71,954-93,537	49		50		50		0	
GS-13, $60,890-79,155	45		39		45		6	
GS-12, $51,204-66,564	36		35		35		0	
GS-11, $42,724-55,541	118		116		126		10	
GS-10, $38,885-50,554	0		0		0		0	
GS-9, $35,310-45,900	67		70		80		10	
GS-8, $31,968-41,557	29		25		25		0	
GS-7, $28,866-37,522	231		229		235		6	
GS-6, $25,976-33,768	52		44		54		10	
GS-5, $23,304-30,292	26		16		26		10	
GS-4, $20,829-27,080	4		2		2		0	
GS-3, $18,555-24,120	1		5		5		0	
GS-2, $17,005-21,398	4		2		2		0	
GS-1, $15,125-18,921	2		0		0		0	
Ungraded positions	114		125		105			
Total, appropriated positions	1137		1113		1155		62	
Average ES Salary		$128,923		$129,718		$130,200		
Average GS Salary		$52,010		$52,380		$51,577		
Average GS Grade		9.88		9.95		9.84		

Administrative Review and Appeals
ries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Enacted Wys.	2000 Enacted Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Full-time permanent	993	$62,783	1,047	$67,441	1,071	$74,590	24	$7,149
11.3 Other than full-time permanent	91	3,451	85	3,177	85	3,177	0	0
11.5 Other personnel compensation	6	941	6	941	6	989	0	48
Overtime	6	250	6	265	6	265	0	0
11.8 Special personal services payments	0	0	0	0	0	0	0	0
Total	1,090	67,175	1,138	71,559	1,162	78,756	24	7,197
Reimbursable workyears:								
Full-time permanent	0		0		0			
Other Object Classes								
12.0 Personnel benefits		15,087		16,364		17,213		849
13.0 Benefits to former personnel		14		7		15		8
21.0 Travel and transportation of persons		2,358		2,465		2,549		84
22.0 Transportation of things		846		838		867		29
23.1 GSA rent		15,740		16,561		20,086		3,525
23.2 Rental payments to others		445		135		260		125
23.3 Comm., util., & other misc. charges		5,534		6,054		6,187		133
24.0 Printing and reproduction		299		305		310		5
25.1 Advisory and assistance services		34		293		296		3
25.2 Other services		19,239		18,645		20,416		1,771
25.3 Purchases of goods & svcs from Gov't accounts.		689		1,213		1,478		265
25.4 Operation of GOCO's		536		1,736		1,813		77
25.6 Medical Care		58		87		88		1
25.7 Operation and Maintenance of Equipment		6,941		7,528		7,671		143
26.0 Supplies and materials		2,561		2,797		3,082		285
31.0 Equipment		1,886		3,089		3,662		573
32.0 Land & Structure		0		0		480		480
42.0 Litigation Services		12		20		20		0
Total obligations		139,454		149,696		165,249		15,553
Unobligated balance, start of year		(3,173)		(5,321)		(4,121)		
Unobligated balance, end of year		5,321		4,121		3,421		
Total requirements		141,602		148,496		164,549		
Relation of Obligation to Outlays:								
Total obligations		139,454		149,696		165,249		
Obligated balance, start of year		19,264		11,825		19,193		
Obligated balance, end of year		(11,825)		(19,193)		(14,161)		
Adjustments in expired accounts		(9,000)		0		0		
Outlays		137,893		142,328		170,281		

Department of Justice

Office of the Inspector General

Estimates for FY 2001

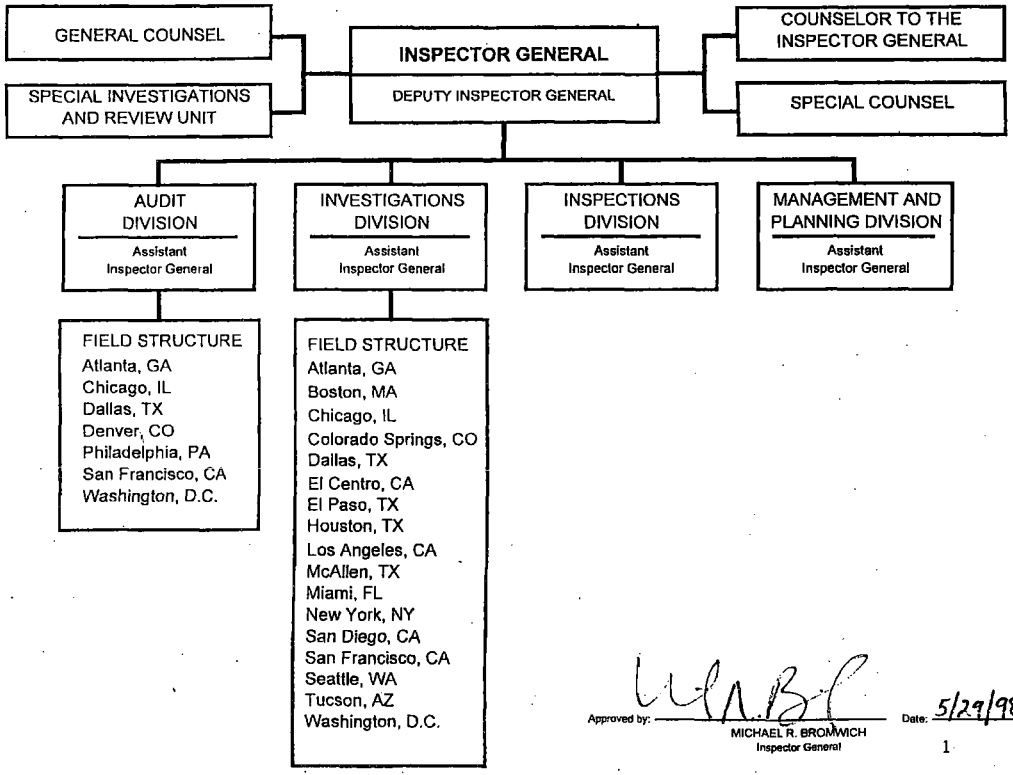
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OFFICE OF THE INSPECTOR GENERAL



Approved by: _____ Date: 5/29/98

MICHAEL R. BROMWICH
Inspector General

INTRODUCTION

By Act of Congress, the Office of the Inspector General (OIG) was established in the Department of Justice (DOJ) on April 14, 1989. The OIG detects and deters waste, fraud, abuse, and misconduct among DOJ employees and DOJ's many programs. In addition, the OIG provides leadership and assists DOJ managers in promoting integrity, economy, efficiency, and effectiveness in its financial affairs and contractual and grant relationships with others. By statute, the OIG is an independent entity within DOJ and reports to both the Attorney General and Congress on issues that affect the DOJ's personnel or mission. This independence is crucial to the OIG's ability to aggressively pursue misconduct, fraud, waste, and abuse in a Department with a $21.3 billion budget and a workforce of 120,000 employees.

The OIG carries out its multi-faceted mission with a current workforce of approximately 390 investigators, auditors, inspectors, attorneys, and support staff. The investigators are assigned to one of 17 offices across the country, while the auditors serve in one of 7 field offices. In addition, our Inspections Division, Special Investigations and Review Unit (SIRU), Management and Planning Division, Office of the General Counsel, and the Inspector General's immediate office are located in Washington, D.C.

Specifically, the OIG: (1) investigates violations of law and DOJ regulations for appropriate criminal prosecution, civil litigation, and administrative action; (2) conducts, reports, and follows up on financial and performance audits of DOJ programs, contracts, grants, and agreements; and (3) performs timely inspections of DOJ programs that provide an early warning to the Administration and Congress regarding potential or existing problems. Each of these activities is crucial to ensuring that DOJ manages its resources efficiently and effectively.

This FY 2001 budget request is predicated on a fiscally conservative assessment of the requirements necessary to enable the OIG to carry out its statutory responsibilities in DOJ. It is the experience of Inspectors General that rapid and dramatic resource growth provides an increased opportunity for waste, fraud, and abuse. To illustrate this point, the number of allegations of misconduct reported to the OIG has increased from just under 5,000 in FY 1994 to over 8,000 in FY 1999.

The biggest issue facing the OIG is DOJ's unprecedented growth. From FY 1993 through FY 1999, the Department will have doubled in its appropriations and added more than 26,000 employees. Most of this growth has taken place in the Immigration and Naturalization Service (INS) and Bureau of Prisons (BOP), the two components that command the bulk of the OIG's attention.

In contrast to DOJ's unprecedented growth, the OIG imposed a hiring freeze in August 1998, which continues as of this submission. As a result of the hiring freeze, the OIG began FY 2000 at a staffing level of 398, down from 453 at the beginning of last year, a loss of more than 12 percent of its work force. One result of this loss is an imbalance in size, experience, and capabilities among OIG offices and components. Reduction by attrition does not permit a planned and orderly downsizing. The effect of this imbalance will be felt for some time to come, and it is imperative that this request be approved in order to stop these losses. In the meantime, the OIG is taking a number of steps to address this loss and imbalance, which are detailed under Current Budget Authority.

CURRENT BUDGET AUTHORITY

The OIG operates with a direct FY 2000 budget authority of $40,235,000, 342 full-time permanent positions and 328 workyears. In addition to direct appropriations, the OIG expects to receive $10,500,00 and 52 workyears in reimbursements. We anticipate receiving $6,632,979 and 14 FTE for Financial Statement Audit (FSA) work, including $5,032,979 in "pass through" contract costs and $1,600,000 and 14 FTE for oversight costs; $2,500,000 and 23 FTE for INS User Fee account work; $1,250,000 and 15 FTE from U.S. Trustees for requested audit work; and $117,021 for other audit related costs.

This level of funding is $1.3 M less than the OIG received last year. In order to deal with this budget shortfall, the OIG has obtained the authority to offer Voluntary Early Retirements to its workforce. In addition, we are cutting our fleet by one-third, have already cut our discretionary spending by approximately 10 percent from last year's austere levels, and continue to look for additional cuts.

SUMMARY OF THE FY 2001 BUDGET REQUEST

The OIG's request for FY 2001 totals $42,192,000, 342 permanent positions, and 328 workyears (not including 52 reimbursable workyears), representing no change in positions and workyears and an increase of $1,957,000 over the FY 2000 level[1]. The principal element for the change is:

- $1,957,000 for adjustment-to-base increases related to continuing FY 2000 current services, including FY 2001 pay raises.

These additional resources will only allow the OIG to fulfill continuing FY 2000 current services and provide for FY 2001 pay raises.

[1] In addition, we project reimbursements in FY 2001 totaling $10.5 M and 52 FTE, consisting of $6.6 M and 14 FTE for FSA work, including $5.0 M in "pass through" contract costs and $1.6 M and 14 FTE in oversight costs; $2.5 M and 23 FTE for oversight work of INS User Fee programs; and $1.3 M and 15 FTE for U.S. Trustees for requested audit work; and $0.1 M for other audit related costs.

FY 2001 Component Performance Plan and 1999 Accountability Report

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

The OIG has two distinct roles: to promote efficient and effective program management and deter future problems, and to find and report on current problems. Because the OIG strives for continuous improvement in Department management and program operations, its work affects each of the core functions outlined in the DOJ Strategic Plan, FY 1997-2002 (Strategic Plan). This budget request and the OIG's Performance Plan specifically support the mission priorities, general goals, and strategic approaches that are included in the Strategic Plan. In addition, we have incorporated performance indicator information that should lead to better accountability regarding actual results achieved.

OIG MISSION AND GOALS

The OIG promotes efficient and effective management within DOJ and detects and deters wrongdoing in its programs and operations using the coordinated efforts of its investigative, audit, and inspection resources.

To fulfill its mission, the OIG has established the following goals:

1. Detect and deter misconduct in programs and operations within or financed by DOJ.

2. Promote the efficiency and effectiveness of DOJ programs and operations.

3. Build relationships with customers based on a shared commitment to improving program operations and effectiveness.

RELATIONSHIP TO DOJ STRATEGIC PLAN, FY 1997-2002

Relevant excerpts from the Strategic Plan include the following:

CORE FUNCTION: Management

GOAL #1: Strengthen oversight and integrity programs, ensure consistent accountability, and emphasize our core mission responsibilities.

B. Highlights of 1999 Mission Critical Results

FY 1999 Goal: Focus an additional 10 percent of the Special Investigations and Review Unit's (SIRU) staff (from a baseline of 60 percent in FY 1998) on undertaking complex special investigations regarding allegations of serious misconduct against DOJ employees.

The OIG exceeded this goal by focusing an additional 15 percent of the SIRU's staff on special investigations. The following are highlights of SIRU's mission-critical successes during FY 1999:

- In September 1997, the Attorney General and the Director of the Federal Bureau of Investigation (FBI) learned that classified intelligence information pertaining to the Department's campaign finance investigation may not have been appropriately disseminated within the FBI and the Department. In November 1997, the Attorney General asked the OIG to review how this intelligence information was handled. In all, the OIG reviewed more than 18,000 pages of classified information and conducted more than 120 interviews. Our final report was issued in July 1999. We concluded that none of the problems in disseminating classified information was attributable to intentional malfeasance or purposeful obstruction. Rather, the shortcomings in the Department's handling of the intelligence information were attributable to multiple causes including: (1) legitimate policy disputes about disseminating criminal and intelligence information, (2) problems in the use and maintenance of the FBI's computer database systems, (3) poor communication among the various parties involved in the campaign finance investigation, and (4) the exercise of poor judgment on the part of certain personnel. The OIG report included recommendations that we believe will help prevent the reoccurrence of the problems we found.

- Kenneth Trentadue, an inmate being held at the Federal Transfer Center in Oklahoma City, Oklahoma, was found dead in his cell in August 1995. The Bureau of Prisons (BOP) concluded that Trentadue committed suicide by hanging. However, allegations that Trentadue was murdered led to an investigation by the FBI and the

Department's Civil Rights Division. The investigation concluded that there was insufficient evidence of a violation of the federal criminal civil rights laws. Following that investigation, and at the Deputy Attorney General's request, the OIG initiated a separate review focusing on whether BOP or FBI employees mishandled evidence or engaged in other misconduct in the events surrounding Trentadue's death. The OIG's review concluded that Trentadue's death was a suicide and that he had not been murdered by BOP correctional officers or inmates. We also did not find that BOP or the FBI participated in any conspiracy to cover up the circumstances of his death. However, we did find that BOP's response to his death was significantly flawed and that the FBI did not devote sufficient attention to the case for several months and mishandled and misplaced important pieces of evidence.

- In August 1999, the OIG issued a report concerning its review of BOP's management of inmate telephone privileges. This special review found a significant problem with federal inmates using prison telephones to commit serious crimes while incarcerated -- including instances of arranging for murders, drug trafficking, and fraud. Moreover, our review found that BOP has taken only limited and insufficient corrective actions to address this problem. Based on our review, the OIG recommended that BOP take the following actions to curb prison telephone abuse: (1) increase the percentage of inmate telephone calls it monitors, (2) more consistently discipline telephone abusers, (3) restrict telephone privileges for inmates who have a history of telephone abuse, and (4) emphasize the responsibility of its officers to detect and deter crimes by inmates using BOP telephones.

FY 1999 Goal: Review 30 Immigration and Naturalization Service (INS) programs and activities identified as high priority areas in the Strategic Plan or areas materially affected by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

The OIG reviewed 23 programs and activities identified as high priority in the Strategic Plan or areas materially affected by the IIRIRA. Although these reviews encompass 96 percent of the work we performed in INS, we did not meet our goal of reviewing 30 programs. Due to the need to perform critical work in other areas of the Department and a shrinking number of available staff, we could not begin more assignments in this area. The following are highlights of our work:

- We performed a follow-up audit of INS' management of its $2.8 billion automation programs. We found that INS still does not adequately manage its automation programs despite the fact that it now has spent over $800 million on these programs. As a result, (1) estimated completion dates for some projects have been delayed without explanations for the delays, (2) costs continue to spiral upward without justification for how the funds are spent,

and (3) projects are nearing completion without assurance that they will meet performance and functional requirements. We recommended a series of improvements to INS' management of the automation initiatives. INS concurred with each of the recommendations and prepared an implementation plan to correct the deficiencies.

- We performed an audit of the nation's asylum program, which allows aliens legally or illegally in this country to apply to INS for asylum. During our audit, we found that while new regulations, implemented to address the increasing backlog of asylum cases and public concerns over abuse of the asylum program, streamlined procedures and promoted efficiency, they did little to build in necessary protections and mechanisms to maintain quality control. Also, INS did not ensure the asylum applicants' identities were firmly established through fingerprinting and FBI record checks. Further, we found that INS was not successful in deporting applicants that were denied asylum. We recommended that INS strengthen the supervisory review of asylum officers' written case assessments, improve data gathering for denied asylum applicants, and establish a tracking system to ensure that rejected or unclassifiable fingerprint charts are resubmitted to the FBI for complete record checks before granting asylum.

- We identified ineffective enforcement and lack of sufficient controls over voluntary departure. The OIG found that adequate criminal history checks identifying aggravated felons are not performed on all illegal aliens granted voluntary departure. As a result, INS district officers and Executive Office for Immigration Review immigration judges inappropriately granted voluntary departure to some aggravated felons. The OIG also found that INS lacks an effective departure verification system and, therefore, has no way of knowing which aliens granted voluntary departure have left the country and which remain. Finally, the OIG review found that INS enforcement of voluntary departure orders is minimal.

- We examined the potential for fraud and INS' efforts to reduce the risks of the Visa Waiver Pilot Program (VWPP). We found evidence of fraudulent activity related to VWPP using INS' records of intercepted passengers. The most serious instances involved terrorists, criminals, and alien smugglers who attempted to use the VWPP as a means to enter the United States. The OIG focused its review on stolen blank passports. Based on a sample of 1,067 VWPP blank passports reported to INS as stolen, the OIG found that almost 10 percent of these passports may have been used for illegal entry into the United States. The report also identified specific problems with the way INS' computerized "lookout" database is maintained with respect to entering information about stolen VWPP passports.

FY 1999 Goal: Perform 150 Violent Crime Reduction Trust Fund (VCRTF) grant reviews, including Community Oriented Policing Services (COPS), Violent Offender Incarceration and Truth-In-Sentencing (VOI/TIS), Violence Against Women, and Drug Courts, to determine whether the grantee's use of the funds is in accordance with the grant provisions.

The OIG performed 105 grant reviews of these programs to determine if the grantee's use of the funds was in accordance with the grant provisions. The OIG was unable to meet its target of 150 reviews for several reasons. Starting in January 1999, the Audit Division began a pilot program to issue COPS audit reports in draft. The draft report process requires responses to the report from the state or local government being audited as well as the Office of Justice Programs (OJP) and the COPS office. While this process results in an improved understanding between the auditee and the OIG, the additional time needed to obtain and analyze responses resulted in the division not being able to start more VCRTF audits. In addition, the Audit Division has been involved in an Audit Resolution Committee effort that required the compilation of significant amounts of data related to COPS audits. That said, the following are highlights of our work in the area of VCRTF grant reviews:

- We issued the report *Summary of Police Hiring and Redeployment Grants Audits,* that consolidated the results of 149 audits performed from October 1996 through September 1998 of grantees receiving funds totaling $511 million. Although our universe of grantees was not selected randomly and, therefore, our results may not be representative of all grantees, the frequency and magnitude of issues identified in our grant audits indicate that significant numbers of jurisdictions audited were: (1) overestimating salaries and benefits or including unallowable costs in reimbursement requests, (2) using federal funds to supplant local funds, (3) not making a good-faith effort to fill locally-funded sworn officer positions, (4) not submitting, or submitting late, status reports to COPS and OJP, and (5) not establishing systems to track the redeployment of officers into community policing. We also concluded that some jurisdictions may have difficulty retaining COPS-funded officer positions with local funds at the conclusion of the grants.

- In our program audit *Management and Administration of the COPS Grants Program*, we reviewed COPS' and OJP's administration of the $8.8 billion community policing grant program. We evaluated (1) COPS' ability to meet the President's goal to put 100,000 additional police officers on the street by FY 2000, (2) COPS' and OJP's monitoring of grantees, and (3) the quality of guidance provided to grantees to assist them in implementing essential grant requirements. We found that the COPS grants will not result in 100,000 additional officers on the streets by the end of FY 2000 because: (1) COPS projects that only 59,765 of the 100,000 officers funded will be

deployed by the end of FY 2000, (2) law enforcement agencies had not accepted approximately $485 million in grant funds for 7,722 officers for an average of 1 year after the designated acceptance period, (3) COPS counted grants for another $96 million and 2,526 officers towards the 100,000 goal, although the formal grant award documents had not been mailed to the grantees, and (5) grantees had terminated at least 500 grants for 1,300 officer positions during the first 4 years of the COPS program, and COPS had not deobligated 127 of those grants totaling about $15.1 million.

- We fulfilled our commitment to the Attorney General by completing all planned site reviews of VOI/TIS grant recipients to ensure that they are achieving program objectives and federal funds are spent in accordance with the VOI/TIS Incentive Grant Program requirements. From May 4, 1997 through March 31, 1999, the OIG reviewed and issued individual reports that evaluated the progress of 25 states in implementing and complying with the requirements of the VOI/TIS grant program. In September 1999, the OIG issued a summary report of findings and recommendations. Overall, the OIG found that the grant recipients generally had adequate administrative controls for monitoring the projects and managing the grant funds. However, for some of the grant recipients, we noted various shortcomings in accounting for the federal grant funds awarded, providing state matching funds, and reporting the status of program implementation.

FY 1999 Goal: The OIG will target resources on allegations that relate to fraud, bribery, rights violations, drug violations, and sexual crimes.

During FY 1999 the OIG did target resources on allegations that relate to the priority investigations below. In the areas of bribery, fraud, and sexual crimes investigations, the OIG exceeded its FY 1999 plan. The OIG met its goal for priority investigations "in an open status" and "closed" in all areas except rights violations and drug violations. In the area of drug violations, our failure to meet our target was due to our July 1998 revision of the offense codes that comprise each priority investigation category. As a result, there has been a shift in how some existing, as well as new, cases are classified and tracked. Many cases that formerly would have been categorized and tracked as a drug case are now reflected in the bribery category. While drug violation cases have decreased, bribery cases for FY 1999 were 18 percent over our target number. Our plans for FY 2000 and FY 2001 take into consideration the revised categories. In the area of rights violations, a June 1999 internal policy change has resulted in our opening a rights violations case only in circumstances where the initial allegation, on its own merit, appears to be prosecutable. This policy change, instituted primarily due to reduced staffing, has resulted in fewer rights violations cases being opened.

Highlights of these results are reflected in the cases below.

- A supervisory asylum officer and an attorney assigned to the INS Office in Rosedale, New York, were arrested on charges of bribery and conspiracy filed in the Eastern District of New York. This joint OIG New York Field Office and FBI investigation developed evidence that the asylum officer altered hundreds of decisions in INS' computer system, thereby changing the original assessments written by the asylum officers from a court referral to a grant of political asylum. Nine other individuals were arrested for their roles in this scheme; two of whom have pled guilty. As a result of this investigation, INS has revised computer security by instituting procedures specifically designed to deter and detect internal fraud and abuse. The investigation continues.

- A 39-month investigation by the OIG Miami Field Office, Drug Enforcement Administration (DEA), U.S. Customs Service, Internal Revenue Service, and the Florida Department of Law Enforcement resulted in the arrest of an INS special operations inspector and 12 codefendants for multiple violations of federal narcotics and money laundering laws. This investigation established that the INS inspector used his position to facilitate the smuggling of drugs by the Francois-Ketant drug-trafficking organization through the Miami International Airport and obtain confidential criminal intelligence information in order to warn coconspirators and help them evade justice. To date, five codefendants and the INS special operations inspector were convicted in the Southern District of Florida. Three of the defendants, including the INS employee, were sentenced to life in prison. In addition, an asset forfeiture order was issued against the INS employee for $2.5 million. In total, this investigation led to the conviction of 13 defendants for their involvement in the drug smuggling scheme.

- In the Southern District of Florida, nine former correctional aides previously assigned to Spectrum Community Corrections Center— a BOP contract halfway house facility—were arrested on charges of conspiracy, bribery, and aiding and abetting. Eight defendants pled guilty and received sentences ranging from home confinement to 30 months' incarceration and 2 years' supervised release; the ninth defendant entered into a pre-trial diversion agreement. A 9-month investigation by the Miami Field Office uncovered a widespread bribery and corruption scheme in which several correctional aides demanded and received cash bribes from inmates to allow them to leave the halfway house facility after hours and overnight without proper authorization. This investigation also developed evidence that these correctional aides took cash bribes to alter and falsify inmates' urine samples and inmates' sign-in and sign-out records.

- A federal grand jury in the Northern District of California returned a 22-count indictment against a former BOP correctional officer, previously assigned to the Federal Correctional Institution in Dublin, California. An investigation by the OIG San Francisco Field Office, FBI, and BOP led to an indictment charging the correctional officer with 17 counts of sexual abuse of a ward and abusive sexual contact involving four different female inmates over a period of several months. In addition, he was charged with five counts of perjury and false statements made to both the FBI and OIG in connection with the investigation of previous sexual misconduct allegations involving two other inmates, as well as in connection with his more recent alleged acts. The correctional officer was arrested following his resignation from BOP. He later pled guilty and was sentenced to 10 months' incarceration and 36 months' supervised release.

FY 1999 OIG Goal: Devote 20 percent of the Computer Security and Information Technology Audit Office (CSITAO) resources to review the Department's myriad and diverse electronic information systems to promote the more efficient, effective, and secure operation of the systems reviewed.

The OIG exceeded its goal by devoting 28 percent of the CSITAO resources to review the Department's electronic information systems. Highlights in this area include:

- We initiated a review to determine the effectiveness of DEA initiatives to address the Year 2000 (Y2K) computer problem. At the time of our review, we had concerns regarding the thoroughness of the independent verification and validation review process because of inadequate or missing evidence to support that DEA's mission-critical systems would be operable on January 1, 2000. We examined eight of DEA's mission-critical systems and found issues with six. At the time of our review, we were concerned that the 28 systems we did not review may have issues similar to those discussed in our report. However, subsequent to our review, DEA provided documentation that mitigated our concerns about these 28 systems as well as those we examined.

- We conducted a Y2K audit of the Justice Data Centers (JDC) because many aspects of the Department's mission depend on computer processing at the JDCs. The audit found that not all JDC maintained software and utilities were Y2K compliant; Y2K contingency plans were not developed; and Y2K testing of hardware, operating systems, software tools, and software utilities was not performed. As a result of these deficiencies, data processing at the

JDCs was at risk of failure on January 1, 2000, potentially impacting mission-critical litigation, law enforcement, and administrative systems. At the conclusion of our audit, Justice Management Division (JMD) took steps to address the weaknesses identified in our report.

- We conducted an audit of the Joint Automated Booking System (JABS) computer security. JABS is designed to test an automated prisoner booking process and is jointly operated by the Department's law enforcement agencies. We found that certain computer security controls for JABS were not in place to protect the system and its sensitive data from unauthorized use, loss, or modification. We recommended that JMD adhere to and monitor compliance with existing policy, and, in some cases, develop and implement new policy to enhance the security of this system.

C. FY 2001 Performance Goals and Indicators

These FY 2001 goals, organized around several of the OIG's ongoing priorities, will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act. These priorities and goals correspond to the Strategic Plan and to the Attorney General's Goals.

OIG Priority: Allegations of Misconduct Against Department Employees and Officials

OIG Annual Goals:

- In FY 2001, the OIG will target resources on allegations that relate to fraud, bribery, rights violations, drug violations, and sexual crimes.

- In FY 2001, the OIG will undertake complex special investigations (often at the request of Congress and the Attorney General) regarding allegations of serious misconduct involving high-level Department officials and major Department initiatives.

Summary Level Indicators:

- Priority investigations in an open status, and closed.

OIG Priority: Efficiency and Effectiveness in Department Programs and Operations

OIG Annual Goals:

- In FY 2001, the OIG will focus 5 percent of Inspection resources on follow-up reviews addressing DOJ programs and operations to ensure positive change is resulting from implementation of OIG recommendations.
- In FY 2001, the OIG will allocate up to 5 percent of Audit resources to validating component performance measures and progress made vis-a-vis their strategic plans.

Summary Performance Indicators:

- Percent of workdays devoted to follow-up reviews.
- Percent of resources used to validate component performance measures.

OIG Priority: INS Oversight

OIG Annual Goal:

- In FY 2001, the OIG will review 4 INS programs or activities identified as high priority areas in the DOJ's Strategic Plan or areas materially affected by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

Summary Performance Indicators:

- Percent of workdays devoted to review of INS programs or activities.
- Percent of INS programs and activities reviewed that address high priority areas in the Strategic Plan or areas materially affected by the IIRIRA.

OIG Priority: Violent Crime Reduction Trust Fund (VCRTF)

OIG Annual Goal:

- In FY 2001, the OIG will continue to focus resources on performing VCRTF reviews, e.g., COPS, Violence Against Women, and Substance Abuse Treatment Programs, to determine whether the funds are used in accordance with the VCRTF provisions.

Summary Performance Indicator:

- Number of VCRTF reviews conducted.

OIG Priority: Information Technology

OIG Annual Goal:

- In FY 2001, the OIG will continue to perform security reviews of the Department's myriad and diverse electronic information systems to promote a more efficient, effective, and secure operation of the systems reviewed.

Summary Performance Indicator:

- Number of components receiving information system audits.

Base Program Description

The OIG achieves its goals by carrying out specific functions within several units: the Investigations Division, Audit Division, the Inspections Division, and SIRU. Supporting these components is an Executive Direction and Control function that establishes and issues policy and program direction for the OIG through the immediate office of the Inspector General, General Counsel, and the Management and Planning Division. Specific responsibilities of the Executive Direction and Control function include policy development, legal counsel, legislative matters, planning, budget, finance, quality assurance and evaluation, personnel, training, procurement, information resource management, and general support services.

Specific functions performed in the OIG's base program include:

- Investigate allegations against DOJ employees regarding violations of the laws and regulations pertaining to DOJ and refer, as appropriate, for criminal prosecution, civil litigation, and administrative action;
- Conduct an integrity briefings program to reduce employee misconduct and provide expanded fraud vulnerability briefings to more contracting personnel;
- Conduct, report, and follow-up on financial audits of DOJ organizations, programs, contracts, grants, and other agreements;
- Perform audits and inspections of material weakness areas and the ten most serious management challenges facing the DOJ;
- Monitor DOJ's Information Resource Management processes and capabilities through the CSITAO;
- Conduct or oversee audits of DOJ financial statements in accordance with the Chief Financial Officers Act of 1990 and the Government Management Reform Act of 1994;
- Perform inspections and program-impact evaluations of DOJ programs and activities; and

- Evaluate existing and proposed legislation and regulations affecting the prevention and detection of fraud, waste, and abuse in *DOJ programs and operations.*

Performance Indicator Charts

The OIG has identified a series of numerical and narrative performance indicators to assess program performance. The development of these performance indicators has evolved over the past several years. We continue to improve our performance indicators and expect to further refine them, based on continued consultations with the Department, Office of Management and Budget (OMB), and Congress. In addition, as recommended by the Department and OMB, we will continue to provide narrative indicators that will assist the Department, OMB, Congress, and our customers in assessing our program performance (see "Highlights of Mission-Critical Results"). The summary level performance indicators that the OIG has identified to assess program performance for FY 2001 are in **bold**.

Consistent with previous budget submissions, because a significant part of the OIG's work is funded through reimbursements, the performance indicators cover all of the OIG's programs, whether funded from direct appropriations or reimbursements.

OFFICE OF THE INSPECTOR GENERAL

Department of Justice Core Function: Management
Strategic Goal: Strengthen oversight and integrity programs, ensure consistent accountability and emphasize our core mission responsibilities.
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.
OIG Annual Goals: (1) In FY 2001, the OIG will target resources on allegations that relate to fraud, bribery, rights violations, drug violations, and sexual crimes. (INDICATORS 2a, 4a)
(2) In FY 2001, the OIG will undertake complex special investigations (often at the request of Congress and the Attorney General) regarding allegations of serious misconduct involving high-level Department officials and major Department initiatives. (Indicators for this goal do not appear in the chart below. Instead, we will provide narrative indicators to demonstrate progress in meeting this goal.)

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1. Complaints received	A	7,494	6,800	8,196	7,850	8,930	9,730
	2. Investigations in an open status	A	1,426	1,360	1,349	1,400	1,280	1,215
	2a. Priority Investigations in an open status	A						
	- Fraud		235	220	232	264	220	209
	- Bribery		318	300	354	320	340	340
	- Rights Violations		114	110	88	126	66	63
	- Drug Violations		146	138	92	163	69	65
	- Sexual Crimes		35	31	61	38	55	55
Output/ Activity	3. Referrals made to components	A	6,179	5,440	6,956	6,435	7,590	8,270
	4. Investigations closed	A	758	750	815	758	730	693
	4a. Priority Investigations closed	A						
	- Fraud		104	100	133	110	126	120
	- Bribery		148	140	196	154	188	188
	- Rights Violations		73	70	51	77	38	36
	- Drug Violations		84	75	49	82	37	35
	- Sexual Crimes		15	15	32	17	28	28
	5. Integrity Briefings and Presentations to Department components	B	60	90	88	90	79	71
	6. DOJ employees attending Integrity Briefings	B	1,776	2,500	2,105	2,500	1,894	1,705
Intermediate Outcome	7. Arrests	A	138	*	157	*	*	*
	8. Indictments/Informations	A	142	*	158	*	*	*
	9. Average number of days an investigation is open	A	259	180	332	--	--	--
End Outcome	10. Convictions	A	110	*	137	*	*	*
	11. Administrative actions taken by components	A	103	*	185	*	*	*

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A. Data Validation and Verification:

Data Sources:

A—Investigations Data Management System (IDMS)—consists of eight computer-based and four paper-based systems through which the Investigations Division records and monitors the status of allegations and the progress of investigations. OIG agents or investigative assistants collect the information via direct entry of information into IDMS. The data is verified through periodic audits by field and headquarters staffs. IDMS is a complex data system, that lacks central indexing, thereby hampering data analysis because the multiple systems require duplicate data entry and information is not cross-referenced between systems, resulting in inaccurate or incomplete analysis. Although the OIG has proposed a system that would provide a comprehensive data system to monitor the investigation of misconduct allegations made against employees and contractors of the Department, we have been unable to obtain sufficient funding for the proposed system.

B—Investigations Division Monthly Investigative Activity Report —this reports information that is not tracked in IDMS, such as types and amounts of seizures, integrity briefing activity, etc. The field offices track, enter, and ensure the validity of the data submitted to headquarters.

B. FY 1999 Performance Report:

2. Investigations—full or auxiliary—that were in an open status any time during the year.
2a. Open status defined as the number of priority investigations that were open for any portion of the fiscal year, not as of 9/30/99.
2, 4, 5, 6. Due to increasing workload, coupled with a hiring freeze and normal attrition, performance was negatively impacted.
2a & 4a. In July 1998, the Investigations Division revised the offense codes that comprise each priority investigation category. As a result, there has been a shift in how some existing as well as new cases are classified and tracked.
8. An "information" is a formal accusation of a crime made by a prosecuting attorney as distinguished from an indictment handed down by a grand jury.
* 7-8, 10-11. The OIG does not project targeted levels of performance for these indicators.
9. The average number of days an investigation is open is defined in the following manner: (a) for criminal cases—from the time an investigation is open to the time a judicial decision is rendered, the subject is sentenced, a proper disposition of evidence is made, and report of investigation is completed. If an administrative investigation of the allegation is required, the OIG cannot begin this process until the criminal charges are either successfully prosecuted or the prosecutor provides a declination of prosecution; (b) for administrative cases—a case is closed when the component has a complete report to use in determining whether administrative action against the subject employee is appropriate.
The dramatic rise in case days has resulted, in part, from the Investigations Division's push to close old cases, some of which were open multiple years. At the same time however, the number of cases in a non-judicial status that have been open one year or more has declined from 202 in October 1998 to 77 as of 9/30/99, a drop of more than 60 percent.

C. *Issues Affecting Selection of FY 2000 and FY 2001 Plans:*

In FY's 2000 and FY 2001, the OIG did not receive any new positions or other enhancements through the budget process. This, coupled with our increasing workload, a hiring freeze, and normal attrition, requires that we seriously revisit our goals and performance plan and revise our planned performance accordingly.
9. "–" Beginning in FY 2000, we will no longer report the "Average number of days an investigation is open." As currently defined (see A.9), this indicator is not a fair or accurate measure of our work. The current definition of case days includes not only the time it takes the OIG to investigate an allegation and present the case to an Assistant United States Attorney, but includes the time the investigation is in the judicial arena, an area over which the OIG has no control. The investigation of a case may be completed in 180 days but the case itself could languish in the judicial system for years. The Investigations Division current statistical database, Investigations Data Management System (IDMS), cannot track these time frames independent of one another and will not be able to do so until at least FY 2003 following, the reengineering of IDMS. Until such time that we are able to define and accurately capture the average number of investigative case days attributable to the Investigations Division, we will not report on this indicator.

OFFICE OF THE INSPECTOR GENERAL

Department of Justice Core Function: Management
Strategic Goal: Strengthen oversight and integrity programs, ensure consistent accountability and emphasize our core mission responsibilities.
OIG General Goal #2: Promote the efficiency and effectiveness of Department Programs and Operations.
OIG Annual Goals: (1) In FY 2001, the OIG will focus 5 percent of Inspector resources in follow-up reviews addressing DOJ programs and operations to ensure positive change is resulting from implementation of OIG recommendations. (INDICATOR 2)
(2) In FY 2001, the OIG will allocate up to 5 percent of Audit resources to validating component performance measures and progress made vis-a-vis their strategic plans. (INDICATOR 5)
(3) In FY 2001, the OIG will review 4 INS programs or activities identified as high priority areas in the Strategic Plan or areas materially affected by the IIRIRA. (INDICATORS 3, 6)
(4) In FY 2001, the OIG will continue to focus resources on performing VCRTF reviews, e.g., COPS, Violence Against Women, and Substance Abuse Treatment Programs, to determine whether the funds are used in accordance with the VCRTF provisions. (INDICATOR 8)
(5) In FY 2001, the OIG will continue to perform security reviews of the Department's myriad and diverse electronic information systems to promote the more efficient, effective, and secure operation of the systems reviewed. (INDICATORS 4, 9)

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1. Assignments initiated.	C/D	449	255	368	327	300	314
	2. Percent of inspections workdays devoted to follow-up reviews	D	8%	NA	19%	5%	5%	5%
	3. Percent of workdays devoted to the review of INS programs and activities	C	19%	30%	21%	15%	15%	15%
	4. Percent of technical CSITAO resources devoted to security reviews of major Department Information Systems	C	15%	20%	28%	30%	20%	20%
	5. Percent of Audit resources used to validate component performance measures	C	N/A	N/A	N/A	5%	5%	5%
Intermediate Outcome	6. Percent of INS programs and activities reviewed that address high priority areas in the Strategic Plan or areas materially affected by the IIRIRA	C/D	100%	94%	96%	80%	80%	70%
	7. Assignments completed	C/D	457	419	452	338	294	181
	8. VCRTF grants reviewed	C/D	181	150	92	112	75	65
	9. Components receiving information system audits	C/D	5	4	4	4	4	4
	10. Products issued to Department senior management	C/E	455	354	381	376	285	134
	11. Products issued to Congress	C/E	37	35	31	33	25	34
	12. Percent of Material Weaknesses addressed	C/E	61%	50%	63%	50%	50	63%
Intermediate Outcome	13. Percent of recommendations accepted by management	C/E	60%	90%	46%	90%	50%	50%

OFFICE OF THE INSPECTOR GENERAL

Department of Justice Core Function: Management
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(2) In FY 2001, the OIG will validate up to 5 percent of Audit resources to validating component performance measures and progress made vis-a-vis their strategic plans. (INDICATOR 5)
(3) In FY 2001, the OIG will review 4 INS programs or activities identified as high priority areas in the Strategic Plan or areas materially affected by the IIRIRA. (INDICATORS 3, 6)
(4) In FY 2001, the OIG will continue to focus resources on performing VCRTF reviews, e.g., COPS, Violence Against Women, and Substance Abuse Treatment Programs, to determine whether the funds are used in accordance with the VCRTF provisions. (INDICATOR 8)
(5) In FY 2001, the OIG will continue to perform security reviews of the Department's myriad and diverse electronic information systems to promote the more efficient, effective, and secure operation of the systems reviewed. (INDICATORS 4, 9)

A. Data Validation and Verification:
Data Source
C—Audit Division Management Information System (MIS)-- The Audit Division MIS consists of information that the regional Audit offices provide to headquarters on the status of assignments and the number of workdays expended monthly. This information is reviewed for accuracy, consolidated, and analyzed to determine trends and provide senior management with information on the status of the Audit Division's workplan and the use of Audit Division resources. The MIS is based on spreadsheet applications and is regularly adjusted based on management decisions.
D—Inspections Division Management Tracking System —consolidates biweekly and monthly reports submitted to senior management.
E—Inspections Division Documentation on File—consists of written documentation and official correspondence on file. Because the material is of a limited nature, we believe that a review and count of the documentation on file is the best way to track these indicators and do not believe that there are any limitations to this method.

B. FY 1999 Program Performance Report:
1--"Assignment" covers all audits (including Internals, CFO, Externals, and U. S. Trustees, but not Single Act Audits) and inspections. "Assignments" may also include activities that do not result in a report or product, e.g., an assignment may result in a memorandum to file rather than a report. Investigations activities are covered under Goal #1.
3—Figures lower due to the need to perform critical work in other areas of the Department and a shrinking number of available staff due to hiring freeze and normal attrition.
7-- The OIG was unable to meet its target for these reviews for several reasons. Starting in January 1999, the Audit Division began a pilot program to issue COPS audit reports in draft. The draft report process requires responses to the report from the state or local government being audited as well as the OJP and the COPS office. While this process results in an improved understanding between the auditee and the OIG, the additional time needed to obtain and analyze responses resulted in the Division not being able to start more VCRTF audits. In addition, the Audit Division has been involved in an Audit Resolution Committee effort that required the compilation of significant amounts of data related to COPS audits. This effort cost us approximately four workyears and is time that would have been used auditing VCRTF grantees.
11—Due to the hiring freeze and normal attrition, performance was negatively impacted.
14. Other factors outside OIG purview affect management agreement. In addition, some recommendations made in the last quarter of FY 1999 will not be accepted or implemented until FY 2000.
N/A—Information unavailable.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans:
In FYs 2000 and 2001, the OIG did not receive any new positions or other enhancements through the budget process. Accordingly, some targets have been changed due to reduced resources and expectations that the hiring freeze will continue through FY 2000.
1, 8, 10, 11—FY 2000-2001 targets adjusted to reflect program reviews in lieu of individual grant reviews.

OFFICE OF THE INSPECTOR GENERAL

Department of Justice Core Function: Management
Strategic Goal: Strengthen oversight and integrity programs, ensure consistent accountability and emphasize our core mission responsibilities.
OIG General Goal: Build Relationships with Customers Based on a Shared Commitment to Improving Program Operations and Effectiveness.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan	2001 Plan
Input	1. Percent of workdays devoted to requests from Department components as part of the workplan	C/D	66%	30%	65%	25%	20%	20%
Output/ Activity	2. Customer surveys conducted	B/C/E/F	331	288	776	293	694	607
	3. Briefings/Discussions regarding the OIG Mission and Operations	B/C	21	25	39	19	26	21
	4. Briefings on component-specific issues or concerns	C/E	440	292	363	220	297	210
	5 DOJ and non-DOJ Working Groups/Task Forces involving OIG Personnel	C/E	40	26	42	27	32	29
	6. Technical Assistance provided to Department components in Program Development/Assessment	C/E	30	10	2	6	4	4
Intermediate Outcome	7. Responses to surveys	B/E/F						
	- Received report in timely manner (percent)		82%	80%	91%	85%	85%	85%
	- Issues were sufficiently addressed (percent)		86%	85%	95%	90%	90%	90%
End Outcome	8. OIG Policy or Procedural Changes Based on Component Feedback	C/E	3	6	2	5	3	2

A. Data Validation and Verification:

Data Sources:

B—Investigations Division Monthly Investigative Activity Report—this reports information that is not tracked in IDMS, such as types and amounts of seizures, integrity briefing activity, etc. The field offices track, enter, and ensure the validity of the data submitted to headquarters.

C—Audit Division Management Information System (MIS)-- The Audit Division MIS consists of information that the regional Audit offices provide to headquarters on the status of assignments and the number of workdays expended monthly. This information is reviewed for accuracy, consolidated, and analyzed to determine trends and provide senior management with information on the status of the Audit Division's workplan and the use of Audit Division resources. The MIS is based on spreadsheet applications and is regularly adjusted based on management decisions.

D—Inspections Division Management Tracking System (IMTS)—consolidates biweekly and monthly reports submitted to senior management.

E—*Inspections and Investigations Divisions Documentation on File—This includes information not found in IDMS or in the IMTS. The material is kept in file folders, by subject matter, at headquarters.* These files are maintained by secretaries, support assistants, or administrative officer, who are provided the subject material by the special agent, SAC, or program analyst responsible for providing the service and tracking the outcome. Because the material is of a limited nature, we believe that a review and count of the documentation on file is the best way to track these indicators and do not believe that there are any limitations to these methods.

F— Investigations Division Administrative Database--This Access database was created specifically to track the distribution and receipt of customer surveys that are sent out to components with each completed investigative report as well as key information contained in the survey responses. Specifically it captures the OIG tracking number, date survey sent, component to which sent, form number, date returned, timeliness of report, additional issues requiring follow-up, subject name, administrative action taken, and the date administrative action was taken. Survey responses come directly to Investigations headquarters and are manually entered into the system by headquarters personnel. No additional validation measures are used. No changes are planned for the database.

B FY 1999 Performance Report:

1. Although components did not provide requests to the Audit Division, reimbursable agreements are considered component suggestions by the Audit Division. Includes Audit and Inspections Divisions.
2. The Audit Division no longer conducts formal written customer surveys, however, Audit counts the exit conference briefings as customer surveys. The audit team gives the auditee an option not only to discuss our findings, but also the work. These exit briefings are included in this figure.
4. Briefings include Audit exit conferences, and discussions held with DOJ and non-DOJ officials about DOJ issues deemed significant, non-traditional in nature, and not necessarily part of the routine workload.
6, 8-- *Due to a hiring freeze and normal attrition, performance has been negatively impacted.*
7. Timing and the number of surveys vary, depending on the Division and DOJ component affected. This figure does not reflect the audit division exit briefings (see #2 above).

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans:

In FYs 2000 and 2001, the OIG did not receive any new positions or other enhancements through the budget process. Accordingly, some targets have been changed due to reduced resources and expectations that the hiring freeze will continue through FY 2000.

D. New 2001 Initiatives

There are no new initiatives for the OIG.

E. Data Validation and Verification Issues

Data Collection and Storage: The OIG uses several data sources to collect performance indicator information and track progress on the achievement of goals. These data sources include both computer-based and paper-based systems.

- The Investigations Data Management System (IDMS) consists of eight computer-based and four paper-based systems through which the Investigations Division records and monitors the status of allegations and the progress of investigations. OIG agents or investigative assistants collect the information via direct entry of information into IDMS.

- The Investigations Division Monthly Investigative Activity Report provides information that is not tracked in IDMS, such as types and amounts of seizures, integrity briefing activity, etc. The field offices track, enter, and ensure the validity of the data submitted to headquarters.

- The Investigations Division Administrative Database was created specifically to track the distribution and receipt of customer surveys that are sent out to components with each completed investigative report as well as key information contained in the survey responses. Survey responses come directly to Investigations headquarters and are manually entered into the system by headquarters personnel.

- The Audit Division Management Information System consists of information that the regional Audit offices provide to headquarters on the status of assignments and the number of workdays expended monthly. This information is reviewed for accuracy, consolidated, and analyzed to determine trends and provide senior management with information on the status of the Audit Division's workplan and the use of Audit Division resources.

- The Inspections Division Management Tracking System consolidates biweekly and monthly reports submitted to senior management.

Data Validation and Verification: We ensure the accuracy and reliability of our performance measures through periodic internal staff audits and reviews of our data systems. The responsible divisions conduct at least a semiannual review of the data.

Data Limitations: The IDMS consists of eight computer-based and four paper-based systems through which the Investigations Division records and monitors the status of allegations and the progress of investigations. The present complex of data systems, lacking central indexing, hampers data collection and analysis because the multiple systems require duplicate data entry and information is not cross-referenced between systems, resulting in inaccurate or incomplete analysis. Although the OIG has proposed a system that would provide a comprehensive data system to monitor the investigation of misconduct allegations made against employees and contractors of the Department, we have been unable to obtain sufficient funding for the proposed system.

F. Resources

Strategic Goal 7.1	1999			2000			2001		
	Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE
Strengthen oversight and integrity programs, ensure consistent accountability, and emphasize core mission responsibilities	$37,696,000	326	319	$40,235,000	342	328	$42,192,000	342	328

Skilled investigators, auditors, program analysts, attorneys, and support staff are required to carry out the mission of the OIG. For OIG staff to be successful, they require training in numerous areas including interviewing and interrogation techniques, research and analytical skills, report writing, and statistical sampling and computer skills. In addition criminal investigators require training in legal and statutory elements of crime, firearms, and physical training. OIG staff also require data management systems that provide reliable, secure, and consistent reporting of management information regarding their activities and results.

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G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 7: Management

Strategic Goal 7.1: Strengthen oversight and integrity programs, ensure consistent accountability, and emphasize core mission responsibilities.

7.1.1 Oversight and Integrity

Performance Goal: In FY 2001, through the OIG and the Office of Professional Responsibility, the Department will reinforce employee adherence to the highest ethical standards of conduct and strengthen program accountability and performance. These priorities are department wide, and address the fundamental issues of integrity and accountability.

Key Summary Level Indicators	1998 Actual	1999 Actual	2000 Planned	2001 Planned
Ensure Departmental Integrity				
7.1 Total number of OIG priority investigations involving fraud, bribery, rights violations (including force, abuse, and assault), drug violations, and sex crimes.				
Opened	442	293	355	347
In an open status at any time during the year	848	827	750	732
Closed	424	461	417	407
7.1 Number of administrative actions taken by components, as reported to the OIG.	103	185	Not Projected	Not Projected

Data Collection and Storage: The OIG uses the Investigations Data Management System (IDMS) to collect performance indicator information and track progress on the achievement of this goal. IDMS consists of eight computer-based and four paper-based systems through which the Investigations Division records and monitors the status of allegations and the progress of investigations.
Data Validation and Verification: The Investigations Division is responsible for maintaining IDMS and ensuring its accuracy and reliability. The Investigations Division conducts at least a semiannual review of the information entered over the data during that period.
Data Limitations: The present complex of data systems that makes up IDMS lacks central indexing, hampers data collection and analysis because the multiple systems require duplicate data entry and information is not cross-referenced between systems, which results in inaccurate or incomplete analysis. Although the OIG has proposed a system that would provide a comprehensive data system to support investigations, and monitor the investigation of misconduct allegations made against employees and contractors of the Department, we have been unable to find sufficient funding for the proposed system.

Office of the Inspector General
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$40,275,000] *$42,192,000*; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year[: Provided, That not less than $40,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems]. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113)).

Explanation of Changes:
This change deletes language that transfers funds from the OIG to the Wireless Management account for Land Mobile Radio systems.

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Office of the Inspector General
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Transfers			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Audits, Inspections and Investigations	326	312	$34,175	...	...	...	...	7	$3,521	326	319	$37,696
Reimbursable Workyears		92			30			...			122	
Total Workyears		404			30			7			441	
Other Workyears												
LEAP		16			...			...			16	
Overtime		2			...			...			2	
Total Compensable Wys		422			30			7			459	

Transfers: This increase reflects transfers of $3,460,000 from Y2K funding and $61,000 from High Intensity Drug Trafficking Area (HIDTA) funding.

Reprogrammings: The net increase of 30 reimbursable workyears is due to a reprogramming action to support 19 reimbursable workyears for oversight of INS Exams fee-related activities and 11 reimbursable workyears for the Citizenship U.S.A. (CUSA) investigation.

Office of the Inspector General
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request Pos.	WY	Amount	Congressional Appropriations Action on 2000 Request Pos.	WY	Amount	Transfers Pos	WY	Amount	Reprogrammings Pos.	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount
Audits, Inspections and Investigations	409	377	$45,021	-67	-49	-$4,746	...	...	-$40	...	...	...	342	328	$40,235

Congressional Appropriation Actions: Congress appropriated $4,746,000 below the OIG's FY 2000 President's Budget Request.

Transfers: Language was included to transfer $40,000 to the Wireless Management Account for narrowband conversion.

Office of the Inspector General
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Perm Pos.	WY	Amount
Adjustments to Base:			
2000 Availability	342	328	40,235
Adjustment-to-Base Increases	...	...	1,957
2001 Base	342	328	42,192
Program Changes	...	...	...
2001 Estimate	342	328	$42,192

Note: 2000 HIDTA transfers are not being shown because final decisions on amounts have not been made.

	1/ 1999 Availability			1999 Actual			2/ 2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Audits, Inspections and Investigations	326	319	$37,696	326	319	$36,621	342	328	$40,235	342	328	$42,192	342	328	$42,192	...	...	...
Reimbursable WY		3/ 122			122			52			52			52			...	
Total WY		441			441			380			380			380			...	
Overtime:																		
LEAP		16			16			16			16			16			...	
Other		2			2			2			2			2			...	
Total Compensable WY		422			459			398			398			398			...	

1/ 1999 Availability level includes multiyear Y2K funding which makes up most of the difference between Enacted and Actuals.

2/ Apparent increase in direct positions and workyears reflects a shift of funding from reimbursable to direct. Direct and reimbursements combined more accurately reflects the effect of the overall budget decrease.

3/ The FY1999 Availability and 1999 Actual columns includes $3.6 million from a reprogramming action to support 19 reimbursable workyears for oversight of INS Exams fee-related activities and 11 reimbursable workyears for the CUSA investigation.

Office of the Inspector General
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source:	1999 Actual Pos	WY	Amount	2000 Appropriation Enacted Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
INS Fee Accounts	42	42	$4,600	23	23	$2,500	23	23	$2,500	...	...	...
Violent Crime Reduction Trust Fund	40	40	3,800	...	...	...	...	...	...	...	...	...
U.S. Trustees	15	15	1,250	15	15	1,250	15	15	1,250	...	...	...
Financial Statement Audits & Other	14	14	10,283	14	14	6,750	14	14	6,750	...	...	...
CUSA	11	11	1,500	...	...	...	...	...	...	...	...	...
Total	122	122	$21,433	52	52	$10,500	52	52	$10,500	...	...	...
Obligations by Functional Area:												
Audit	75	75	$16,057	36	36	$ 8,750	36	36	$ 8,750	...	...	...
Investigations	36	36	4,177	14	14	1,525	14	14	1,525	...	...	...
Inspections	11	11	1,199	2	2	225	2	2	225	...	...	...
Total	122	122	$21,433	52	52	$10,500	52	52	$10,500	...	...	...

INS Fee Accounts - The OIG continues to consult with INS during the development of its workplan to assure that INS receives tangible management assistance from the agreement, which supports audits, investigations, and inspections performed on the programs funded by INS User Fee and Exams Fee accounts. Reimbursable funding for Exams Fee work ended as of FY 2000.

Violent Crime Reduction Trust Fund - Audit or other services for oversight of VCRTF programs. The Attorney General's authority to transfer one-tenth of one percent from VCRTF to the OIG for oversight of grant programs ended as of FY 2000.

U.S. Trustees - Audit services related to panel trustees to identify potential problem areas/weaknesses; examine annual financial reports on Chapters 12 &13 Standing Trustees; and perform reviews of Chapter 7 panel trustees.

Financial Statement Audits & Other - In accordance with the CFO and GMRA Acts, the OIG oversees the financial statement audits for all audited accounts within DOJ. Additionally, the OIG receives nominal reimbursements for travel in support of various other small audits.

CUSA - An investigation related to allegations that large numbers of aliens were improperly naturalized, in particular, that aliens with serious criminal records had been granted citizenship. We are also investigating allegations that CUSA was an attempt to naturalize individuals in time to vote in the November 1996 election, that community-based organizations were improperly involved in the naturalization process, that INS background inquiries of the aliens were insufficient, and that INS employees who raised complaints about CUSA were retaliated against by INS officials. Reimbursable funding for this effort ended as of FY 2000.

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Status of Congressionally Requested Studies, Reports, and Evaluations

The House Report relating to the Department of Justice, (House Report No. 106-479) requires the OIG to report on extenuating circumstances for certain extraordinary cases for which the OIG cannot comply with the directive on case closing. The OIG is currently working on this report and anticipates having it completed by February 27, 2000. This report will include the status and estimated completion date for each case.

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
2001 Priority Rankling

BASE PROGRAM

PROGRAM	RANKING
Investigations	1
Special Invests. & Reviews	2
Audits	3
Inspections	4
Management & Planning	5

PROGRAM INCREASES

No program increases.

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001		
					Program	Total	
	Auth.	Reimb.	Auth.	Reimb.	Increases	Auth.	Reimb.
Personnel Management [200-299]	7	...	6	...	...	6	...
General Admin. & Clerical [300-399]	132	11	126	2	...	126	2
Accounting & Budget [500-599]	76	73	77	34	...	77	34
Attorneys (905)	9	2	9	2	...	9	2
Investigative Research Analyst [1801]	5	...	5	...	...	5	...
Investigative Assistants [1802]	3	...	3	...	...	3	...
Criminal Investigations Series [1811]	94	36	116	14	...	116	14
Total	326	122	342	52	0	342	52
Washington	134	50	140	21	0	140	21
U.S. Field	192	72	202	31	0	202	31
Total	326	122	342	52	0	342	52

Salaries and Expenses
Summary of Agents/Attorneys and Support Positions/Workyears
2000 - 2001

APPROPRIATED POSITIONS

2000 Appropriation Anticipated							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
116	119	9	9	217	200	342	328

2001 Increases and Decreases							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
0	0	0	0	0	0	0	0

2001 Request Level							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
116	119	9	9	217	200	342	328

REIMBURSABLE POSITIONS

2000 Appropriation Anticipated							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
14	14	2	2	36	36	52	52

2001 Increases and Decreases							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
0	0	0	0	0	0	0	0

2001 Request Level							
Agents		Attorneys		Support		Total	
Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
14	14	2	2	36	36	52	52

OFFICE OF THE INSPECTOR GENERAL

Salaries and Expenses

Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999 Disposed	1999 Acquired	1999 End-of Year	2000 Disposed	2000 Acquired	2000 End-of Year	2001* Disposed	2001* Acquired	2001* End-of Year
Direct Purchase:										
Van	11	...	...	11	...	...	11	...	...	11
Pickup	1	...	...	1	...	...	1	...	...	1
Subtotal Purchased	12	...	...	12	...	...	12	...	...	12
Leased:										
Compact sedan	29	4	69	94	12	1	83	...	...	83
Midsize sedan	51	40	2	13	11	...	2	...	...	2
Fullsize sedan	8	8	...	0	...	...	0	...	...	0
Vans	5	1	...	4	4	...	0	...	...	0
Utility	18	5	...	13	12	...	1	...	...	1
Subtotal Leased	111	58	71	124	39	1	86	0	0	86
Total Vehicles:	123	58	71	136	39	1	98	0	0	98

* FY 2001 represents a new contract year which may affect the number of vehicles disposed and acquired.

Office of the Inspector General
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm Pos.	WY	Amount
2000 Availability	342	328	40,235
Adjustment-to-Base Increases:			
2001 Pay Raise	...	...	913
Annualization of 2000 Pay Raise	...	...	367
Within-grade Increases	...	...	347
Increased Federal Health Insurance Costs	...	...	117
Lease Expirations	...	...	121
Accident Compensation	...	...	41
General Services Administration Blue Pages	...	...	1
Travel Management Center Fees	...	...	8
General Pricing Level Adjustments	...	...	42
Total, Adjustment-to-Base Increases	...	...	1,957
2001 Base	342	328	42,192
Program Changes	...	...	...
2001 Estimate	342	328	$42,192

Office of the Inspector General
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)

	Pos.	WY	Amount
Increases:			
1. 2001 Pay Raise This request provides for the proposed 3.7 percent pay raise to be effective in January 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $913,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($676,000 for pay and $237,000 for benefits totaling $913,000).	...	...	913
2. Annualization of 2000 Pay Raise This pay annualization represents first quarter amounts (October through December) of the 4.8 percent pay increase effective in January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $367,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($275,000) for compensation and $92,000 for benefits).	...	...	367
3. Within-grade Increases This request provides for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, that includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes ($280,000 for pay and $67,000 for benefits).	...	...	347
4. Increased Federal Health Insurance Costs This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $117,000 for these costs.	...	...	117

Justification of Adjustments to Base (Continued)

	Pos.	WY	Amount
5. Lease Expirations GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $121,000 is requested for the OIG.	...	...	121
6. Accident Compensation This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $41,000	...	...	41
7. General Services Administration (GSA) Blue Pages Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $1,000 is requested for the OIG.	...	...	1
8. Travel Management Center Fees In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $8,000 is requested for the OIG.	...	...	8
9. General Pricing Level Adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	42
Total Adjustments to Base	...	...	1,957

OFFICE OF INSPECTOR GENERAL
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1		...	
ES-5, $130,200	1		1		1		...	
ES-4, $130,200	5		6		6		...	
ES-3, $126,825	1		0		0		...	
GS-15, $84,638-110,028	35		37		37		...	
GS-14, $71,954-93,537	40		45		45		...	
GS-13, $60,890-79,155	130		135		135		...	
GS-12, $51,204-66,564	52		57		57		...	
GS-11, $42,724-55,541	9		11		11		...	
GS-10, $38,885-50,554	1		1		1		...	
GS-9, $35,310-45,910	13		15		15		...	
GS-8, $31,968-41,557	11		11		11		...	
GS-7, $28,866-37,522	10		10		10		...	
GS-6, $25,976-33,768	3		3		3		...	
GS-5, $23,304-30,292	2		2		2		...	
GS-4, $20,829-27,080	10		5		5		...	
GS-3, $18,555-24,120	2		2		2		...	
Total, appropriated positions	326		342		342		0	
Average ES Salary		$124,327		$129,225		$129,225		
Average GS Salary		$62,192		$65,264		$67,809		
Average GS Grade		13.1		13.3		13.4		

OFFICE OF THE INSPECTOR GENEERAL
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

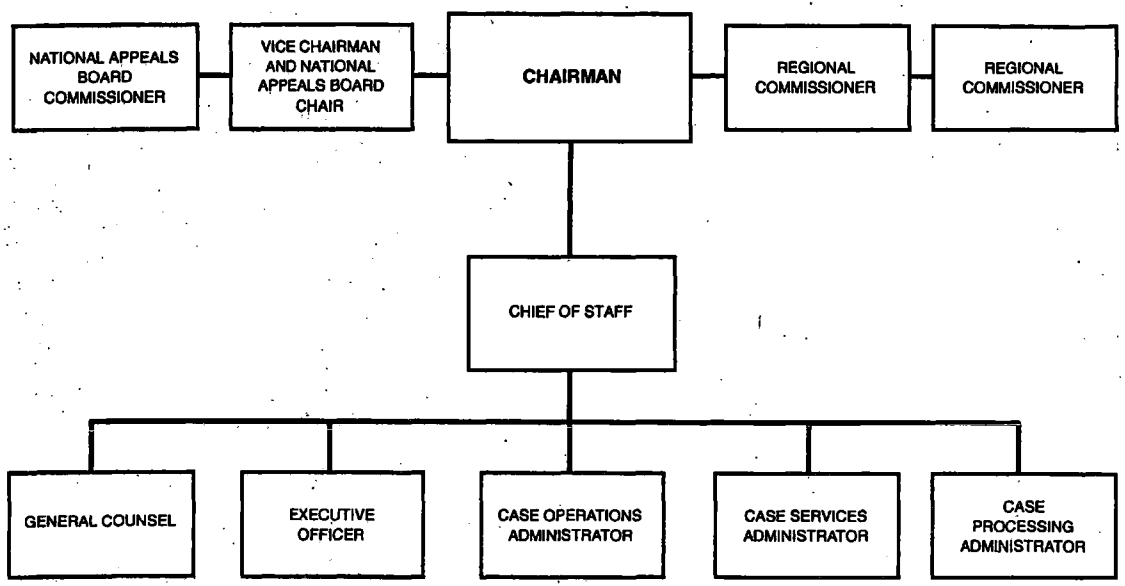
Object Class	1999 Actual Wyrs.	1999 Actual Amount	2000 Estimate Wyrs.	2000 Estimate Amount	2001Request Wyrs.	2001Request Amount	Increase/Decrease Wyrs.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	302	20,466	311	23,956	311	25,099	0	1,143
11.3 Other than full-time permanent	17	384	17	360	17	377	0	17
11.5 Other personnel compensation	18	55	18	55	18	57	0	2
Overtime	[2]	50	[2]	50	[2]	52	[0]	2
Law Enforcement Availability Pay	[16]	1,645	[16]	1,584	[16]	1,659	[0]	75
11.8 Special personal services payments	...	93	...	180	...	189	0	9
Total	337	22,693	346	26,185	346	27,434	0	1,249
Reimbursable workyears.								
Full-time permanent	[122]		[52]		[52]		[...]	
Other Object Classes:								
12.0 Personnel benefits		5,625		5,889		6,425		536
13.0 Benefits to former personnel		5		...		0		0
21.0 Travel and transportation of persons		1,751		1,840		1,867		27
22.0 Transportation of things		94		67		69		2
23.1 GSA rent		3,294		4,098		4,219		121
23.3 Comm., util., & other misc. charges		713		704		704		0
24.0 Printing and reproduction		25		25		25		0
25.1 Advisory and Assistance services		188		146		146		0
25.2 Other Services		129		113		124		11
25.3 Purchases of goods & svc from Gov't accounts		711		619		620		1
25.6 Medical Care		32		23		23		0
25.7 Operations & Maintenance of Equipment		239		225		227		2
26.0 Supplies and materials		235		168		173		5
31.0 Equipment		886		134		137		3
42.0 Claims & Indemnities		...		...		0		0
Total obligations		36,621		40,235		42,192		1,957
Relation of Obligation to Outlays:								
Total obligations		36,621		40,235		42,192		
Obligated balance, start of year		3,672		3,745		3,613		
Obligated balance, end of year		-3,745		-3,513		-3,544		
Outlays		36,548		40,367		42,261		

Department of Justice
U.S. Parole Commission
Estimates for Fiscal Year 2001

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UNITED STATES PAROLE COMMISSION



Approved by: Michael J. Gaines Date: 12-7-98

MICHAEL J. GAINES
Chairman

U.S. Parole Commission
Salaries and Expenses
Summary Statement and Performance Plan
Fiscal Year 2001

The FY 2001 budget request for the United States Parole Commission (USPC) is $9,183,000, 87 full-time permanent positions and 89 workyears. The request includes an increase of 6 positions, 3 workyears and $328,000 for the District of Columbia parole program, and $328,000 in adjustments-to-base increases. The following table summarizes the change in the Commission's budget resources:

	(Dollars in Thousands)		
	Pos.	Wkyrs	Amount
FY 1999 Appropriation.....	74	79	$7,400
FY 2000 Appropriation.....	81	86	8,527
D.C. Parole Initiative.....	6	3	328
Adjustments-to-Base.....	...	...	328
FY 2001 Proposed Budget.....	87	89	9,183

The FY 2001 budget proposal provides for an increase for the District of Columbia parole program while maintaining a static Federal parole program. At the staff level, there is no programmatic demarcation between the two programs; therefore, resources (i.e. staff time) that are released from the Federal program are absorbed by the D.C. program caseload. The request represents the net increase necessary to implement the final phases of the Federal assumption of responsibility for the D.C. parole program. On August 5, 2000, the D.C. Board of Parole will terminate, and its remaining decision-making responsibilities will be transferred to the Commission. The Commission will inherit the parole revocation caseload, and it is expected that there will be a serious backlog of warrant requests and revocation hearings on August 5, 2000. Since assuming responsibility for the D.C. caseload in August 1998, the dimensions of the problems associated with these cases have begun to overwhelm Commission staff at all levels. The resources requested are necessary to prevent the re-emergence of problems that the Federal takeover of the D.C. parole system was designed to correct.

In the Federal parole program, the Commission will be responsible (as of September 30, 1999) for over 7,793 parolees and about 3,631 inmates who are eligible for parole. At the beginning of FY 2001 (October 1, 2000), the Commission projects that there will be a caseload of 9,140, of which 2,905 will be prisoners eligible for parole, 3,526 will be parolees on active supervision, and 2,708 will be parolees on inactive supervision. (Inactive cases are made up of deportees, parolees serving state sentences, new law Federal prisoners and unapprehended parole violators.) Although the number of Federal parolees and prisoners eligible for parole will continue to decline, many offenders will remain under the Commission's jurisdiction for several years into the new millennium. Much of the remaining caseload is comprised of parolees and inmates who were convicted of serious offenses such as bank robbery, murder, espionage, etc. and are serving sentences from 30 years

to life. The Commission has heard many of these inmates, but because of their poor parole prognosis and/or the seriousness of their crimes, have been denied parole. Many others have been on parole for varying periods of time, but have violated the conditions of parole, and have been recommitted to custody. All of these cases require regular interim hearings every two years and full reconsideration hearings at specified intervals.

Because of unreliable data, a wide disparity exists in the estimates for the number of D.C. parolees and prisoners that have been provided to the Commission. Initial estimates for the District of Columbia parole responsibility indicated that the Commission would handle about 300 additional hearings per month. That estimate is probably very close to the eventual total. The D.C. Board of Parole has estimated the current parole population, who are under active supervision, as somewhere in a range from 3,400 to 5,000. An earlier estimate of 6,748 may have included inactive supervision cases.

A. USPC Mission and Goals; Relationships to DOJ Strategic Plan The FY 2001 budget request and performance plan directly supports the overall law enforcement priorities and corrections goals that are included in the Department of Justice's Strategic Plan. The overall mission of the USPC is to make decisions on grants and denials of parole, conditions of parole, supervision of parolees and mandatory releases, recommittal in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976. Through the administration of a national parole system that enables the consistent application of rational guidelines, the Commission contributes to the Department's priorities by ensuring even-handed decision-making that provides incentives for good behavior while discouraging recidivist conduct.

While the Commission's role in the overall law enforcement/public safety effort of the Federal government has been substantially reduced since the enactment of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), over 9,000 parolees and parole-eligible inmates, who are entitled to periodic hearings, remain in the corrections system. Furthermore, because of the seriousness of their offenses, it is likely that many will remain in the system over the next two decades. Coupled with the increase in caseload from the DC parolee/inmate population, the Commission will continue as important component in the corrections system.

B. FY 2001 Performance Plan and Summary Level Performance Indicators The U.S. Parole Commission is proposing an FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals will establish a standard upon which future performance may be monitored and reported, as required by the Government Performance and Results Act (GPRA).

ORGANIZATIONAL GOALS: To establish a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction.

To make decisions regarding the grant or denial of parole that both promotes justice and protects the public welfare.

To provide adequate supervision for parolees and mandatory releases to enhance community protection and the rehabilitation of the offender.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

C. Major FY 2001 Initiatives For fiscal year 2001, the USPC proposes a request of 6 positions, 3 workyears and $328,000 for the District of Columbia parole program. Under Public Law 105-33, Section 11231 of the National Capital Revitalization and Self-Government Improvement Act, the USPC assumed the powers, duties and jurisdiction of the District of Columbia Board of Parole to grant or deny parole for felons incarcerated under the D.C. Code on August 5, 1998. The terms of this legislation gives the Commission responsibility for issuing rules governing parole and parole procedures, conducting parole hearings, making parole decisions, and overseeing the supervision of parolees under the D.C. Court Services and Offender Supervision Agency.

U.S. Parole Commission

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized by law, [$8,527,000] *$9,183,000*.

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; P.L. 106-113, Department of Justice and Related Agencies Appropriations Act, 2000; P.L. 105-100, National Capital Revitalization and Self-Government Improvement Act of 1998.)

Explanation of changes

No substantive changes proposed.

U.S. Parole Commission
Salaries and expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Budget Activity	FY 1999 as Enacted			Approved Reprogrammings			Transfers			Final FY 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
U.S. Parole Commission.....	74	79	$7,380	...	...	...	...	...	$20	74	79	$7,400

Transfers Between Accounts — Congress provided $20,000 for Y2K costs in a separate fund.

U.S. Parole Commission
Salaries and expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Budget Activity	FY 2000 President's Budget Request			Reprogramming			FY 2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
U.S. Parole Commission.....	81	86	$8,527	...	...	...	81	86	8,527

Congressional Appropriation Action Congress provided full funding of the FY 2000 request.

U.S. PAROLE MISSION
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	81	86	8,527
Adjustment-to-Base Increases	...	...	328
2001 Base	81	86	8,855
Program Changes (see program narrative for details)	6	3	328
2001 Estimate	87	89	9,183

	1999 as enacted			1999 Actual			2000 appropriation enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Program	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
U.S. Parole Commission..	74	79	$7,400	74	73	$7,363	81	86	$8,527	81	86	$8,855	87	89	$9,183	6	3	$328

U.S. Parole Commission
Salaries and Expenses
Program and Performance Information
(Dollars in thousands)

ACTIVITY: PAROLE

	Pos.	WY	Amount
2000 Appropriation Enacted	81	86	$8,527
FY 2001 Base	81	86	8,855
FY 2001 Request	87	89	9,183
Increase/Decrease	6	3	328

BASE PROGRAM DESCRIPTION: The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. Nine Commissioners, appointed by the President, with the advice and consent of the Senate, for terms of six years were authorized in the statute. The Commission is established in the law as an agency with independent, quasi-judicial decision-making powers. 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 (mandatory release).

The Comprehensive Crime Control Act of 1984 (Public Law 98-493) abolished parole for Federal prisoners and established a system of determinate sentencing, in which convicted felons must serve at least 85 percent of their sentence. With the establishment of sentencing guidelines, which went into effect on November 1, 1987, the Federal parole system has been gradually declining as the number of prisoners eligible for parole consideration has decreased. Public Law 98-493 provided for the Parole Commission to be phased out by November 1992. However, because of constitutional questions involving grants of parole for thousands of "old law" prisoners who would still be incarcerated at the termination date, the Judicial Improvements Act of 1990 (P.L. 101-560) extended the life of the Commission to November 1, 1997. With substantial numbers of inmates and parolees still under the Commission's jurisdiction as the new termination date approached, legislation was enacted on October 2, 1996 (P.L. 104-232) that provided for the continued existence of the Commission until November 1, 2002.

Under P.L. 105-33, the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Revitalization Act), Congress reversed course with respect to the downsizing of the Parole Commission by abolishing the D.C. Board of Parole and transferring D.C. Code prisoners and parolees to the Commission's jurisdiction. Although P.L.104-232 had reduced the number of Commissioners from nine to three, two additional Commissioners were authorized for the D.C. caseload under the P.L.105-33, bringing the total to five Commissioners. The D.C. Revitalization Act mandates a two-stage transfer of functions from the D.C. Board of Parole to the U.S. Parole Commission. The first stage, which provided for the transfer of authority to grant or deny parole to incarcerated felony offenders, was begun on August 5, 1998. The second stage, providing for transfer of supervision and revocation functions will take place on August 5, 2000. Resources to implement this stage of the takeover are included in this request.

The Commission relies on the services of Bureau of Prisons (BOP) employees and U.S. Probation Officers employed by the Probation and Pretrial Services Division of the U.S. Courts. BOP staff, who are assigned to the correctional institutions throughout the nation, prepare progress reports and other reports concerning parole applicants. Field supervision of released prisoners is provided by Probation Officers of the Probation Service, who, pursuant to statute, function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releases are prepared by these officers and submitted to the Commission. Supervision of D.C. parolees is the responsibility of the Court Services and Offenders Supervision Agency that was created under the D.C. Revitalization Act.

Case Managers in correctional institutions throughout the nation prepare progress reports and other reports concerning parole applicants in their custody. Hearing Examiners appointed by the Commission conduct in-person parole hearings with prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiners at Federal prisons where parole-eligible prisoners are held. Examiners also conduct revocation hearings at Federal and State and local facilities for parolees who have violated their conditions of parole. Summaries of the hearings are recorded, then transcribed and sent to the Central Office for review and decision of a Commissioner.

The Bureau of Prisons (BOP) has continued to open new correctional facilities to accommodate the growing inmate population, and as new facilities have been opened, the Commission and BOP have agreed to concentrate parole-eligible inmates in fewer facilities in order to minimize the number of locations requiring hearing dockets. As of July 31, 1999, there were 130,772 prisoners in BOP facilities. The parole eligible Federal population is projected to be 3,631 on September 30, 1999.

When an individual is released on parole, conditions of release are imposed. The violation of any of these conditions could result in revocation of parole. The Commission has instituted a "zero tolerance policy" of illegal drug use by parolees. Any instance of illegal drug use by any parolee must be reported by the probation officer to the Commission. After the facts surrounding the violation are reviewed, a sanction or intervention is prescribed to correct or remedy the problem.

Warrants issued by the Commission to initiate the revocation of an inmate's parole, and the resulting revocation hearings, have remained at relatively constant levels over the past several years. Timely processing of warrants and revocation hearings are essential to the safety of the public and maintaining public confidence in the parole process. Revocation cases make a disproportionate demand on examiner and staff time because of their adversarial nature and because a majority of parolees in these cases are represented by counsel.

Initial hearings are due within 60 days of a newly-sentenced inmate's arrival in prison. Statutory interim hearings are due at 18 or 24-month intervals, pursuant to U.S.C. 4208(h), depending on the length of the sentence. Institutional revocation hearings are an important determinant of docket schedule. An alleged parole violator who is returned to an institution must be given a revocation hearing within the 90-day statutory deadline. Statutory deadlines effectively impose a bi-monthly docket schedule. Local revocation hearings are required to take place within 60 days of arrest at or near the location where the infraction or arrest occurred. Witnesses are present and produce what are the most work intensive hearings.

In 1974, the U.S. Board of Parole (as the Commission was then named) developed and implemented the first guidelines to be used anywhere to structure incarceration and release decision-making. All parole and sentencing guidelines developed in the United States are, for the most part, an outgrowth of Federal parole guidelines. The new Federal sentencing guidelines were modeled after the parole guidelines. The guidelines and the independence of the Federal parole

system were affirmed and strengthened by Congress when it passed the Parole Commission and Reorganization Act of 1976. The parole guidelines are built around a two-dimensional matrix that considers offense severity on one axis and offender prognosis (risk) on the other. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reason(s) for the Commission's determination and a summary of the information relied upon. The guidelines have played a significant role over the past two decades in reducing sentencing disparity. The act also enhanced due process, provided the right for inmates to have a representative at their hearing, and required that the reasons for denial be stated in writing.

Prisoners who are dissatisfied with the decision rendered after their hearing may file an appeal with the Commission's National Appeals Board (NAB). The NAB can affirm, modify or reverse the decision under provisions set forth in 28 CFR 2.26. The NAB must complete the action within 60 days of receipt of the appeal.

The Office of the Chairman provides overall management of the Commission's activities and functional supervision of the Hearing Examiners and Analysts. This office also provides quality control of case decisions, coordinates the training program, and is responsible for publication of the Parole Commission's Rules and Procedures manual (28 CFR 2.1 - 2.67).

The Legal office, headed by the General Counsel, advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is a resource for staff on problems involving the processing of requests for information under the Privacy Act and oversees responses to requests submitted under the Freedom of Information Act. Additionally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted. The Commission's legal staff also participates in the development of treaties and implementing legislation for the exchange of prisoners with other countries.

An Administrative Office headed by the Executive Officer provides administrative support in the areas of personnel, budget and finance, procurement, and property and space management.

As mentioned above, the Congress enacted P.L. 105-33, the National Capital Revitalization and Self-Government Improvement Act of 1997 (the D.C. Revitalization Act) on August 5, 1997, which transferred responsibility for administration of the District of Columbia corrections, sentencing, offender supervision, parole and other functions to the Federal government. On August 5, 1998, the Commission assumed the jurisdiction and authority of the D.C. Board of Parole relating to parole consideration for parole-eligible felons convicted under the provisions of the D.C. Code. When the D.C. Court Services and Offender Supervision Agency assumes its duties on August 5, 2000, the Parole Commission will assume the remaining powers of the D.C. Board of Parole, including issuance of warrants, conduct of revocation hearings and modification of conditions of parole. At that time, the D.C. Board of Parole will be abolished, and D.C. Code prisoners and parolees will be handled in much the same way as Federal prisoners/parolees, but their parole consideration will be subject to the rules and guidelines established under the D.C. Code. Parole hearings for D.C. Code prisoners are conducted in the same manner as hearings for Federal prisoners. Hearing Examiners appointed by the Commission conduct in-person parole hearings with prisoners eligible for parole and make recommendations to the Commissioners. For field supervision of D.C. Code parolees, the Commission will rely upon parole officers on the staff of the Court Services and Offender Supervision Agency.

ACTIVITY: DISTRICT OF COLUMBIA PAROLE CASELOAD

	Pos.	WY	Amount(000)
Parole Commission Increase	6	3	$ 328

Proposed Actions A program increase of 6 positions, 3 workyears and $328,000 is requested for the Parole Commission to continue the responsibility of making parole decisions for D.C. Code prisoners, and to assume its new responsibilities for D.C. Code parolees on August 5, 2000. Initial estimates for the District of Columbia parole responsibility indicated that the Commission would handle about 300 additional hearings (i.e. parole revocation hearings) per month. That estimate is probably very close to the eventual total, but a definitive accounting of the D.C. prisoner and inmate population is not currently available, because of the lack of adequate records and systems for monitoring this population. Because of unreliable data, a wide disparity exists in the estimates for the number of D.C. parolees and prisoners that have been provided to the Commission. The D.C. Board of Parole has estimated the current parole population, who are under active supervision, as somewhere in a range from 3,400 to 5,000. Much of the D.C. caseload includes individuals with very serious case histories whose parole supervision must be closely monitored. The Commission will need to rapidly increase its staff in order to assume responsibility for D.C. parole revocation hearings that it will be conducting from August 5, 2000 forward. Because of the deterioration in the capabilities of the D.C. Board of Parole as it approaches its termination date, the Commission expects that there will be a serious backlog of parole revocation hearings when that function is transferred on August 5, 2000.

Since assuming responsibility for the D.C. caseload in August 1998, serious problems with the D.C. prisoner caseload have become evident to Commission staff. First, although it was recognized that there would be some problems with the quality of information in the D.C. Board of Parole's files, the extent and severity of this problem was not known. Missing files, files with missing documents, and inadequately prepared documents are much more frequent than was expected. This causes delays in conducting hearings (e.g., hearings that have to be postponed or continued to obtain required information). Extensive efforts are required by the Commission's staff to obtain adequate information, so that decisions are be made that do not jeopardize public safety. Moreover, because there can be no reasonable presumption of regularity regarding the adequacy of the material in a D.C. prisoner's file, each case must be rigorously scrutinized to determine the likelihood that any significant information is missing. For this reason, it takes considerably more time to review adequately the cases of D.C. Code offenders than the cases of Federal offenders where problems with the information available are rare. Second, the Bureau of Prisons, for appropriate reasons, is dispersing the D.C. offenders at the Lorton complex to various Federal and contract institutions at a faster rate than anticipated by the Commission. A consequence for the Commission is that the staff time and expense to conduct statutorily required parole hearings has increased substantially because of the travel involved, and thus the average number of cases that can be heard by the examiner staff monthly has declined significantly. As a result, there is no excess staff time than can be diverted to assume the D.C. Board of Parole supervision and revocation functions without the requested additional funds.

The D.C. offender population transferred to the jurisdiction of the U.S. Parole Commission under the National Capital Revitalization and Self-Government Improvement Act of 1997 contains a large proportion of violent offenders. Similarly, the federal offenders still under the jurisdiction of the Parole Commission are serving long sentences, primarily for violent offenses. Lack of adequate Commission staff can jeopardize the public safety, since errors with respect to parole release decisions by overburdened staff can result in the inappropriate release of dangerous offenders. Delays in hearings can lead to litigation, thereby increasing other costs and the potential for the untimely release of dangerous offenders by the courts for failure of the Commission to meet statutory or constitutional time limits or other procedural requirements. The failure of the Commission to respond promptly to violations by those under supervision, or the failure to meet all statutory and constitutional requirements in conducting revocation hearings, can similarly jeopardize public safety.

Consequently, the Commission has experienced a substantial and increasing number of delays in the holding of parole hearings and in the issuance decisions after hearings are completed. Without adequate staffing, these delays will continue to grow, and in turn will add to the increase of workload because of the need to respond to official complaints, complaints of inmates and the inevitable litigation. With a D.C. parolee population that has a large number of violent offenders, delays in responding to warrant requests or the modification of parole conditions can pose an immediate and serious risk to public safety as these offenders are left free to engage in new criminal activity.

Many of the prisoners coming before the Commission for rehearings ordered by the D.C. Board of Parole have point scores that call for parole, but have prior convictions for such offenses as murder, rape, robbery and other assaultive acts. An illustrative example of the type of felon that the Commission has encountered in the D.C. caseload is the following case. The subject was the "trigger man" in a robbery, which resulted in the murder of a female DC police officer. The crime occurred in 1975 and the subject was convicted of Murder II as well as Conspiracy, Attempted Armed Robbery, Assault With a Deadly Weapon and sentenced to 15 years to life on the murder charge and 3 years to life on the other counts. The subject served 18 years before being released on parole supervision in 1992. In spite of repeated arrests, beginning within a year of his release, for DWI and possession of marijuana and cocaine with intent to distribute, and violations of his conditions of parole, his parole was not revoked until January 1998. He was scheduled by the D.C. Board of Parole for possible reparole in 1999, but after a reparole hearing, the Commission denied parole and determined that he should remain in custody until at least 2005.

The Commission has determined that this request is the minimum necessary to handle a continuing caseload that will exceed 7,600 hearings in FY 2001. USPC will be responsible for promulgating rules governing parole and parole procedures, conducting parole hearings and revocation hearings, making parole and revocation decisions, and overseeing the supervision of parolees under the Offender Services Agency. Parole will be abolished for new D.C. Code offenders three years after enactment, but the prospective operation of this law will keep the parole caseload at current levels for at least three years thereafter before a decline commences.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: To make decisions on grants and denials of parole, conditions of parole, supervision of parolees/releasees, recommittal due to violation of conditions of parole, and termination of supervision as outlined in the Parole Commission Reorganization Act of 1976 (18 U.S.C. 4201 et seq.).

PERFORMANCE INDICATOR INFORMATION	DATA SOURCE	Type of Indicator	FY 1998 Actual	FY 1999 Enacted Plan	FY 1999 Actual	FY 2000 Plan	FY 2001 Plan
Total Hearings	USPC/DRAM	Output	3,280	5,699	3,019	5,921	7,680
a. Initial	USPC/DRAM	Output	712	2,188	1,225	2,254	2,344
b. Rescission	USPC/DRAM	Output	146	150	139	154	160
c. Local Revocation	USPC/DRAM	Output	267	275	185	283	294
e. Institutional Revocation	USPC/DRAM	Output	698	810	485	896	2,439
f. Expedited Revocation	USPC/DRAM	Output	371	382	404	394	410
g. Other	USPC/DRAM	Output	69	71	56	73	76
h. Statutory Review/Rehearing	USPC/DRAM	Output	748	1,703	455	1,747	1,817
i. Termination Hearings	USPC/DRAM	Output	113	120	70	120	140
Pre-Release Reviews	USPC/DRAM	Output	1,658	1,708	1,708	1,759	1,829
Analyst Workload	USPC/DRAM	Output	11,088	19,907	19,907	20,912	23,048
Total Appeal Decisions	USPC/DRAM	Output	586	603	603	621	677
a. National	USPC/DRAM	Output	571	588	588	606	630
b. Administrative Review	USPC/DRAM	Output	3	3	3	3	3
c. Original Jurisdiction Decisions	USPC/DRAM	Output	12	12	12	12	44

A. Data Validation and Verification: The DRAM data entry system automatically verifies that all data items have valid values, and that related data items are internally consistent with each other, and with Commission rules and procedures

B. FY 99 Performance Report: USPC assumed full responsibility for all initial and interim hearings for D.C. Code Inmates on August 5, 1998. Because of unreliable data, a wide disparity exists in the estimates for the number of D.C. parolees and prisoners that have been provided to the Commission. The D.C. Board of Parole has estimated the current parole population under active supervision, as somewhere in a range from 3,400 to 5,000.

C. Factors Affecting Selection of FY 2000 and FY 2001 Plans: Includes approximately 3,600 D.C. Code cases in FY 1999 and about 4,000 D.C. cases in FY 2000. USPC assumes responsibility for parole revocations and supervision on August 5, 2000. Analyst Workload consists of actions related to prisoners and parolees such as pre-release reviews, parole certificates, requests for warrant issuance, modifications of parole conditions, and letters of reprimand.

U.S. Parole nission
Financial Analysis - Program Changes
FY 2001
(Dollars in thousands)

Item	District of Columbia Parole Initiative	
	Pos.	Amount
Grades		
GS-15	1	94
GS-12	2	110
GS-11	3	144
Total Positions and Annual Rate	6	348
Lapse (-)	(3)	(139)
Total workyears and personnel compensation	3	209
12.1 Personnel benefits		58
21.0 Tranvel and transportation of persons		11
22.0 Transportation of things		2
23.3 Communications, utilities and other rent		12
25.2 Other services		6
26.0 Supplies		12
31.0 Equipment		18
Total	3	328

U.S. Parole Commission
Salaries and Expenses

Detail of Permanent Positions by Category

Fiscal Years 1999 - 2001

Category	1999 Auth.	2000 Anticipated	2001		
			Program Changes		Total
			Increase	Decrease	
Attorneys (905)	5	5	...	...	5
Other Legal and Kindred (900-998)	1	1	...	...	1
Social Sciences, Economics and Kindred (100-199)	40	45	6	...	51
General Administrative, Clerical and Office Services (300-399)	27	29		...	29
Accounting and Budget (500-599)	1	1	...	...	1
Total	74	81	6	...	87
Washington	74	81	6	...	87
U.S. Field	...	...	...	...	...
Total	74	81	6	...	87

U.S. Parole ... mission
Salaries and Expenses
Summary of Change
(Dollars in thousands)

Adjustments to base:	Pos.	WY	Amount
2000 appropriation enacted	81	86	$8,527
Adjustment-to-Base Increases:			
2001 Pay Raise	...	...	180
Annualization of 2000 Pay Raise	...	...	78
Accident Compensation	...	...	1
Travel Management Centers Contract Fees	...	...	5
Increased Federal Health Insurance costs	...	...	20
Transfer of CSRS Employees to FERS Retirement System	...	...	9
National Archives and Records Projections	...	...	1
General pricing level adjustments	...	...	34
Total, adjustment-to-base increases	...	...	328
FY 2001 Base	81	86	8,855
Program Changes:			
District of Columbia Parole	6	3	328
Program Changes	6	3	328
2001 Estimate	87	89	9,183

U.S. Parole Commission
Salaries and Expenses
Justification of Adjustments-to-Base
(Dollars in thousands)

	WY	Amount
Increases (Automatic, non-policy):		
1. FY 2001 Pay Raise	...	180
This request provides for the proposed 3.7 percent pay raise to be effective in January of FY 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for FY 2001 budget submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $180,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($142,000 for pay and $38,000 for benefits).		
2. Annualization of 2000 Pay Raise	...	78
This pay annualization represents first quarter amounts (October through December) of the anticipated FY 2000 pay increase of 4.8 percent effective in January 2000, and for three-quarters of a year, the difference between the 4.4 percent estimated in the FY 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $78,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($59,000 for pay and $19,000 for benefits).		
3. Accident compensation	...	1
This increase reflects the estimated billing provided by the Department of Labor for the actual costs in 1999 of employee's accident compensation, which will be billed in FY 2001. The FY 2001 increased cost will be $1,000.		
4. Travel Management Centers Contract Fees	...	5
In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $5,000 is requested for USPC.		
5. Increased Federal Health Insurance Costs	...	20
This request provides for the increased in agency contributions to the Federal Employees Health Benefits program. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This request includes $20,000 for these costs.		

Increases (Automatic, non-policy), continued:	WY	Amount
6. Transfer of CSRS employees to the FERS Retirement System. This request provides for the increase in Federal Employees Retirement System (FERS) costs, base on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of the transferred employees and the increased cost of FERS benefits. The request includes $9,000 for these benefits.	...	9
7. National Archives and Records Administration (NARA). OMB directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2001. This proposed legislation mandates that NARA is to remain the sole source for agency records center services through FY 2002 for agencies currently using its services. In FY 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, an increase of almost $300,000 based on current records maintained by NARA. Funding of $1,000 is requested for the U.S. Parole Commission.	...	1
8. General Pricing Level Adjustments. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	34
Total, Increases/Adjustments-to-Base	...	328

U.S. Parole Commission
Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Grades and salary ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
Executive Level IV, $118,400	1		1		1		...	
Executive Level V, $110,700	4		4		4		...	
GS/GM-15, $80,658 - $104,851	6		7		8		1	
GS/GM-14, $68,570 - $89,142	17		21		21		...	
GS/GM-13, $58,027 - $75,433	4		4		4		...	
GS-12, $48,796 - $63,436	9		9		11		2	
GS-11, $40,714 - $52,927	3		6		9		3	
GS-10, $37,057 - $48,173	3		3		3		...	
GS-9, $33,650 - $43,747	1		2		2		...	
GS-8, $30,465 - $39,600	8		8		8		...	
GS-7, $27,508 - $35,760	8		7		7		...	
GS-6, $24,754 - $32,181	9		9		9		...	
GS-4, $19,849 - $25,800	1		...		...		...	
	74		81		87		6	
Average Executive Salary		$112,240		$112,240		$112,240		
Average GS/GM Salary		$56,094		$60,578		$61,119		
Average GS/GM Grade		10.70		11.05		11.12		

U.S. Pa. . Commission
Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1999 Enacted Pos.	1999 Enacted WY	1999 Enacted Amount	2000 Enacted Pos.	2000 Enacted WY	2000 Enacted Amount	2001 Request Pos.	2001 Request WY	2001 Request Amount	Increase/Decrease Pos.	Increase/Decrease WY	Increase/Decrease Amount
Personnel Compensation:												
11.1 Permanent positions	74	74	$3,871	81	81	$4,838	87	84	$5,282	6	3	446
11.3 Positions other than perm		5	178		5	230		5	239		...	9
11.5 Other personnel comp		...	173		...	130		...	90		...	(40)
11.8 Special pers. services pay		...	...		...	...		...	...		...	...
Total	74	79	4,222	81	86	5,196	87	89	5,611	6	3	415
Other objects:												
12.1 Personnel benefits			926			1,107			1,196			88
1291 - Empl. Comp.- injury			81			84			84			...
13.0 Benefits for former pers			...									
21.0 Travel and transport of pers			216			240			265			25
22.0 Transportation of things			37			47			54			7
23.1 GSA rent			753			...			...			...
23.2 Rent paid to Other			35			816			851			35
23.3 Communications, utilities and other rent			196			201			225			24
24.0 Printing and reproduction			12			42			42			...
25.1 Advisory & assistance services			127			130			130			...
25.2 Other services			193			148			158			12
25.3 Purch. from Govt. accounts			134			135			136			1
25.7 Operation & maint. of equipment			19			11			12			1
26.0 Supplies and materials			175			165			177			12
31.0 Equipment			237			206			242			36
Total obligations			7,363			8,527			9,183			656
Unobligated balance lapsing			37			...			...			...
Total requirements			7,400			8,527			9,183			656
Relation of obligations to outlays:												
Total obligations			7,363			8,527			9,183			
Obligated balance, start-of-year			1,197			1,377			1,428			
Obligated balance, end-of-year			(1,377)			(1,428)			(2,114)			
Outlays			7,183			8,476			8,497			

Legal Activities
Salaries & Expenses, General Legal Activities
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Legal Activities
Salaries and Expenses, General Legal Activities
Summary Statement
Fiscal Year 2001

For FY 2001, the General Legal Activities (GLA) appropriation seeks total budget authority of 3,837 positions, 3,834 workyears (excluding 374 reimbursable workyears) and $552,239,000. This resource level represents an overall increase of 160 positions, 92 positions and $16,519,000 above the FY 2001 base level. In addition, requested adjustments-to-base increases of $30,775,000 are requested to annualize positions approved in the Department's FY 2000 appropriations act and to enable the appropriation to keep pace with inflation. The FY 2001 program changes are briefly discussed below. Specific details about individual program are further discussed at the organizational level.

Tax Division
International Tax Compliance (7 positions, 4 FTE, and $500,000): Additional resources (7 attorneys) are requested to expose and attack the use of illegal offshore schemes that keep tax dollars from the Federal Treasury. The use of the Internet and other electronic technology makes the promotion and use of foreign trusts and other offshore schemes easier to accomplish and more popular, as well as difficult to detect. This enhancement will combat this increasing problem and bring to justice those who illegally abuse and circumvent the Nation's internal revenue laws.

Abusive Trust Initiative (7 positions, 4 FTE, $500,000): Additional resources (6 attorneys) are requested to combat the use of illegal domestic trusts. In recent years the Internal Revenue Service has noted a substantial increase in the number of taxpayers utilizing illegal trusts in an attempt to illegally avoid or limit their federal tax liabilities. This additional funding will allow the Tax Division to assist the IRS in curtailing this activity, recover lawfully owed federal taxes, and ensure that the American public is protected from this type of unlawful activity.

Litigation Support (no positions and $1,020,000): Additional resources are sought to support the use of automated litigation tools for trial preparation, electronic filing, and courtroom presentation. Automated litigation support has numerous benefits for the Tax Division. Resources will fund equipment purchases, which will decrease the amount of time necessary to complete document-intensive trials, allow attorneys and paralegals to analyze large volumes of documents quickly and more thoroughly, and prepare the Division for electronic filing in the courts.

Criminal Division

Strategic Drug Enforcement (5 positions, 3 FTE, and $389,000): Additional resources (3 attorneys) are sought to enable the Criminal Division to provide enhanced support to the DEA's Special Operations Division (SOD). Specifically, the requested enhancement will enable the Division to support the new money laundering component of the SOD initiative and to address the increasing number of new wiretaps relating to narcotics enforcement, specifically from efforts such as SOD.

International Crime (14 positions, 8 FTE, $1,197,000): Additional resources (7 attorneys) are requested to enable the Criminal Division to bolster its international enforcement programs. Specifically, this request will strengthen the Office of International Affairs' ability to handle an increasing bilateral/multilateral workload, and enhance the Division's international analysis capability to enable the ICITAP program to develop proactive long-term and strategic planning.

Counterterrorism (11 positions, 6 FTE, and $888,000): Additional resources (6 attorneys) are requested to enable the Criminal Division to maintain its leadership role in the Department's efforts to combat cybercrime/counterterrorism. This request will enable the Division's Computer Crime and Intellectual Property Section, which has become a nexus for federal, state, local and foreign agencies seeking guidance on how to develop responses to the threat of cybercrime/cyberterrorism, to keep pace with the rapid increase in cybercrime and cyberterrorist attacks. In addition, this request will enable the Division to implement, update and track progress towards the goals of the Five-Year Interagency Counterterrorism and Technology Crime Plan. Finally, this request will establish a victim/witness assistance capacity within the Division and enhance its witness security program.

Protecting Communities (6 positions, 4 FTE, and $685,000): Additional resources (4 attorneys) are sought to enable the Criminal Division to combat child pornography; to assist in the growing number of investigations and prosecutions of those who sell, buy, or transport women and children interstate or internationally to engage in sexually explicit conduct; to strengthen enforcement efforts involving international parental kidnaping; to provide funding to expand the Short-Term Protection Program; and to support the Presidential initiative to improve law enforcement in Indian Country.

Environment and Natural Resources Division

Defending Civil Environmental Laws and the Public Fisc (14 positions, 8 FTE, and $1,153,000): Additional resources (8 attorneys) are requested to support the Division's efforts to defend federal programs and regulations in the district courts and courts of appeal. This enhancement will support ENRD's increased workload associated with: protecting multi-billion dollar Army and Department of Energy programs designed to store, transport, and destruct hazardous materials; defending the largest and most complex Comprehensive Environmental Response, Compensation, and Liability Act matters; handling challenges to the Endangered Species Act; and enhancing the Division's capacity to utilize alternate dispute resolution in appropriate cases.

Enforcing and Prosecuting Environmental Laws (12 positions, 7 FTE, and $988,000): Additional resources (7 attorneys) are requested to enable ENRD to address an expanding civil enforcement caseload, enhance the Division's capacity to combat environmental crimes, and protect Indian land claims. The Nation's environmental protection program depends on a strong and balanced criminal and civil enforcement program to promote voluntary compliance and deter future wrongdoing. Increased funding will provide the Division the capacity to respond to an increasing caseload, and pursue violators of environmental laws appropriately.

Office of Legal Counsel

Review of Presidential Emergency Action Documents(1 position, 1 FTE, and $93,000): Additional resources (1 attorney) are requested to enable the Office of Legal Counsel to conduct a legal review of 48 Presidential Emergency Action Documents (PEADs). PEADs are pre-coordinated legal documents designed to implement Presidential decisions or transmit Presidential requests when an emergency situation does not allow for routine staffing and distribution. PEADs have applicability during a national emergency when the President requires immediate authority for, or direction of, emergency activities.

Civil Rights Division

Prosecuting Criminal Civil Rights Actions (8 positions, 4 FTE, and $482,000): Additional resources (5 attorneys) are requested to eradicate egregious criminal activities. This increase will provide resources necessary to enhance the Civil Rights Division's ability to investigate, and where warranted, prosecute civil rights violations in the areas of hate crimes, color of law, and violence directed toward health care providers.

Promoting Compliance with the Americans with Disabilities Act (29 positions, 13 FTE, and $2,253,000): Additional resources (12 attorneys) are requested to increase the Division's ability to enforce the ADA, including: (1) addressing an increasing number of complaints filed under Title II and Title III of the ADA; (2) addressing increasing litigation caseload anticipated for FY 2001, including employment cases referred to the Department by the EEOC; (3) expanding efforts to certify that state and local building codes meet ADA requirements; (4) providing technical assistance and outreach to assist small business and law enforcement officials in meeting ADA requirements; and (5) ensuring that persons confined in public institutions have adequate mental health services.

Civil Enforcement of "Pattern or Practice" Police Misconduct (5 positions, 3 FTE, and $656,000): Additional resources (3 attorneys) are requested to combat abusive, discriminatory, and other unconstitutional actions by law enforcement officials.

Combating Abuse and Neglect in Institutions (3 positions, 1 FTE, and $389,000): Additional resources (2 attorneys) are requested to carry out the Administration's initiative to combat abuse and neglect in institutions, to protect the rights of nursing home residents and youth in juvenile detention and correctional facilities, and to address the mental health needs of individuals in correctional and health care facilities. To this end this request will significantly enhance the Division's capacity to pursue investigations, settlements, and cases and strengthen the Department's monitoring of settlements to ensure compliance.

Enforcement of the Voting Rights Act (6 positions, 6 FTE, and $1,770,000): Additional resources (5 attorneys) are requested to assist in the review, required by the Voting Rights Act, of numerous redistricting submissions and other voting changes that will follow the

2000 Census. Specifically, this enhancement will fund positions required for the timely review of Section 5 voting changes and redistricting proposal submitted by covered jurisdictions. In addition, this request will support required technology improvements and the conversion of data into the digital format compatible with the Division's Geographic Information System.

Fundamental Opportunities (19 positions, 11 FTE, and $2,765,000): Additional resources (13 attorneys) are sought to expand programs that seek to protect basic civil rights. Specifically, resources will fund improvements in the following areas: (1) to combat illegal employment discrimination; (2) to attack in-school segregation, insuring that desegregation has been achieved, promoting diversity, and insuring that non-English speaking students have access to an effective educational experience; (3) to provide training to federal agencies and state and local governments on the legal requirements and investigatory techniques applicable under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, as amended; (4) to fund computer software and technical support required to enforce the Nation's fair lending laws; (5) to implement the American Competitiveness and Workforce Improvement Act; (6) to fund the Division's litigation support requirements; and (7) to handle civil rights appeals.

Providing Administrative Support to Civil Rights Enforcement (13 positions, 9 FTE, and $441,000): Additional resources are requested to maintain adequate levels of administrative support to the Division's litigating sections. Additional funding will provide support in areas such as financial management and planning, litigation support, information resource management and human resources.

Office of Dispute Resolution

Office of Dispute Resolution (no positions and $350,000): Additional resources are sought to fully fund the operations of the Office of Dispute Resolution. The Office promotes the use of mediation and other forms of dispute resolution for use in appropriate civil cases involving the United States. It advises attorneys on dispute resolution strategies, identifies potential private providers of dispute resolution services, conducts training in negotiations and dispute resolution, and serves as the Department's representative in dealing with other agencies, Congress and the public regarding mediation issues. The Office also represents the Attorney General in monitoring and supervising the activities of the Interagency Working Group on Alternative Dispute Resolution, a Presidentially

established Task Force that promotes the use of dispute resolution throughout the Executive Branch. This enhancement, when combined with the resources provided by Congress in FY 2000, will fully fund the operational responsibilities of the Office.

Legal Activities

Salaries & Expenses, General Legal Activities

Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is **underscored in bold** and deleted matter is [enclosed in brackets].

Salaries and expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; [$357,016,000] **$552,339,000**; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed [$36,666,000] **$18,877,000** shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, **the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service,** and offices funded through "Salaries and Expenses", General Administration: [*Provided further*, That of the amount appropriated under this heading $582,000 shall be transferred to, and merged with, funds available to the Presidential Advisory Commission on Holocaust Assets in the United States and shall be made available for the same purposes for which such funds are available:] *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

[In addition, $147,929,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.]

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund. *(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)*

Legal Activities
Salaries and Expenses, General Legal Activities
Justification of Proposed Changes in Appropriation Language

Explanation of Proposed Changes

LAOA Change: The purpose of the proposed language change is to provide funding for the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, which are JCON organizations, but which have had no dedicated source of information technology funding. By including these organizations in among the eligible LAOA components, the JCON Program can better ensure that the systems in these organizations comply with the standard architecture over time. It also will make it easier to pursue opportunities to consolidate or collaborate on system management.

LEGAL ACTIVITIES
Salaries & Expenses, General Legal Activities
Crosswalk of 1999 Availability

(Dollars in Thousands)

Budget Activity/Program	1999 as Enacted			Reprogrammings			Transfers			Unobligated Balances Brought Forward/Recoveries			1999 Availability		
Direct	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters	48	50	$6,501	...	...	65	...	...	...	...	...	...	48	50	6,566
2. General tax matters	586	565	64,534	...	...	24	...	...	1,938	...	...	1,052	586	565	67,548
3. Criminal matters	792	790	100,332	...	...	22	...	...	6,216	...	...	4,330	792	790	110,900
4. Claims, customs and general civil matters	1,054	1,082	141,760	...	...	29	...	...	970	...	...	3,933	1,054	1,082	146,692
5. Land, natural resources and Indian matters	449	476	62,622	...	...	(101)	...	...	30	...	...	1,496	449	476	64,047
6. Legal opinions	37	41	4,512	...	...	80	...	...	...	...	...	...	37	41	4,592
7. Civil rights matters	581	589	69,237	...	...	16	...	...	8,030	...	...	...	581	589	77,283
8. INTERPOL - U.S. National Central Bureau	62	64	7,068	...	...	...	...	...	1,000	...	...	...	62	64	8,068
9. Legal activities office automation	...	...	17,834	...	...	(135)	...	...	(300)	...	...	3,830	...	...	21,229
10. Dispute Resolution	3	3	300	...	...	...	...	...	...	...	...	...	3	3	300
11. DOJ Contribution to Holocaust Commission	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	3,612	3,660	474,700	...	...	...	...	...	17,884	...	...	14,641	3,612	3,660	507,225
Reimbursable FTE		399			...			...			...			399	
Grand total FTE		4,059			...			...			...			4,059	

Reprogrammings
This column reflects a technical adjustment of $101,000 which realigned resources provided for guard services in the Patrick Henry Building. In addition, the Attorney General approved a one-time reprogramming of $65,000 for the Office of the Solicitor General and $70,000 for the Office of Legal Counsel.

Transfers
This column reflects the following: (1) resources transferred from the Y2K Contingent Emergency Fund administered by OMB; (2) resources transferred from the USAID and State Department to support the ICITAP/OPDAT programs; (3) resources transferred from the DEA (which was reimbursed by the Department's Working Capital Fund's Unobligated Balances) to pay Japanese Redress claims; and (4) resources transferred to the Presidential Advisory Commission on Holocaust Assets in the United States (which was also reimbursed by the WCF).

Unobligated Balances/Recoveries
This column reflects unobligated balances associated with ALS carryover funding, carryover funding available for ICITAP/OPDAT, carryover funding for LAOA, and for other purposes.

LEGAL ACTIVITIES
Salaries & Expenses, General Legal Activities
Crosswalk of 2000 Changes

(Dollars in thousands)

Budget Activity/Program	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
Direct	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters	48	50	$6,967	...	...	(197)	...	...	...	48	50	$6,770
2. General tax matters	600	575	69,295	(14)	(12)	(2,095)	...	...	...	586	563	$67,200
3. Criminal matters	836	844	114,743	(44)	(32)	(10,266)	...	...	...	792	812	$104,477
4. Claims, customs and general civil matters	1,084	1,092	169,173	(50)	(30)	(21,557)	...	...	...	1,034	1,062	$147,616
5. Land, natural resources and Indian matters	449	476	66,270	3	3	(1,061)	...	...	...	452	479	$65,209
6. Legal opinions	37	41	4,828	...	...	(130)	...	...	...	37	41	$4,698
7. Civil rights matters	671	639	82,200	...	...	(50)	...	...	...	671	639	$82,150
8. INTERPOL - U.S. National Central Bureau	62	64	7,567	...	...	(207)	...	...	...	62	64	$7,360
9. Legal activities office automation	...	...	55,166	...	...	(36,595)	...	...	...	...	...	$18,571
10. Dispute Resolution	3	3	662	...	...	(350)	...	...	...	3	3	$312
11. DOJ Contribution to Holocaust Commission	...	...	...	...	...	582	...	...	...	...	...	$582
Total	3,790	3,784	576,871	(105)	(71)	(71,926)	...	...	...	3,685	3,713	504,945
Reimbursable FTE		369			27			...			396	
Grand total FTE		4,153			(44)			...			4,109	

Congressional Appropriation Action on FY 2000 Request

The Congress only provided program enhancements to the Civil Rights Division. All other program enhancements were denied. In addition, the Congress did not provide funding to completely support base operations in the other GLA organizations.

LEGAL ACTIVITIES
Salaries & Expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY.	Amount
2000 Appropriation Enacted (Direct)	2,648	2,648	$357,016
2000 Appropriation Enacted (VCRP)	1,037	1,065	$147,929
Total, 2000 Appropriation Enacted	3,685	3,713	504,945
Adjustments to Base:			
Increases (automatic, non-policy)	2	46	31,840
Decreases (automatic, non-policy)	(10)	(17)	(1,065)
Net, Adjustments to Base	(8)	29	30,775
2001 Base	3,677	3,742	535,720
Program Changes (See Program Narrative for Details)	160	92	16,519
2000 Estimate	3,837	3,834	552,239

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increases/Decreases		
Estimates by Program	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters	48	50	$6,770	48	50	$7,118	48	50	$7,118	...	...	...
2. General tax matters	586	563	67,200	586	563	70,091	600	571	73,011	14	8	2,020
3. Criminal matters	792	812	104,477	792	802	110,800	818	823	113,959	36	21	3,159
4. Claims, customs and general civil matters	1,034	1,082	147,818	1,034	1,055	157,092	1,034	1,055	157,092	...	...	...
5. Land, natural resources and Indian matters	452	479	65,209	452	479	68,703	478	494	70,844	26	15	2,141
6. Legal opinions	37	41	4,698	37	41	4,967	38	42	5,060	1	1	93
7. Civil rights matters	671	539	82,150	671	683	89,166	754	730	97,922	83	47	8,756
8. INTERPOL - U.S. National Central Bureau	62	64	7,360	62	64	7,686	62	64	7,686	...	...	...
9. Legal activities office automation	...	...	16,571	...	...	16,877	...	...	16,877	...	...	...
10. Dispute Resolution	3	3	312	5	5	320	5	5	670	...	...	350
11. DOJ Contribution to Holocaust Commission	...	...	582	...	...	...	...	...	...	...	...	...
Direct (non-add)	*(2,648)*	*(2,648)*	*(357,016)*	*(3,677)*	*(3,742)*	*(535,720)*	*(3,837)*	*(3,834)*	*(552,239)*	*(160)*	*(92)*	*(16,519)*
VCRP, (non-add)	*(1,037)*	*(1,065)*	*(147,929)*	...	...	...	...	...	...	...	...	...
Total	3,685	3,713	504,945	3,677	3,742	535,720	3,837	3,834	552,239	160	92	16,519
Reimbursable Workyears		396			371			374			3	
Total Workyears		4,109			4,113			4,208			95	
Other Workyears												
Overtime		30			30			30			...	
Total Compensable Workyears		4,139			4,143			4,238			95	

Salaries and Expenses, General Legal Activities

Summary of Resources by Program

(Dollars in thousands)

Estimates by Program	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY.	Amount	Perm. Pos.	WY.	Amount	Perm. Pos.	WY.	Amount	Perm. Pos.	WY.	Amount	Perm. Pos.	WY.	Amount	Perm. Pos.	WY.	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters	48	50	$6,568	48	50	$6,525	48	50	$6,770	48	50	$7,118	48	50	$7,118	...	...	...
2. General tax matters	566	565	67,548	566	553	65,833	566	563	67,200	568	563	70,991	600	571	73,011	14	8	$2,020
3. Criminal matters	792	790	110,900	782	737	103,348	792	812	104,477	782	802	110,800	818	823	113,959	36	21	3,159
4. Claims, customs and general civil matters	1,054	1,062	148,692	1,054	1,005	139,726	1,034	1,062	147,618	1,034	1,055	157,092	1,034	1,055	157,092	...	...	...
5. Land, natural resources and Indian matters	449	476	64,047	449	483	62,656	452	479	65,209	452	479	68,703	478	494	70,844	26	15	2,141
6. Legal opinions	37	41	4,592	37	34	4,580	37	41	4,698	37	41	4,967	38	42	5,060	1	1	93
7. Civil rights matters	581	589	77,283	581	578	74,863	671	639	82,150	671	683	89,166	754	730	97,922	83	47	8,756
8. INTERPOL - U.S. National Central Bureau	62	64	8,068	62	65	7,970	62	64	7,360	62	64	7,686	62	64	7,686	...	...	...
9. Legal activities office automation	...	...	21,229	...	...	13,469	...	...	18,571	...	...	18,877	...	...	18,877	...	...	...
10. Dispute Resolution	3	3	300	3	...	274	3	3	312	5	5	320	5	5	670	...	...	350
11. DOJ Contribution to Holocaust Commission	...	...	...	...	...	...	...	...	582	...	...	...	...	...	...	...	...	...
Subtotal, Direct	3,541	3,589	498,804	3,541	3,441	471,204	2,648	2,648	357,016	3,677	3,742	535,720	3,837	3,834	552,239	160	92	16,519
Subtotal, VCRP	71	71	8,421	71	61	7,860	1,037	1,065	147,929	...	...	...	...	...	...	...	...	...
Total	3,612	3,660	507,225	3,612	3,502	479,064	3,685	3,713	504,945	3,677	3,742	535,720	3,837	3,834	552,239	160	92	16,519
Reimbursable Workyears		399			362			396			371			374			3	
Total Workyears		4,059			3,864			4,109			4,113			4,208			95	
Other Workyears																		
Overtime		30			30			30			30			30			...	
Total Compensable Workyears		4,089			3,894			4,139			4,143			4,238			95	

LEGAL ACTIVITIES
Salaries and Expenses, General Legal Activities
Reimbursable Resources, Summary of Requirements

(Dollars in thousands)

Obligations by Program	1999 Actual			2000 Estimate			2001 Estimate			Increase/Decrease		
	Pos.	WY.	Amount	Pos.	WY.	Amount	Pos.	WY.	Amount	Pos.	WY.	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters	...	...	...	...	...	...	...	...	...	...	...	...
2. General tax matters	14	12	$1,467	14	12	$1,344	14	12	1,380	...	...	$36
3. Criminal matters	96	96	88,654	96	96	46,566	86	86	46,712	(10)	(10)	146
4. Claims, customs and general civil matters	36	54	85,372	36	36	125,107	36	36	123,607	...	...	(1,500)
5. Land, natural resources and Indian matters	242	187	49,150	239	239	45,639	224	224	45,220	(15)	(15)	(419)
6. Legal opinions	...	...	...	...	...	...	...	...	...	...	...	...
7. Civil rights matters	13	13	6,611	13	13	3,432	16	16	3,522	3	3	90
8. INTERPOL - U.S. National Central Bureau	...	...	122	...	...	27	...	...	31	...	...	4
9. Legal activities office automation	...	...	389	...	...	...	...	...	...	...	...	...
10. Dispute Resolution	...	...	...	...	...	...	...	...	...	...	...	...
Total Budgetary Resources	401	362	231,765	398	396	222,115	376	374	220,472	(22)	(22)	(1,643)

Note: Reimbursable resources reported for 2000 and 2001 have been revised from that included in the President's Budget Appendix to more accurately reflect current estimates. In addition, the FY 1999 split between direct and reimbursable FTE has been revised since the publication of the President's Budget Appendix.

LEGAL AC /ITIES

Salaries & Expenses, General Legal Activities

Financial Analysis - Program Changes

(Dollars in thousands)

Grades and salary ranges	Tax Division		Criminal Division		Environment and Natural Res. Div.		Office of Legal Counsel		Civil Rights Division		Office of Dispute Resolution		Total, GLA	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-15	...	...	24	$2,100	...	...	1	88	...	...	...	220	25	2,408
GS-14	...	...	...	...	26	2,127	...	...	10	747	...	...	36	2,874
GS-13	13	902	5	$315	...	...	...	...	43	3,006	...	...	61	4,223
GS-12	...	...	...	...	...	...	...	...	11	478	...	...	11	478
GS-11	1	44	4	176	...	...	...	...	1	44	...	...	6	264
GS-9	...	...	...	...	...	...	...	...	12	442	...	...	12	442
GS-8	...	...	...	...	...	...	...	...	1	33	...	...	1	33
GS-7	...	...	3	90	...	...	...	...	...	...	...	...	3	90
GS-6	...	...	...	...	...	...	...	...	5	135	...	...	5	135
Total, approp. positions	14	946	36	2,681	26	2,127	1	88	83	4,885	...	220	160	10,947
Lapses	(6)	(473)	(15)	(1,322)	(11)	(1,063)	...	(44)	(36)	(2,538)	...	...	(68)	(5,440)
Other personnel compensation	...	3	...	...	...	...	...	...	[5]	200	...	3	...	206
Total, workyears and pers. compensation	8	476	21	1,359	15	1,064	1	44	47	2,547	...	223	92	5,713
Personnel benefits	...	128	...	368	...	287	...	12	...	696	...	70	...	1,561
Travel and transportation of persons	...	58	...	283	...	104	...	5	...	313	...	8	...	771
Transportation of things	...	...	...	17	...	12	...	2	...	...	...	...	...	31
GSA rent	...	...	...	...	...	186	...	...	...	231	...	22	...	438
Communications, utilities, and other rent	...	15	...	67	...	...	...	3	...	138	...	7	...	230
Printing and reproduction	...	...	...	7	...	11	...	2	...	64	...	...	...	84
Other services	...	834	...	386	...	175	...	8	...	3,529	...	4	...	4,936
Government Accounts	...	87	...	41	...	61	...	1	...	294	...	3	...	487
Operation and Maintenance of Equipment		5		4	...	...	...	...	...	4	...	...	...	13
Supplies and materials	...	9	...	35	...	20	...	...	...	94	...	2	...	160
Equipment	...	408	...	543	...	222	...	8	...	846	...	11	...	2,038
Buildout	...	...	...	49	...	...	...	8	...	...	...	...	...	57
Total obligations	8	2,020	21	3,159	15	2,141	1	93	47	8,756	...	350	92	16,519

LEGAL ACTIVITIES
Salaries & Expenses, General Legal Activities
Summary of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001 Estimate		
	Authorized	Reimbursable	Authorized	Reimbursable	Net Change 1/	Total Authorized	Total Reimbursable
Attorneys (905)	2,153	189	2,185	189	84	2,269	184
Paralegal Specialists (950)	307	49	314	49	14	328	47
Other Legal and Kindred (900 - 998)	99	2	99	2	0	99	2
Social Sciences, Economics (100 - 199)	40	0	40	0	0	40	0
General Administrative, Clerical (300 - 399)	950	155	980	152	51	1,031	137
Accounting and Budget (500 - 599)	26	6	26	6	3	29	6
Business and Industry (1100 - 1199)	3	0	3	0	0	3	0
Information and Arts (1000 - 1099)	9	0	9	0	0	9	0
Mathematics and Statistics	2	0	2	0	0	2	0
General Investigating (1801 - 1810)	6	0	6	0	0	6	0
Other	17	0	21	0	0	21	0
Total	3,612	401	3,685	398	152	3,837	376
Washington, D.C.	3,469	329	3,542	326	152	3,694	309
U.S. Field	137	12	137	12	0	137	12
Foreign Field	6	60	6	60	0	6	55
Total	3,612	401	3,685	398	152	3,837	376

1/ The Net Change column includes a net reduction of 8 positions requested as an adjustment-to-base.
2/ The reimbursable "position" column includes 2 reimbursable positions for the Tax Division for which there are not reimbursable FTE. Thus, the total of this column does not equate to the number of reimbursable FTE included on other exhibits.

L. .L ACTIVITIES

Salaries & Expenses, General Legal Activities

Summary of Attorney and Support Positions/Workyears

FY 2000 - FY 2001

APPROPRIATED POSITIONS

Program	2000 Appropriation Anticipated						2001 Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
1. Conduct of Supreme Court proceedings and review of appellate matters	22	22	26	28	48	50	...	...	...	...	...	...	22	22	26	28	48	50
2. General tax matters	360	341	226	222	586	563	13	7	1	1	14	8	373	348	227	223	600	571
3. Criminal matters	485	498	307	314	792	812	14	6	12	5	26	11	499	504	319	319	818	823
4. Claims, customs and general civil matters	705	715	329	347	1,034	1,062	...	(4)	...	(3)	...	(7)	705	711	329	344	1,034	1,055
5. Land, natural resources and Indian matters	288	302	164	177	452	479	15	9	11	6	26	15	303	311	175	183	478	494
6. Legal opinions	22	24	15	17	37	41	1	1	...	...	1	1	23	25	15	17	38	42
7. Civil rights matters	301	279	370	360	671	639	40	39	43	52	83	91	341	318	413	412	754	730
8. INTERPOL - U.S. National Central Bureau	...	...	62	64	62	64	...	...	...	...	...	...	...	...	62	64	62	64
9. Legal activities office automation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10. Dispute Resolution	2	2	1	1	3	3	1	1	1	1	2	2	3	3	2	2	5	5
Total	2,185	2,183	1,500	1,530	3,685	3,713	84	59	68	62	152	121	2,269	2,242	1,568	1,592	3,837	3,834

REIMBURSABLE POSITIONS

Program	2000 Appropriation Anticipated						2001 Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
1. Conduct of Supreme Court proceedings and review of appellate matters	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. General tax matters	12	10	2	2	14	12	...	...	...	...	...	...	12	10	2	2	14	12
3. Criminal matters	24	24	72	72	96	96	...	...	(10)	(10)	(10)	(10)	24	24	62	62	86	86
4. Claims, customs and general civil matters	17	17	19	19	36	36	...	...	...	...	...	...	17	17	19	19	36	36
5. Land, natural resources and Indian matters	124	124	115	115	239	239	(8)	(8)	(7)	(7)	(15)	(15)	116	116	108	108	224	224
6. Legal opinions	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Civil rights matters	12	12	1	1	13	13	3	3	...	...	3	3	15	15	1	1	16	16
8. INTERPOL - U.S. National Central Bureau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Legal activities office automation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10. Dispute Resolution	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	189	187	209	209	398	396	(5)	(5)	(17)	(17)	(22)	(22)	184	182	192	192	376	374

LEGAL ACTIVITIES
Salaries & Expenses, General Legal Activities
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WY.	Amount
2000 Appropriation Enacted	3,685	3,713	504,945
Adjustments to base:			
Increases:			
2001 Pay Raise	...	...	10,474
Annualization of 2000 Pay Raise	...	...	4,807
Within-grade increases	...	...	2,495
Annualization of 2000 positions	...	44	4,018
Transfer of CSRS Employees to FERS	...	...	141
Federal Health Insurance Premium Increases	...	...	1,120
GSA Rent	...	...	2,695
Lease Expirations	...	...	213
Accident Compensation	...	...	228
ICASS Costs	...	...	252
GSA Blue Pages	...	...	3
Travel Management Centers Contract Fees	...	...	429
National Archives and Record Administration	...	...	37
General Pricing Level Adjustments	...	...	1,928
Position and FTE Adjustments	2	2	...
Base Restoration	...	...	3,000
Total, increases	2	46	31,840
Decreases:			
Accident Compensation Decreases	...	...	(113)
GSA Rent Decrease	...	...	(370)
Position and FTE Adjustment	(10)	(17)	...
Non-recurring Decrease for Holocaust Commission	...	...	(582)
Total, Decreases	(10)	(17)	(1,065)
Net Adjustments to base	(8)	29	30,775
2001 Base	3,677	3,742	535,720
Program Changes	160	92	16,519
2001 Estimate	3,837	3,834	552,239

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
Increases:			
1. 2000 pay raise: This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2000 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested represents the pay amounts for three quarters of the fiscal year plus appropriate benefits for these items ($8,218,000 for compensation and $2,756,000 for benefits.)	...	...	10,474
2. Annualization of the 2001 pay raise: This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective in January 2000, and, for three quarters of a year, the difference between the 4.4 percent estimated in the 1999 President's budget and the current approved pay raise of 4.8 percent. The amount requested represents the pay amounts and appropriate benefits for these items ($3,603,000 for compensation and $1,204,000 for benefits.)	...	...	4,807
3. Within-grade increases: This request provides for the expected increase in cost of within-grade increases for slow of no growth components for FY 2001. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect the promotion polity for each organization. The request includes $1,868,000 for pay and $627,000 for benefits.	...	...	2,495
4 Annualization of additional positions approved in FY 2000:			

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
This provides for the annualization of 90 additional positions requested in the 2000 appropriation for the Civil Rights Division.			
Compensation			3,397
Other Personnel Compensation			27
Personnel Benefits			918
Travel			301
Transportation of Things			26
GSA Rent			212
Communications/Utilities			136
Printing			40
Other Services			118
Supplies/Materials			55
Equipment			(1,212)
Net Annualization			4,018
	...	44	4,018
5 Transfer of CSRS employees to FERS retirement system: This request provides for the increase in Federal Employees Retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased government cost of FERS benefits. This request includes $141,000 for benefits.			
	...	...	141

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
6 Federal Health Insurance Premiums: This request provides for the increase in agency contributions to Federal employees' health benefits. In FY 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the government has increased substantially. This increase is based on the "increased" government cost of health insurance.	...	...	1,120
7 General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	...	...	2,695
8 Lease Expirations: GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience, the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations.	...	...	213
9 Accident Compensation: This increase reflects the estimated billing from the Department of Labor for the actual costs in 1998 of employees' accident compensation, which will be billed in 2000.	...	...	228
10 International Cooperative Administrative Support Services (ICASS): Under the ICASS, an annual charge will be made by the Department of State (DOS) for administrative			

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
support based on the overseas staff of each federal agency. This request is based upon the actual 1999 ICASS invoice billing for post invoices and other ICASS costs for the DOS.	...	...	252
11 GSA Blue Pages: Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000.	...	...	3
12 Travel Management Center Fees: In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservations made. The Department's cost for travel management center fees are estimated at $2.5 million.	...	...	429
13. General Pricing Level Adjustment. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those sub object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	1,928
14. National Archives and Records Administration (NARA): OMB directed NARA to convert its direct-funded records center program to a fully reimbursable program			

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, throughout FY 2002, for agencies currently using its services. In FY 2001, NARA advises that these changes will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, based on current records maintained by NARA.	...	...	37
15. Position and FTE Adjustment: This request includes a 2 position, 2 FTE adjustment for the Office of Dispute Resolution.	2	2	...
16 Base Restoration: This request will restore part of the Civil Division's former automated litigation support base which has been eroded in recent years. Over the last several years base funds available for ALS has been cut sharply from $11.4 million in 1998 to $6.9 million in 1999 to an all-time low of $5 million for 2000. This downward spiral has coincided with heightened expenditures for personnel. Most of the dwindling automated litigation support base will be needed to pay for existing space and maintain existing data bases and equipment. To the extent that funds are available to meet case-specific needs, they will be used for a handful of multi-billion dollar suits brought before the Court of Federal Claims, e.g., claims involving the storage of spent nuclear fuel; claims involving Alaska Pulp's breach of contract allegations; and claims arising from Congress' enactment of legislation precluding the prepayment of HUD mortgage loans.	...	...	3,000
SUBTOTAL, INCREASES	**2**	**46**	**31,840**
Decreases:			
1. Accident Compensation Decreases: This decrease reflects the billing provided by the Department of Labor for the actual costs in			

Legal Activities
Salaries and Expenses, General Legal Activities
Justification of Adjustments to Base

(Dollars in Thousands)

Base Adjustments:	Pos.	FTE	Amount
1999 of employees' accident compensation, which will be billed in 2001.	...	...	(113)
2. Position Realignment: The Civil and Criminal Divisions permanently reduced authorized position levels to accurately reflect the number of positions that can be realistically funded.	(10)	(17)	...
3. GSA Rent: This decrease will realign GSA rent funding in the Civil Rights Division.	...	...	(370)
4. Non-Recurring Decrease: This decrease reflects the transfer of $582,000 to the Presidential Advisory Commission on Holocaust Assets in the United States from the General Legal Activities appropriation.	...	...	(582)
SUBTOTAL, DECREASES	**(10)**	**(17)**	**(1,065)**
NET ADJUSTMENTS TO BASE	**(8)**	**29**	**30,775**

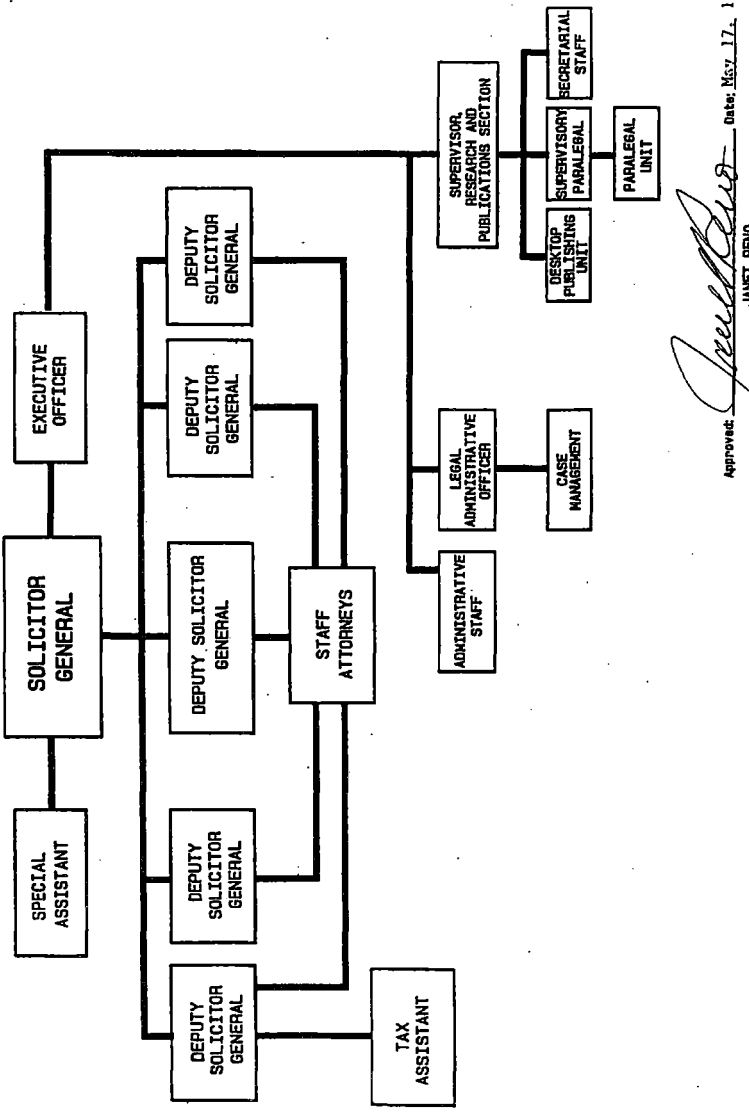
Salaries & Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1999 Estimate		2000 Anticipated		2001 Request		Incr/Decr 1/	
Grades and salary ranges	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Executive Level III, $125,900	1		1		1		0	
Executive Level IV, $118,400	5		6		5		(1)	
Executive Level V, $110,700	1		1		1		0	
ES-5, $118,400	10		10		10		0	
ES-4, $114,500	94		96		96		0	
ES-3, $108,600	21		20		20		0	
ES-2, $103,900	12		10		10		0	
ES-1, $99,200	6		6		6		0	
SL - 0, $87,030-$118,400	6		6		6		0	
GS-15, $77,798-101,142	1,617		1,619		1,650		31	
GS-14, $66,138-85,978	398		440		460		20	
GS-13, $55,969-72,758	272		268		338		70	
GS-12, $47,066-61,190	168		189		198		9	
GS-11, $39,270-51,049	277		274		278		4	
GS-10, $35,742-46,468	18		18		20		2	
GS-9, $32,457-42,198	174		191		202		11	
GS-8, $29,384-38,199	173		173		178		5	
GS-7, $26,532-34,467	269		268		265		(3)	
GS-6, $23,876-31,040	40		39		46		7	
GS-5, $21,421-27,851	30		32		29		(3)	
GS-4, $19,146-24,890	15		13		13		0	
GS-3, $17,055-22,172	5		5		5		0	
Total, appropriated positions	3,612		3,685		3,837		152	
Average ES Salary		$121,641		$126,142		$130,809		
Average GS/GM Salary		$60,305		$63,284		$65,626		
Average GS/GM Grade		12.70		12.89		13.15		

1/ The Increase/Decrease column includes an adjustment-to-base decrease of 10 positions for the Criminal Division.

Legal Activities
Salaries & Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actuals Workyears	1999 Actuals Amount	2000 Anticipated Workyears	2000 Anticipated Amount	2001 Request Workyears	2001 Request Amount	Incr/Decr Workyears	Incr/Decr Amount
Personnel expenses:								
11.1 Permanent positions	3,125	228,200	3,356	252,810	3,471	275,510	115	22,700
11.3 Positions other than permanent	377	18,170	357	17,766	363	18,457	6	691
11.5 Other personnel compensation	20	3,449	30	3,335	30	3,467	0	132
11.8 Special personnel services payments	0	3,996	0	3,252	0	2,819	0	(433)
Sub-total, personnel expenses	3,522	254,815	3,743	277,163	3,864	300,253	121	23,090
Reimbursable workyears:								
Full-time permanent	[362]		[396]		[374]		[-22]	
Non-personnel expenses:								
12 Personnel benefits		53,519		60,243		67,465		7,222
13 Benefits for former personnel		118		78		77		(1)
21 Travel and transportation of persons		14,790		15,546		16,209		663
22 *Transportation of things*		2,562		2,602		2,698		96
23.1 Standard level user charges		47,748		50,459		53,761		3,302
23.2 Rental payments to others		1,284		1,410		1,405		(5)
23.3 Communications, utilities and other rent		8,012		9,859		10,258		300
24 Printing and reproduction		2,577		3,162		3,107		(55)
25.1 Advisory and assistance services		7,727		5,888		7,217		1,329
25.2 Other services		54,496		67,032		56,221		(10,811)
25.3 Purchases of goods & svcs from Gov't act		12,817		8,674		9,369		695
25.4 *Operation and maintenance of facilities*		191		310		311		1
25.6 Medical Care		157		190		200		4
25.7 Operation and maintenance of equipment		937		1,277		1,360		83
26 Supplies and materials		6,704		7,175		7,137		(38)
31 Equipment		8,371		17,020		13,795		(3,225)
41 Grants, subsidies and contributions		1,212		1,272		1,272		0
42 Insurance, claims and indemnities		39		48		124		76
Total obligations		479,064		529,507		552,239		22,726
Unobligated balance, start-of-year		(5,661)		(21,395)		0		
Unobligated balance, transferred		(9,242)		(3,167)		...		
Unobligated balance, end-of-year		21,395		0		0		
Unobligated balance expiring		6,528		0		...		
Total requirements		492,084		504,945		552,239		
Relation of obligations to outlays:								
Total obligations		479,064		529,507		552,239		
Obligated balance, start-of-year		37,660		25,621		65,000		
Obligated balance, end-of-year		(25,621)		(65,000)		(72,000)		
Recoveries		(8,048)		...		...		
Adjustments in expired accounts		(4,500)		(4,000)		...		
Outlays		477,555		486,128		545,239		


OFFICE OF THE SOLICITOR GENERAL
SOLICITOR GENERAL
SPECIAL ASSISTANT
EXECUTIVE OFFICER
DEPUTY SOLICITOR GENERAL
DEPUTY SOLICITOR GENERAL
DEPUTY SOLICITOR GENERAL
DEPUTY SOLICITOR GENERAL
DEPUTY SOLICITOR GENERAL
STAFF ATTORNEYS
TAX ASSISTANT
ADMINISTRATIVE STAFF
LEGAL ADMINISTRATIVE OFFICER
CASE MANAGEMENT
SUPERVISOR, RESEARCH AND PUBLICATIONS SECTION
DESKTOP PUBLISHING UNIT
SUPERVISORY PARALEGAL
SECRETARIAL STAFF
PARALEGAL UNIT
Approved:
Date: May 17, 1995
JANET RENO
Attorney General
A-1

Office of the Solicitor General
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 Enacted			Approved Reprogrammings			Transfers			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Federal Appellate Activity.....	48	50	$6,501	...	...	$65	0	0	...	48	50	$6,566
Reimbursable Workyears.....		...			...			...			...	
Total Workyears.....		50			...			...			50	
Other Workyears:												
LEAP.....		...			...			...			...	
Overtime.....		2			...			...			2	
Total Compensable Workyears.....		52			...			...			52	

Approved Reprogramming. The Attorney General authorized the reprogramming of $65,000 from the Legal Activities Office Automation fund for Office of the Solicitor General personnel needs.

Office of the Solicitor General
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Federal Appellate Activity.....	48	50	$6,967	...	...	-$197	...	...	...	...	...	...	48	50	$6,770

Congressional Appropriation Action on 2000 Request. Congress reduced the Office of the Solicitor General's base-level request by $197,000.

Office of the Solicitor General
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	48	50	$6,770
Adjustments-To-Base Increases:			
2001 Pay Raise	...	...	118
Annualization of 2000 Pay Raise	...	...	56
Within Grade Increases	...	...	15
CSRS Employees FERS Retirement System	...	...	7
Federal Health Insurance Premiums	...	...	25
GSA Rent	...	...	91
Travel Management Centers Contract Fees	...	...	1
General Pricing Level Adjustments	...	...	35
Total Increases	...	...	348
2001 Base	48	50	7,118
2001 Estimate	48	50	7,118

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increases/Decreases		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Conduct of Supreme Court proceedings and review of appellate matters and interventions	48	50	$6,566	48	50	$6,525	48	50	$6,770	48	50	$7,118	48	50	$7,118	...	...	...
Other Workyears																		
Overtime		2			2			2			2			2				
Total compensable workyears		52			52			52			52			52				

Mission: The major function of the Solicitor General's Office is to conduct all litigation on behalf of the United States in the Supreme Court of the United States and to supervise the handling of litigation in the Federal appellate courts. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

Organizational Goals:

1. To represent fully the interests of the U.S. Government in cases before the Supreme Court.

2. To review appellate cases to determine their suitability for appeal to the U.S. Supreme Court or to a lower federal appellate court.

3. To review Federal and State litigation in which the United States is not a party to determine whether the United States should intervene or file a brief amicus curiae.

Office of the Solicitor General
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Federal Appellate Activity			
2000 Appropriation Enacted	48	50	$6,770
2001 Base	48	50	$7,118
2001 Estimate	48	50	$7,118
Increase/Decrease	...	...	$ 00

BASE PROGRAM DESCRIPTION: The major function of the Solicitor General's Office is to conduct all litigation on behalf of the United States in the Supreme Court of the United States and to supervise the handling of litigation in the Federal appellate courts.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

The Office of the Solicitor General requests base resources of 48 positions (22 attorneys), 50 workyears and $7,118,000. During the 1998 Term of the Supreme Court (June 27, 1998 through June 24, 1999), the Office had 281 Supreme Court matters pending at the beginning of the Term and received an additional 3,064 Supreme Court matters. The Office terminated 2,967 of these matters, leaving a balance at the end of the Term of 378 Supreme Court matters. The Office also completed approximately 864 appellate determinations, 629 certiorari determinations, and 732 miscellaneous recommendations.[1] Appellate determinations include both appeal authorizations and no appeal decisions. Certiorari determinations include certiorari authorizations, no certiorari decisions, direct appeal authorizations and no direct appeal decisions. Miscellaneous decisions include amicus participation, mandamus, rehearing, settlement, bails, stays, etc. The figure for miscellaneous recommendations does not include oral arguments in the Supreme Court, conferences, correspondence, etc. The attorneys in the Office participated in 61 oral arguments before the Supreme Court.[2]

The Office anticipates an increase in the number of Supreme Court matters, appellate determinations, certiorari determinations, and miscellaneous recommendations in both 2000 and 2001. During the 1999 Term of the Supreme Court (June 25, 1999 through June 30, 2000), the Office anticipates having approximately 378 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,070 Supreme Court matters, terminating approximately

[1] The figures on determinations and recommendations provided in this document do not directly correspond with the figures provided on the Office's Performance Measurement Tables. Our Performance Measurement Tables track our workload by *case*; these figures track our workload by *determination*. Often, the Office of the Solicitor General will receive a request for authorization that includes more than one potential outcome: for example, the Solicitor General may receive a request for authorization for rehearing en banc, or, in the alternative, for a petition for a writ of certiorari. In that case, the Solicitor General may make two determinations: (1) no rehearing and (2) no certiorari. Our Performance Measurement Tables reflect that as a single request; here, we have provided a separate accounting for each determination. Additionally, the figures provided in this document under "miscellaneous requests" include requests for authorization of settlement, for stays, and for mandamus, while the figures on the Performance Measurement Tables do not include such requests.

[2] The figure for oral argument participation reflects the number of oral arguments the Office presented to the Supreme Court as a party, amicus curiae, or intervenor; it does not reflect the total number of underlying cases for each of those arguments.

3,056 of these matters, leaving a balance of 392 matters pending at the end of the Term. The Office also anticipates completing approximately 866 appellate determinations, 630 certiorari determinations, 733 miscellaneous recommendations, and participating in approximately 56 oral arguments before the Supreme Court. During the 2000 Term of the Supreme Court (July 1, 2000 through June 30, 2001), the Office anticipates having approximately 392 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,076 Supreme Court matters, terminating approximately 3,148 of these matters, leaving a balance of 320 matters pending at the end of the Term. The Office also anticipates completing approximately 868 appellate determinations, 632 certiorari determinations, 735 miscellaneous recommendations, and participating in approximately 62 oral arguments before the Supreme Court.

Although the Office of the Solicitor General has provided estimates for its workload in the 1999 and 2000 Supreme Court Terms, these numbers are purely speculative. Unlike many of the Department of Justice components, the Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to do so. Also, the Office of the Solicitor General does not control the number of requests for appeal, amicus, or intervention authorizations it receives. Accordingly, the estimates provided in this document may not reflect the actual workload of the Office.

PROGRAM CHANGES:

None

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

The Office of the Solicitor General supports DOJ's Strategic Plan in Core Function 3 and the strategic goals listed therein.
OSG Organizational Goal: To represent fully the interest of the United States Government in cases before the Supreme Court.

Name of Decision Unit: *Department of Justice, Office of the Solicitor General*						
Performance Indicator Information			**Performance Report and Performance Plans**			
			Performance Report		**Performance Plans**	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998[1] Actual**	**FY 1999[1] Actual**	**FY 2000[1] Estimate**	**FY 2001[1] Estimate**
Input	**Cases in which the Solicitor General is required to participate or in which the Solicitor General determines participation is in the interest of the United States:**	**ADS**			**N/A[2]**	**N/A[2]**
	I. Cases on the merits in which the United States is a party		42	30		
	II. Cases at the petition stage in which:					
	A. the United States has an adverse decision issued against it in the court below		21	32		
	B. United States is named as respondent in a petition for certiorari filed by an adverse party		2,759	2,859		
	III. Cases in which the United States is not a party, but					
	A. the Supreme Court invited the Solicitor General to present the views of the United States		16	11		
	B. the United States has an interest supporting its participation as intervenor or amicus curiae					
	1. at the petition stage		2	2		
	2. at the merits stage		33	35		

Name of Decision Unit: ***Department of Justice, Office of the Solicitor General***

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998[1] Actual**	**FY 1999[1] Actual**	**FY 2000[1] Estimate**	**FY 2001[1] Estimate**
Output	**Cases in which the Solicitor General participated:**	ADS			N/A[2]	N/A[2]
	IV. Cases on the merits in which the United States was a party		42	30		
	V. Cases at the petition stage in which:					
	A. the Solicitor General filed a petition for certiorari		21	32		
	B. the United States was respondent and the Solicitor General:					
	1. filed a response to a petition for certiorari		412	382		
	2. waived response to a petition for certiorari		2,347	2,477		
	VI. Cases in which the United States was not a party, but					
	A. the Solicitor General responded to an invitation by the Supreme Court to present the views of the United States		14	12		
	B. the Solicitor General participated as amicus curiae or intervenor					
	1. at the petition stage		2	2		
	2. at the merits stage		33	35		
Measure of Performance[3]	VII. Number of cases in which the Solicitor General participated, expressed as a percentage of the total number of cases in which the Solicitor General is required to participate or in which the Solicitor General determines participation is in the interest of the United States		99.9%	100%	100%	100%

A. Data Validation and Verification.

The Office of the Solicitor General uses the Automated Docket System (ADS), a Legacy Oracle application, to track the matters handled by its attorneys. Data are keyed in manually by either the Case Management System Supervisor or one of the four Case Management Specialists. For Supreme Court matters, all data are verified by the Supervisor or her Assistant, and checked against Supreme Court Records. The Case Management System Supervisor executes daily statistical reports to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate amicus curiae. Additionally, once a week the Case Management System Supervisor distributes statistical reports on all Office matters to each attorney in the Office. The attorneys then review the reports to ensure accurate tracking of the matters for which they are responsible.

B. Issues Affecting FY 1999 Program Performance.
The Office of the Solicitor General handles Supreme Court matters on an ongoing basis. As a result, some matters will overlap from one fiscal year to the next. For example, the Solicitor General may receive an invitation from the Supreme Court to present the views of the United States in Fiscal Year 1999 (e.g., in June 1999), yet will file the brief expressing those views in Fiscal Year 2000 (e.g., in October 1999). Similarly, the Office may receive a petition for certiorari from an adverse party in one fiscal year, but will file a response to that petition in the next fiscal year. Accordingly, it is unrealistic to expect the performance measurement for a specified fiscal year to equal 100%. The Solicitor General does, however, participate in 100% of the cases in which the United States is required to participate, as well as 100% of the cases in which he has determined that the interests of the United States require participation. The performance measurement simply reflects the fact that, at the margins, a Supreme Court matter initiated in one fiscal year may continue into the next fiscal year.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.
Unlike many of the Department of Justice components, the Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so. The work of this Office is therefore not amenable to specific targets or numerical goals. Accordingly, this Office cannot provide targets or estimates for its workload in FY 2000 and FY 2001.

D. Definitions of Terms or Explanations for Indicators:.
Footnote 1: Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year. Reference to fiscal years in this document will reflect information for the applicable Supreme Court Term. Accordingly, FY 1998 corresponds with the 1997 Supreme Court Term; FY 1999 corresponds with the 1998 Supreme Court Term; FY 2000 corresponds with the 1999 Supreme Court Term; and FY 2001 corresponds to the 2000 Supreme Court Term.
Footnote 2: See explanation of FY 2000 and FY 2001 Plans in Section C, below.
Footnote 3: See explanation of Program Performance in Section B, below.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

The Office of the Solicitor General supports DOJ's Strategic Plan in Core Function 3 and the strategic goals listed therein.

OSG Organizational Goals:

To review lower-court cases to determine their suitability for appeal to the U.S. Supreme Court or to a lower appellate court.

To review Federal and State litigation in which the United States in not a party to determine whether the United States should intervene or file a brief amicus curiae.

Name of Decision Unit: ***Department of Justice, Office of the Solicitor General***

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998[1] Actual**	**FY 1999[1] Actual**	**FY 2000[1] Estimate**	**FY 2001[1] Initial Plan**
Input [2]	Requests received by the Solicitor General for authorization to appeal to the Supreme Court or to a lower Federal appellate court,[3] or for intervention or participation amicus curiae in any State or Federal litigation	ADS	1,818	1,954	N/A[4]	N/A[4]
Output [2]	Requests to which the Solicitor General responded	ADS	1,738	1,954	N/A[4]	N/A[4]
Measure of Performance[5]	Percentage of requests received to which the Solicitor General responded		96%	100%	100%	100%

A. Data Validation and Verification.

The Office of the Solicitor General uses the Automated Docket System (ADS), a Legacy Oracle application, to track the matters handled by its attorneys. Data are keyed in manually by either the Case Management System Supervisor or one of the four Case Management Specialists. For Supreme Court matters, all data are verified by the Supervisor or her Assistant, and checked against Supreme Court Records. The Case Management System Supervisor executes daily statistical reports to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate amicus curiae. Additionally, once a week the Case Management System Supervisor distributes statistical reports on all Office matters to each attorney in the Office. The attorneys then review the reports to ensure accurate tracking of the matters for which they are responsible.

B. Issues Affecting FY 1999 Program Performance.

Because the Solicitor General receives requests on an ongoing basis, some requests processed at the beginning of a particular fiscal year were submitted at the conclusion of the prior year. Conversely, some requests received at the end of a particular fiscal year will not be acted upon until the beginning of the next fiscal year. Accordingly, the performance measurement for a specified fiscal year will rarely equal 100%. The Solicitor General does, however, respond to 100% of the requests he receives; the performance measurement simply reflects the fact that, at the margins, authorizations may not be received and processed within the same fiscal year.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

Unlike many of the Department of Justice components, the Office of the Solicitor General does not initiate any programs or have control over the number of requests for appeal, amicus, or intervention authorizations it receives. The work of this Office is therefore not amenable to specific targets or numerical goals. Accordingly, this Office cannot provide targets or estimates for its workload in FY 2000 and FY 2001.

D. Definitions of Terms or Explanations for Indicators:

Footnote 1: Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year. Reference to fiscal years in this document will reflect information for the applicable Supreme Court Term. Accordingly, FY 1998 corresponds with the 1997 Supreme Court Term; FY 1999 corresponds with the 1998 Supreme Court Term; FY 2000 corresponds with the 1999 Supreme Court Term; and FY 2001 corresponds to the 2000 Supreme Court Term.

Footnote 2: Includes requests for authorizations as well as recommendations against appeal, intervention, or participation amicus curiae. This category does not include miscellaneous requests, such as requests for authorization of settlement, for stays, for mandamus, etc.

Footnote 3: Includes requests for authorization to petition for rehearing en banc.

Footnote 4: See explanation of FY 2000 and FY 2001 Plans in Section C, below.

Footnote 5: See explanation of Program Performance in Section B, below.

Office of the Solicitor General
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001
(Dollars in Thousands)

	1999	2000	2001
	Total	Total	Total
	Authorized	Authorized	Request
Attorneys. (905)	22	22	22
Paralegal Specialists (950)	6	6	6
Accounting and Budget (500-599)	1	1	1
Information and Arts Group (1000-1099)	2	2	2
Gen. Admin., Clerical and Office Svc. (300-399)	17	17	17
Total	48	48	48
Washington	48	48	48

Office of the Solicitor General
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 2000 - 2001

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appellate Activity	22	22	26	28	48	50	...	...	...	...	...	...	22	22	26	28	48	50
Total	22	22	26	28	48	50	...	...	...	...	...	...	22	22	26	28	48	50

Office of the Solicitor General
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Positions & Workyears	1999 Actual Amount	2000 Estimate Positions & Workyears	2000 Estimate Amount	2001 Request Positions & Workyears	2001 Request Amount	Increase/Decrease Positions & Workyears	Increase/Decrease Amount
Executive Level III - $130,200	1		1		1		...	
ES-6 $130,200 -	1		1		1		...	
ES-5 $130,200 -	1		1		1		...	
ES-4 $130,200 -	4		4		4		...	
SL-0 $101,566 - $130,200	1		1		1		...	
GS-15 $84,638 - $110,028	15		15		15			
GS-14 $71,954 - $93,537	4		4		4		...	
GS-13 $60,890 - $79,155	2		2		2		...	
GS-12 $51,204 - $66,564	3		4		4		...	
GS-11 $42,724 - $55,541	8		7		7		...	
GS-10 $38,885 - $50,554	1		1		1		...	
GS-9 $35,310 - $45,900	4		4		4		...	
GS-8 $31,968 - $41,557	0		1		1			
GS-7 $28,866 - $37,522	3		2		2		...	
Total, appropriated positions	48		48		48		0	
Average ES Salary		$125,387		$125,900		$125,900		
Average GS Salary		$68,764		$71,531		$74,321		
Average GS Grade		10.38		10.42		10.42		

Office of the Solicitor General
Salaries and expenses
Summary of Requirements by Object Class
(Dollars in Thousands)

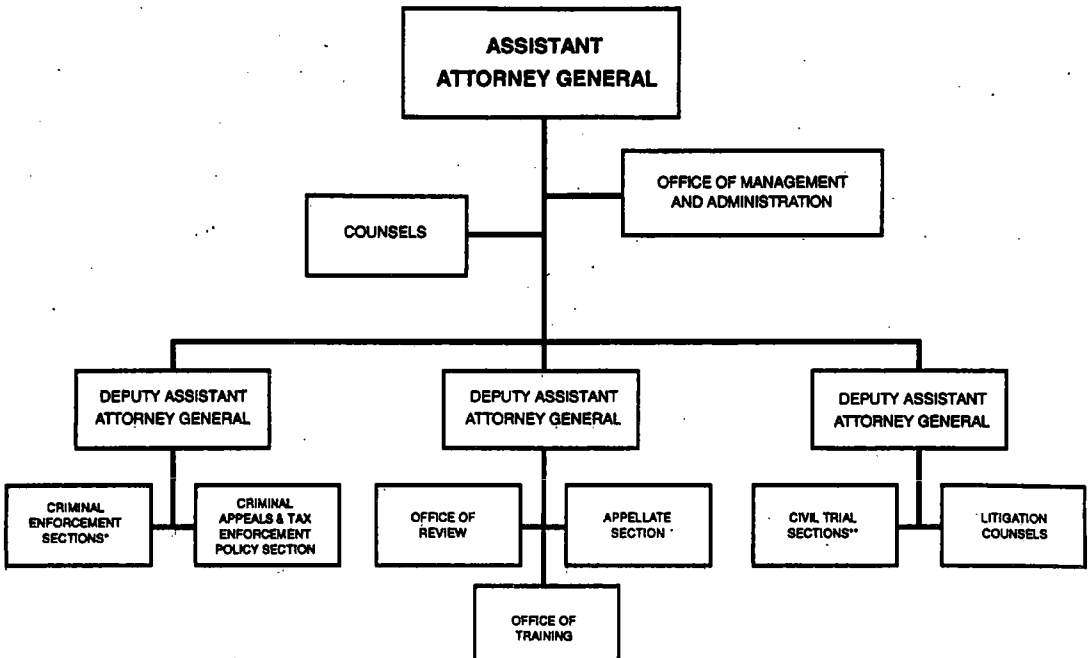
Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Total workyears and personnel compensation	43	$3,321	43	$3,566	43	$3,700	...	134
11.3 Other than full-time permanent	7	302	7	382	7	396	...	14
11.5 Other personnel compensation	2	185	2	65	2	65	...	0
11.8 Special personal services payments	...	0	...	2	...	3	...	1
Total	52	$3,808	52	$4,015	52	$4,164	...	149
Reimbursable workyears:								
Full-time permanent	...		...		...		...	
Other Object Classes:								
12.0 Personnel benefits		769		801		873	...	72
13.0 Benefits to former personnel		0		1		1	...	0
21.0 Travel and transportation of persons		25		27		27	...	0
22.0 Transportation of things		212		274		278	...	4
23.1 GSA rent		558		687		778	...	91
23.2 Rental Payments to Others		55		0		24	...	24
23.3 Comm., util., & other misc. charges		139		128		128	...	0
24.0 Printing and reproduction		294		277		281	...	4
25.2 Other services		371		293		294	...	1
25.3 Purchase of goods & svc from Gov't accounts		142		122		122	...	0
25.5 Research and development contracts		0		0		0	...	0
25.6 Medical care		4		4		4	...	0
25.7 Operation and maintenance of equipment		68		78		79	...	1
26.0 Supplies and materials		58		62		64	...	2
31.0 Equipment		22		1		1	...	0
Total obligations	52	6,525	52	6,770	52	7,118	...	348

TAX DIVISION
Salaries and Expense, General Legal Activities
Estimates for Fiscal Year 2001

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TAX L.VISION



* Northern, Southern, Western
** Northern, Eastern, Central, Southern, Southwestern, Western, Court of Federal Claims

Approved by: _____ Date: 5/10/99
JANET RENO
Attorney General

SUMMARY PERFORMANCE PLAN of the TAX DIVISION - FY 2001

Summary Statement:

The Tax Division requests a total of **600** permanent positions, **571** work years, and **$73,011,000** for its Fiscal Year (FY) 2001 Salaries and Expenses Appropriation. This request represents an increase of **$5,811,000 over the 2000 enacted appropriation of $67,200,000.** Also included are 14 positions and 8 FTE for major new FY 2001 initiatives. Descriptions of these initiatives are found on pages 16 to 21 of this plan. The increase supports the continued implementation of the Department's priority to ensure that the federal tax laws are enforced fairly, correctly and in a uniform manner. The Tax Division's mission, goals, program initiatives, objectives, and performance measurements are set forth in this Plan.

A. Mission and Goals, and Relationship to DOJ Strategic Plan

Core Mission of the Tax Division: The primary mission of the Tax Division is to enforce the country's tax laws in federal and state courts and, thereby, ensure the maximum legal collection of revenue by the Federal Government. The most significant result of the Division's efforts is obtained every time the United States Treasury collects a tax that has been correctly and justly imposed and every time the Division successfully defends against an unjustified claim for refund. The Division utilizes both criminal and civil prosecution to ensure that the nation's internal revenue laws are fairly and uniformly applied and that the public complies with the nation's tax laws. In this way, the Tax Division's accomplishments contribute significantly and directly to efforts by the Administration and Congress to protect the federal fisc from unjustified claims.

Statutory Responsibility. The Internal Revenue Code is the major authorizing statute governing the Tax Division, whereby the Division: represents the United States in all civil and criminal litigation arising under the internal revenue laws, other than proceedings in the U.S. Tax Court; litigates bankruptcy and Freedom of Information Act actions involving tax matters; and defends Bivens cases involving Internal Revenue Service personnel.

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Critical Mission Functions:

(Support DOJ Strategic Plan Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests)

- Promote the fair, correct, and uniform enforcement of the federal tax laws in the nation's trial and appellate courts; foster the public's voluntary compliance with the tax laws through vigorous criminal prosecution of and civil enforcement against individual and corporate taxpayers that violate federal tax laws;

- Enhance collection of tax debts by the U.S. Treasury;

- Assist in the development of federal tax policy by (a) analyzing proposed legislation that affects civil litigation, appeals, and criminal prosecutions arising under the Internal Revenue Code and (b) maintaining cooperative relationships with the Internal Revenue Service, the Department of the Treasury, and components within the Department of Justice, including the United States Attorneys' Offices; and

- Manage the Division efficiently and effectively.

B. Highlights of Mission-Critical Results

Major results from the Tax Division's mission-critical programs **(Tax Gap Project, Illegal Tax Protest Initiative, International Compliance, and Workforce Restructuring)** that directly link to the DOJ strategic goals, are highlighted below.

1. INVESTIGATION AND PROSECUTION OF CRIMINAL OFFENSES (DOJ Strategic Plan, Core Function 3)

- ***Reduce white-collar crime, including public corruption and fraud.*** (DOJ Strategic Plan, Core Function 3, Goal 4) This purpose is served by the successful prosecution of criminal tax cases by the Tax Division. The criminal tax cases involve diverse targets, ranging from large corporations to individuals who attempt to defraud the United States. For example, in ***United States v. Hogan,*** Michael Hogan and his brother, Terrence Hogan, operated an airport and air cargo/air charter business, Miami Valley Aviation, Inc. (MVA), in Middletown, Ohio. Michael Hogan had not filed tax returns for over a decade until September 1997. Further, Michael Hogan used nominees and over 50 bank accounts

to conceal income that he diverted from MVA. Terry Hogan, the president of MVA, created false corporate records in an effort to conceal the diversion of income to his brother. Michael Hogan sent over $750,000 to Guardian Bank and Trust in the Cayman Islands using a shell corporation and repatriated about half this sum to purchase a jet and a house. Michael Hogan pleaded guilty on September 1, 1999, to a *Klein* conspiracy and tax evasion charges, and stipulated to a tax loss of more than $550,000. He is now cooperating with the government. Terrence Hogan also pleaded guilty on September 1 to filing a false corporate return. He was recently sentenced to 48 days in jail, 1 year in home detention, 5 years of probation, a $20,000 fine and 500 hours of community service.

In ***United States v. Johnny Chung***, the defendant entered a plea of guilty to tax evasion, bank fraud, and conspiracy to violate the federal election laws. He was sentenced to five years of probation and 3,000 hours of community service. Chung was the first major target of the Department's Campaign Finance Task Force investigation to plead guilty and he received a reduced sentence for cooperating with the government. Chung visited the White House on 49 occasions and contributed almost $400,000 to Democratic party causes. He admitted that he attempted to evade his 1995 income taxes by filing a tax return which he knew failed to report all of his taxable income.

Many of the cases handled by CES attorneys are tax gap, or legal source income, cases. In ***United States v. Ronald Blackburn,*** for example, the defendant pleaded guilty to a five-count information charging him with evading the payment of $712,000 in federal withholding taxes. Blackburn controlled several companies and failed to pay their tax liabilities. In 1993, as the president of LLA, Inc., a firm that refurbished industrial machinery, the defendant received $174,000 in salary payments. To prevent the IRS from seizing these funds to satisfy some of the withholding tax liability, he arranged to receive his salary paid in cash. Blackburn was sentenced to serve 37 months in prison.

- Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions). (DOJ Strategic Plan, Core Function 3, Goal 4) In ***United States v. Veral Smith***, an Idaho bullet-mold manufacturer was convicted by a jury of failing to file income tax returns, presenting fictitious financial instruments, failing to appear at a court-ordered hearing, resisting arrest, and assaulting two officers of the U.S. Marshal's Service. Smith was sentenced to 51 months in prison and five years of supervised release. This case was the first prosecution using a recently enacted statute that was designed to combat anti-government groups that employ fictitious financial instruments to commit economic terrorism against the United States.

- Coordinate and integrate DOJ law enforcement activities whenever possible, and cooperate fully with other federal, state, and local agencies that are critically linked to improved operation of the Nation's justice system. (DOJ Strategic Plan, Core Function 3) In ***United States v. Gino Garilli,*** the defendant pleaded guilty to a two-count information charging him with one count of tax evasion and one count of

receiving kickbacks. Garilli was a purchasing agent for Kaman Aerospace, a defense subcontractor. From 1993 through 1995, he received approximately $220,000 in illicit payoffs and failed to declare the money on his income tax returns. The court fined Garilli $15,000 and sentenced him to three years of probation. This prosecution resulted from an ongoing joint IRS Criminal Investigation Division/Department of Defense investigation.

The Department's International Tax Compliance accomplishments are due to the cooperative efforts of the Tax Division, working with an interagency delegation jointly led by the State and Justice Departments, with representatives of the Russian government. Continued negotiations for a mutual legal assistance treaty (MLAT) to cover tax offenses resulted in Russia's agreement to provide assistance, including access to bank records, for all United States tax crimes. The United States and Russia have formally amended the MLAT to cover all tax crimes. Other international tax compliance progress includes informal negotiations with France concerning a proposed protocol to the United States-France Extradition Treaty, to establish tax crimes as extraditable offenses, and with the Royal Canadian Mounted Police, to improve mutual cooperation in investigations and prosecutions of tax and money laundering offenses.

2. LEGAL REPRESENTATION, ENFORCEMENT OF FEDERAL LAWS, AND DEFENSE OF U.S. INTERESTS (DOJ Strategic Plan, Core Function 3)

- Promote the fair, correct and uniform enforcement of the Federal tax laws and the collection of tax debts. (DOJ Strategic Plan, Core Function 3, Goal 4) Tax Division attorneys are guided by the principles of fair and uniform treatment for all categories of taxpayers throughout all stages of case review, litigation, and appeals. This applies to the collection of tax debts. Specifically, during FY 1999, the Tax Division successfully defended against more than $441 million in tax refund claims and obtained, through settlement or post-judgment collection, more than $66 million in affirmative recoveries.

As a result of the IRS's focus on abusive trusts, we have already successfully instituted an injunction proceeding against abusive trust promoters in California. That case, ***United States v. Estate Preservation Services, et. al.*** was a suit against the major promoter of the scheme, his corporation, a lawyer, and a certified public accountant who participated in the abusive promotion. The defendants used a nationwide multi-level marketing network to sell a non-grantor trust scheme. In promoting the scheme, trust purchasers were told, among other things, that they could transfer property into the trust, thereby receiving "a new income tax basis" for the property which could then be depreciated. In addition, prospective purchasers were told that these trusts could be used for "income splitting", to generate deductions that would otherwise not be

available, and to reduce or eliminate self-employment taxes. The court, noting the wide-spread nature of the scheme and the type of fraudulent conduct, entered a preliminary injunction against all of the defendants.

In ***Bell Atlantic Corp. and Subsidiaries v. United States*** (E.D. Pa.) (*app. pending*), the Tax Division prevailed in a complex tax refund suit involving the investment tax credit. Although the case itself involved some. $77 million, the issue is estimated to have a nationwide tax-revenue impact (for all industries) of about $30 billion. In ***Lockheed-Martin Corp. v. United States*** (Fed. Cl.) (*app. pending*) the Tax Division successfully litigated whether certain expenditures should be eligible for research-and-development tax credits, another case where the issues presented involve several billion dollars of tax revenues with respect to defense industries. And in ***Florida Progress Corp. v. United States*** (M.D. Fla.)(*app. pending*), the district court upheld the Government's position that underground service line costs must be capitalized, a utility-industry issue that is estimated to involve $250 to $300 million annually.

In ***In re Scott Cable Communications, Inc.*** (Bankr. D. Conn.), the Tax Division succeeded in convincing the bankruptcy court to sustain the Government's objection to a pre-packaged bankruptcy plan which, if widely adopted, had the potential to allow corporate debtors to avoid billions in capital gains taxes from the sale of assets. ***In re Nelson Bunker Hunt*** and ***In re William Herbert Hunt*** (Bankr. N.D. Tex.) are two separate Chapter 11 bankruptcy proceedings in which the Government has, over a number of years, obtained about $133 million in satisfaction of individual federal tax liabilities. In FY 1998 and 1999, the Government collected over $6.8 million and $1.7 million, respectively, from these bankruptcies. The Government has collected 80% of the assets in the Nelson Bunker Hunt case, and 70% in the William Herbert Hunt case. The Tax Division has also been successful in deterring abuse of the bankruptcy system. For example, ***In re David Porras*** (Bankr. W.D. Tex.) (*app. pending*), the United States worked with the trustee to pierce a trust set up by the debtor to conceal over $1 million in assets from his creditors.

3. MANAGEMENT (DOJ Strategic Plan, Core Function 3)

- Achieve excellence in management practices; ensure a motivated and diverse workforce that is well-trained and empowered to do its job. (DOJ Strategic Plan, Core Function 3, Goal 4) The Tax Division's restructured workforce has resulted in the continued recruitment of skilled litigation assistants and paralegals to promote the litigation team concept with our expert tax attorneys. Enhanced performance work plans governing quality performance, productivity, and output were developed and implemented. In addition, the Division's Litigation Support Service Centers are fully operational. Direct support to our litigation teams has resulted in a shift of much of the administrative and clerical work from the litigation sections to centralized support centers. Lastly, to ensure that our management investment in restructuring continues

to yield returns for the Division, a Employee Utilization Coordinator is responsible for facilitating continued team-building training and coaching, and chairs the Division's Change Management Oversight Committee that recommends management improvements.

4. ALTERNATIVE DISPUTE RESOLUTION (DOJ Strategic Plan, Core Function 3)

-Increase caseload resolved through Alternative Dispute Resolution (ADR). (DOJ Strategic Plan, Core Function 3, Goal 4) The Tax Division continues to increase participation in Alternative Dispute Resolution programs and expand the use of other settlement techniques, where appropriate, as an alternative to litigation.

Number of Cases Completed Using Alternative Dispute Resolution (ADR)			
FY 1998 Actual	FY 1999 Actual	FY 2000 Planned	FY 2001 Planned
94	120	100	125

C. Tax Division's FY 2001 Performance Goals and Indicators by Decision Unit

1. Introduction

Members of the Tax Division, the United States Attorneys' Offices, and the Internal Revenue Service work closely to achieve joint goals and objectives. Various cross-cutting initiatives (Tax Gap Project, Illegal Tax Protest Initiative, International Compliance Initiative, Abusive Trust Initiative, and Workforce Restructuring) focus on mutually desired outcomes and results by promoting the deterrence of tax fraud, encouraging voluntary payment of taxes, collecting tax debts, and managing these programs efficiently and effectively. With the recent Internal Revenue Service Restructuring and Reform Act of 1998 ("RRA 98"), radical adjustments have been made to the functions of the IRS, the Tax Division's principal client agency. The full effect of those changes is not yet known, as the IRS has spent much of 1999 continuing to restructure itself internally.

The Tax Division encouraged the Department policy to avoid setting targets for indictments and convictions, particularly in the area of tax litigation and enforcement. Even though the Tax Division is very proud of its 96.31% conviction rate, it is not the goal of the Division

to set targets in this area; rather, the Tax Division's emphasis is on uniform and fair enforcement of the tax laws and the Division reports its actual results and statistics at the end of each fiscal year.

2. Crosscutting Activities

As the lead component in the Department for Internal Revenue Code matters, the Tax Division has increased cooperation and coordination on tax related issues. The Division's litigation managers (Section Chiefs) have fostered heightened cooperation with the U.S. Attorneys and the Internal Revenue Service. The Section Chiefs regularly meet with representatives from these other offices to develop and coordinate law enforcement initiatives and to discuss other matters of mutual concern. For example, the four chiefs of the Tax Division's Criminal Enforcement Sections participated in a meeting of IRS Criminal Investigation managers to explore workload priorities and trends. A byproduct of this development has been more participation by Tax Division line attorneys in the policy discussions and litigation efforts of cooperative law enforcement efforts, such as the Department of Transportation/Federal Highway Administration Joint Federal-State Motor Fuels Compliance Project, the Department of the Treasury's Tax Refund Fraud Task Force, various health care fraud task forces, and the Organized Crime Drug Enforcement Task Forces.

3. Decision Unit Goals and Indicators

A. Federal Appellate

1) Goals:

The core mission of the Tax Division's Federal Appeals program is representing the Government in civil tax appeals. Attorneys in this program litigate all federal civil tax cases appealed to the United States courts of appeals and state appellate courts. The general goals of the federal appellate activity of the Tax Division are reflected in the following performance indicators which measure our success in protecting the federal fisc, in achieving fair results, and in preserving our reputation for just and effective advocacy in the courts.

2) Performance Indicators:

- Input: Number of cases received from District Courts, Tax Court, the State Courts, and the Court of Federal Claims.

- Output: Percentage of taxpayer appeals won, at least in part, by the Government. Percentage of Government appeals and cross-appeals in which at least part of the relief sought is awarded.

- Intermediate Outcome: Number of cases in which oral argument is heard. Number of substantive motions and responses and oppositions thereto, and jurisdictional memoranda filed per year.

- Productivity/Efficiency: Number of briefs, reply briefs, petitions for rehearings, etc. filed per line attorney work year. Number of appeal recommendations, settlements, certiorari, venue, rehearing, confession of error, mandamus, and amicus participation memoranda prepared per attorney work year.

B. Criminal Prosecution

1) Goals:

The centralized review and authorization of all criminal tax prosecutions and the provision of litigation assistance to the U.S. Attorneys' Offices advance the goal of uniform enforcement. Prompt review of criminal referrals and enhanced public awareness of criminal tax convictions promote the goal of achieving maximum deterrence and foster voluntary compliance.

2) Performance Indicators:

- Input/Output: Client Service: Number of requests received and honored for litigation assistance at trial and appellate levels in targeted enforcement areas (excise tax, drug enforcement, health care, illegal tax protest) and legal source income cases.

- Input/Output: Requests for and rate of participation in miscellaneous activities (conduct criminal tax training for Assistant U.S. Attorneys, participate in task forces, advise on legislative proposals and amendments, publish Criminal Tax Manual).

- Productivity/Efficiency: Average number of days to perform initial reviews of administrative and grand jury outgrowth cases.

C. Civil Litigation

1) Goals:

The Tax Division's Civil Litigation program promotes the protection of tax revenues while striving to assure the fair and consistent treatment of taxpayers nationwide.

2) Performance Indicators:

- Input: Number of civil cases received.
- Output: Number of civil cases closed per year.
- Intermediate Outcome: Number of civil cases pending. Number of cases with decisions. Number of decisions. Percentage of wins. Number of settlements. Number of concessions. Number of district court suits instituted on behalf of the United States. Number of district court suit requests declined by Division or withdrawn by IRS or other client agency.
- End Outcome: Tax dollars collected and dollars retained in tax refund suits ($ in millions) by court action and settlements.

D. Major New FY 2001 Initiatives

1. INTERNATIONAL COMPLIANCE INITIATIVE

In FY 2001, the Tax Division requests a total of 7 positions, 4 FTE work years, and $500,000 to pursue a Departmental and Division goal of International Compliance. This initiative supports DOJ Strategic Plan Core Function 3.

PROGRAM DESCRIPTION:

The use of tax haven countries as well as other offshore countries to evade United States tax has been a longstanding concern of the Internal Revenue Service. That problem is increasing. Some of the growth stems from the decrease in the attractiveness of more traditional domestic tax shelters occasioned by the tax law changes enacted in 1986. In addition, the use of the Internet and other electronic technology makes the promotion and use of foreign trusts and other offshore schemes easier to accomplish and more popular, as well as more difficult to detect. The common thread in all of these schemes is use of tax haven countries, which impose little or no tax, offer strict bank secrecy laws not covered by treaty provisions, or refuse to agree to extradite fugitives charged with tax crimes.

While abusive offshore schemes take on many forms, the use of foreign trusts is becoming increasingly popular. A taxpayer first creates a trust in a tax haven country. Thereafter, he ostensibly transfers all ownership interests in specified property to the trust and supposedly relinquishes all control over the assets transferred. A number of entities are created and the trust then engages in a series of transactions designed to obfuscate (sometimes referred to as a "whirlwind" by the IRS), shifting the trust property around, and generating various "fees" and "expenses." The basic theory is that all trust income is earned in the tax haven country, and since the transferor has not retained any ownership in, or control over, the trust, no United States tax will be incurred. The reality of the situation is that due to side agreements and/or secret documents, the transferor never truly relinquishes control over the trust assets or the income they generate and, thus, is liable for United States tax on the trust income. A variety of methods is used to return the assets and the income they generate to the taxpayer, such as wire transfers, the use of debit or credit cards, and alleged loans. The taxpayer typically does not report these transfers and, because all of these methods are difficult to detect, substantial income goes untaxed. The estimated cost to the United States Treasury as a result of this behavior is staggering. The IRS has consulted with expert Jack Blum in its attempt to address these problems and international money laundering schemes. Blum, a former special counsel to the Senate Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations, who has testified before Congress on issues of international banking, has noted that offshore tax evasion is a huge hole in our tax system and

estimates that 500,000 Americans improperly use foreign bank accounts, trusts, and business corporations to escape $50-75 billion in taxes annually.

The Tax Division initiative includes seven attorneys [one attorney Federal Appeals program; four attorneys Criminal Enforcement program; two attorneys Civil Litigation program] for the conduct of litigation to counter international financial crime.

To further the international enforcement goals of this initiative, the Tax Division needs attorneys experienced in civil and criminal tax litigation and in obtaining foreign evidence or information, and knowledgeable about international agreements to achieve international tax compliance, such as tax treaties, mutual legal assistance treaties, and extradition treaties. These attorneys would (1) review or handle the internationally affected civil and criminal cases of the Tax Division; (2) assist foreign tax authorities in obtaining information located in the United States, in reaching the assets of foreign taxpayers located in the United States, and in extraditing U.S.-based fugitives charged with foreign tax crimes; and (3) give expert advice to IRS agents and Government attorneys handling internationally affected tax cases, both civil and criminal. These functions are critical to enhancing our international tax enforcement goals and could be accomplished only with significant dedicated resources.

Crosscutting Activities

Tax Division attorneys will coordinate with other international components of the United States Government, such as the Office of International Affairs (Criminal Division, Department of Justice), IRS Associate Chief Counsel (International), IRS Assistant Commissioner (International), the Department of Treasury International Tax Counsel, and the State Department.

2. ABUSIVE TRUST INITIATIVE

In FY 2001, the Tax Division requests a total of 7 positions, 4 FTE work years, and $500,000 for an initiative to curb abusive trusts. This initiative supports DOJ Strategic Plan Core Function 3.

PROGRAM DESCRIPTION:

In recent years the Internal Revenue Service has noted a substantial increase in the number of taxpayers utilizing trusts in an attempt to avoid, or limit, their federal tax liabilities. While trusts have many legitimate uses, they rarely lead to a legitimate reduction in taxes. The IRS has found that more and more unscrupulous promoters are aggressively marketing abusive trusts, using strained, and in some instances outright false, interpretations of the tax laws. Some promoters offer so called "asset protection trusts", ostensibly designed to protect a purchaser's assets from his creditors, but which can, and often are, used to improperly shift income and to hide ownership of assets in order to avoid paying proper tax liabilities. Promoters often target sole proprietorships or professionals, promising that if the taxpayer transfers an operating business into an entity variously called a "business trust," a "common law business trust," or an "unincorporated business organization," he can claim deductions for what are essentially personal expenses, shift income, and avoid self-employment tax, while never really losing control over his business or its assets. These schemes elevate form over substance, and sometimes can be "layered" or "tiered" making them more difficult to detect and unravel. When the facts are uncovered, the purchaser is not entitled to any of the advertised tax benefits.

The number of trust return filings with the IRS has increased by 11% since 1993, and is continuing to rise. More importantly, while there were 3,300,000 trust returns filed in 1997, the IRS believes that over 11,500,000 trusts are not filing returns. These phenomena have lead to substantial revenue losses. In order to combat this drain on the treasury, the IRS is increasingly focusing on the abusive trust area, both auditing returns that are filed, and detecting situations where returns should have been filed and taxes paid. In addition, the IRS's Criminal Investigation Division identified abusive trusts as an emerging area in 1997, and has steadily devoted increased resources to this problem.

Similarly, from a civil perspective, the Tax Division will be required to enforce an increased number of administrative summonses as the IRS goes forward with its efforts in the abusive trust area. This will be especially true with respect to promoters of these schemes who, as we know from past experience, will resist every step of the investigation. And, as the IRS focuses more on promoters, there will be an increase in the number of civil injunction suits we will be asked to bring, for as noted above, it is more effective to stop these schemes before

many purchasers become involved, than to audit trust purchasers later, if they can be detected. Indeed, as a result of the IRS's focus on abusive trusts, we have already successfully instituted an injunction proceeding against abusive trust promoters.

Additionally, as a result of the IRS's efforts to curb abusive trust practices, the Division will be called upon to litigate additional cases involving: liability for penalties assessed against promoters of these schemes; liability for income tax and penalties assessed against trust purchasers who have followed the promoters advice; and the collection of tax, penalty and interest from the promoters and the participants.

In sum, abusive trusts pose a significant problem for our tax system. Coordinated efforts between the IRS and the Tax Division are necessary to combat this situation. In that regard, there is now greater coordination between the Division and the IRS with regard to trust issues. In fact, the Division and the IRS have established a Joint Trust Task Force Working Group to identify in advance, and to propose solutions for, issues which affect criminal and civil actions in this area. While the Task Force will require considerable time by Division attorneys, we believe that it will, in the long run, result in more efficient and effective enforcement in this important area.

As indicated above, abusive trust litigation, be it criminal, civil or appellate, is resource intensive. Some schemes are highly sophisticated; some are relatively simple. All should be stopped. Additional resources will help ensure that they will be.

3. AUTOMATED LITIGATION SUPPORT INITIATIVE

In FY 2001, the Tax Division requests $1.02 million for the support of information technology advancements to enable the Tax Division to move forward into the 21st century, keeping pace with the technology available and used both within the courts and by opposing counsel. This initiative supports DOJ Strategic Plan Core Function 3.

PROGRAM DESCRIPTION:

This initiative represents a program increase in support of information technology in the Tax Division in the Year 2001. It will be used to:

- Create an organizational and technical infrastructure in the Tax Division to support the use of automated litigation support (ALS) tools for trial preparation, electronic filing, and presentation in "typical," as well as large cases.

- Bring ALS tools to the attorney's laptop personal computer for use in the office and while on travel.
- Enhance the presentation of evidence in the courtroom through the use of presentation software and equipment.
- Provide training to all litigation team members (attorney and support personnel) on ALS tools.

Background

Traditionally, the Division has made only limited use of automated litigation support services. While ALS has been used in extremely large cases or by attorneys who are computer-savvy and have developed their own applications, its use in smaller cases has been discouraged. The Division has not included ALS as part of its base, which would have allowed for widespread use of this technology. Instead, funds from a no-year account of unobligated funds administered by the Justice Management Division have been used as needed, but this is not a reliable source of funds.

Internal and external changes in the litigation environment make it imperative that the Division enhance its ALS program. Internally, restructuring has put the Division in a position to fully automate its workforce. This initiative will complement the establishment of Litigation Support Service Centers throughout the Division, as well as provide the office automation and teleconferencing equipment needed to provide Division personnel with a complete set of automated tools. Automated litigation support equipment will decrease the amount of time necessary to complete document-intensive trials and will facilitate jury comprehension. The addition of these resources will allow attorneys and paralegals to analyze large volumes of documents quickly and more thoroughly. Additionally, Tax Division attorneys are becoming aware of the availability of ALS technology and will have the office automation tools (JCON-II) needed to support these technologies.

A number of external factors also are at work. For example, the Division must prepare itself for electronic filing, which is being piloted by the United States District and Bankruptcy Courts. Electronic filing projects, in which the Division expects to participate, are underway in several courts. Additionally, the use of presentation technology in the courtroom is quickly becoming the norm and has proven to be of great benefit in the presentation of complex litigation.

The Division will conduct a pilot study in Fiscal Year 2000 with up to four litigation teams to determine the best mix of technology and training for the Division's workforce and to provide a basis for benefit/cost analysis. Based on the results of this study, we anticipate redesigning work processes to utilize effectively ALS technology.

To ensure that the Division meets the Department's goal of interoperability and information sharing, the Division will continue its participation in the Litigating Components' ALS working group; software will be integrated into the JCON-II platform; and the courtroom presentation equipment will be interoperable with the equipment purchased by the Executive Office for United States Attorneys and by the Administrative Office for the United States Courts. The Division will also continue to request funding for its office automation infrastructure through the Legal Activities Office Automation account.

Funding is requested for:

- Training for attorneys and non-attorneys, particularly paralegals, approximately $250,000 in FY 2000; approximately $100,000 in each subsequent year.
- Imaging and database capabilities - approximately $200,000 each year.
- Presentation equipment - approximately $70,000 for two kits for use in training staff and trial preparation.
- Contractor support - $500,000 per year to provide technical support.

E. Data Validation and Verification Issues

The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved GPRA statistics will be generated

automatically. It is envisioned that a refined performance measurement system may cause some variations in the way some statistics are calculated.

Data Collection and Storage

The Tax Division has relied on manual methods for recording and retrieving performance data. In conjunction with the development of a new case management system (TaxDoc), the Division has recently revised the complement of indicators that are tracked.

Data Validation and Verification

There will be new procedures to collect and record pertinent data on activities related to specific issues, enabling the Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved performance measurement statistics will be generated automatically.

Data Limitations

The Tax Division currently lacks historical data on some activities. The newly refined information management system may cause some variations in the way some statistics are calculated.

F. Resources

Strategic Goal	1999			2000			2001		
3.4 Promote the fair, correct, and uniform enforcement of the federal tax laws and the collection of tax debts	Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE
	$65,633	586	553	$67,200	586	563	$73,011	600	571

All budgetary resources requested for the Tax Division, 600 positions, 571 FTE, and $73,011,000, support Goal 4 of Core Function 3 Of the United States Department of Justice Strategic Plan 1997 - 2002: Promote the fair, correct and uniform enforcement of the Federal tax laws and the collection of tax debts.

In order to achieve the Division's performance goals in FY 2001, it must be able to secure the requested budgetary resources thereby enabling it to: (1) investigate and prosecute criminal tax offenses; (2) prosecute illegal Tax protest activity and other anti-government activities intended to defraud the Internal Revenue Service; (3) coordinate and integrate DOJ law enforcement activities with the Criminal Division and the United States Attorneys' Offices; (4) coordinate international investigations , tax compliance issues and negotiate mutual assistance and extradition treaties that cover tax crimes and money laundering offenses; (5) provide expertise in case review, litigation and appeals; (6) collect tax debts and defend against tax refund claims.

Skills

The Tax Division requires experienced attorneys and support staff who are familiar with the procedures of federal District and Bankruptcy courts and have the substantive and procedural knowledge peculiar to tax cases. The Division also requires that some of its staff have specialized experience. For example, to further international enforcement goals, the Division needs attorneys experienced in civil and criminal tax litigation and in obtaining foreign evidence or information, and knowledgeable about international agreements to achieve international tax compliance, such as tax treaties, mutual legal assistance treaties, and extradition treaties.

Information Technology

In order to achieve the Department's FY 2001 performance goals related to tax enforcement, we are heavily dependent on having a solid infrastructure for the Tax Division. Specifically, this includes: (1) fully implementing the new TaxDoc system; (2) full implementation of the Justice Consolidated Office Network (JCON2) system within the Tax Division; (3) access to adequate litigation support, including courtroom presentation technologies; and (4) the organizational and technical infrastructure to support the use of automated tools for trial preparation, electronic filing, and courtroom presentation. Traditionally, the Division has made only limited use of automated litigation support (ALS) services. While some ALS has been used in extremely large cases or by attorneys who are computer-literate and have developed their own applications, its use in smaller cases has been discouraged. The predecessors of TaxDoc and JCON2 (the AS400 based case management system and the EAGLE/PHOENIX office automation system) were not accessible to all users and were not helpful in providing ALS.

G. Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests

Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the Federal tax laws and the collection of tax debts.

NOTE: In accordance with Department guidance, targeted levels of performance are not projected for certain indicator types within this goal

	Key Summary Level Indicators	1998 Actual	1999 Actual	2000 Planned	2001 Planned
3.4	Percent of taxpayer appeals won, at least in part, by the Government.	93%	92%	Not Projected	Not Projected
	Percent of Government appeals and cross- appeals in which at least part of the relief sought is awarded.	77%	89%	Not Projected	Not Projected

	Key Summary Level Indicators	1998 Actual	1999 Actual	2000 Planned	2001 Planned
	Court Decisions (Civil) (all courts)				
	A. Number of cases with decisions	2,737	2,386	2,390	2,390
	B. Number of decisions	3,004	2,623	2,620	2,620
	C. Percentage of wins	93%	93%	Not Projected	Not Projected
	Settlements and concessions (Civil) (all courts)				
	A. Number of settlements	783	638	640	640
	B. Number of concessions	134	124	120	120
	Number *(FY 2001)* and percentage of requests for litigation assistance honored in criminal legal source income cases.	100%	100%	95%	151/90%
	Number and percentage of requests for litigation assistance at trial and appellate levels honored in targeted criminal enforcement areas (abusive trust, excise tax, drug enforcement, health care, and protest).	Revised indicator for FY 2001	Revised indicator for FY 2001	Revised indicator for FY 2001	32/90%
	Number *(FY 2001)* and percentage of requests for litigation and investigation advice honored in international matters.	95%	100%	95%	175/95%
	Number *(FY 2001)* and percentage of requests for participation in miscellaneous activities (*i.e.*, conduct criminal tax training for Assistant U.S. Attorneys, participate in task forces, advise on legislative proposals and amendments, publish Criminal Tax Manual and revisions, etc.)	100%	95%	90%	68/90%

Tax Division
Salaries and Expenses, General Legal Activities
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity: Tax	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balances Brought Forward/Recovered			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appeals	70	66	$7,736	...	...	...	...	...	...	...	...	...	70	66	$7,736
Criminal Prosecution	126	122	14,334	...	...	...	...	...	...	...	...	...	126	122	14,334
Civil Litigation	304	294	33,859	...	...	...	...	...	...	...	...	285	304	294	34,144
Management and Administration	86	81	8,605	...	...	24	...	...	1,938	...	...	767	86	81	11,334
Total	**586**	**563**	**$64,534**	**...**	**...**	**24**	**...**	**...**	**1,938**	**...**	**...**	**767**	**586**	**563**	**$67,548**
Reimbursable Workyears		12			...			...			...			12	
Total Workyears		**575**			...			...			...			**575**	

Reprogrammings: This includes a technical adjustment to base of $24 for Patrick Henry Building Guard Service
Transfers Between Accounts: This includes a one-time Y2K transfer of $1,938
Available Unobligated Balanc: This includes $985 for automated litigation support and litigation support centers and $67 in residual no year funds

Tax Division
Salaries and Expenses, General Legal Activities
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity: Tax	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Reprogrammings			2000 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appeals	70	66	$8,182	...	...	(138)	...	...	...	70	66	$8,044
Criminal Prosecution	140	134	16,061	(14)	(12)	(1,174)	...	...	...	126	122	14,887
Civil Litigation	304	294	35,877	...	...	(614)	...	...	...	304	294	35,263
Management and Administration	86	81	9,175	...	...	(169)	...	...	...	86	81	9,006
Total	**600**	**575**	**$69,295**	**(14)**	**(12)**	**($2,095)**	**...**	**...**	**...**	**586**	**563**	**$67,200**
Reimbursable FTE		...									12	
Grand total FTE		**575**									**575**	

Congressional Appropriations Action: The House allowance provides reductions of $1,193,000 including $894,000 for the retention of ICDE resources in a separate appropriation. The remaining $299,000 is the difference between the base resource levels indicated by the House and the base level requested by the President.

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

Adjustments to Base	Perm. Pos.	WY	Amount
2000 Enacted	586	563	$67,200
Adjustments-to-Base Increases:			
2001 Pay Raise	...	...	1,584
Annualization of 2000 Pay Raise	...	...	773
Within-Grade increases (WIG)	...	...	385
Health Benefits	...	...	160
Accident Compensation	...	...	6
GSA Rent	...	...	660
Travel Management Centers Contract Fees	...	...	65
National Archives and Record Projections	...	...	8
General Pricing Level Adjustments	...	...	150
Total, Mandatory Increases	...	...	3,791
2001 Base	586	563	$70,991
Program changes	14	8	2,020
2001 Estimate	600	571	$73,011

	2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Program	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Tax:	586	563	$67,200	586	563	$70,991	600	571	$73,011	14	8	$2,020
Reimbursable Workyears		12			12			12			...	
Total Workyears		575			575			583			8	
Other Workyears												
Overtime		2			2			2			...	
Total Compensable Workyears		577			577			585			8	

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1999 Availability 1/ Perm. Pos.	WY	Amount	1999 Actual Perm. Pos.	WY	Amount	2000 Appropriation Enacted Perm. Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
Tax																		
Federal Appeals	70	66	$7,736	70	69	$7,759	70	66	$8,044	70	66	$8,475	71	67	$8,550	1	1	$75
Criminal Prosecution	126	122	14,334	126	128	14,777	126	122	14,887	126	122	15,747	135	127	16,381	9	5	634
Civil Litigation	304	294	34,144	304	276	33,532	304	294	35,263	304	294	37,237	308	296	37,528	4	2	291
Management and Administration	86	81	11,334	86	80	9,565	86	81	9,006	86	81	9,532	86	81	10,552	...	...	1,020
Total	**586**	**563**	**$67,548**	**586**	**553**	**$65,633**	**586**	**563**	**$67,200**	**586**	**563**	**$70,991**	**600**	**571**	**$73,011**	**14**	**8**	**$2,020**
Reimbursable Workyears		12			12			12			12			12			...	
Total Workyear Ceiling		**575**			**565**			**575**			**575**			**583**			**8**	
Other Workyears: Overtime		2			2			2			2			2			...	
Total Compensable Workyears		**577**			**567**			**577**			**577**			**585**			**8**	

1/ 1999 availability includes one-time Y2K transfer of $1,938, a reprogramming of $24 for Patrick Henry Building Guard Service, and unobligated balances brought forward/recovered totaling $1.052.

Tax Division
Salaries and Expenses, General Legal Activities
Reimbursable Resources, Summary of Requirements
(Dollars in thousands)

Collections by Source	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Crime & Drug Enforcement	14	12	$1,293	14	12	$1,344	14	12	$1,380	...	...	$36
3% Debt Collection Fund	...	...	...	...	...	...	...	...	...	...	...	...
United States Attorneys	...	...	...	...	...	...	...	...	...	...	...	...
Asset Forfeiture	...	...	...	...	...	...	...	...	...	...	...	...
JMD-IRM	...	...	...	...	...	...	...	...	...	...	...	...
Treasury-Office of the Secretary	...	...	139	...	...	...	...	...	...	...	...	0
Treasury-Internal Revenue Service	...	...	35	...	...	...	...	...	...	...	...	0
JMD-IRM	...	...	...	...	...	...	...	...	...	...	...	...
Budgetary Resources	14	12	$1,467	14	12	$1,344	14	12	$1,380	...	...	$36

Obligations by Program	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appeals	...	...	...	...	...	...	...	...	...	...	...	...
Criminal Prosecution	14	12	$1,467	14	12	$1,344	14	12	$1,380	...	...	$36
Civil Litigation	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...
Budgetary Resources	14	12	$1,467	14	12	$1,344	14	12	$1,380	...	...	$36

Justification of Program and Performance

FEDERAL APPEALS

	Position	FTE	Amount
2000 Appropriation Anticipated	70	66	$8,044
2001 Base	70	66	8,475
2001 Estimate	71	67	$8,550
Increase/Decrease	1	1	$75

BASE PROGRAM DESCRIPTION:

Tax Division lawyers working in the Appellate Section litigate all Federal civil tax cases appealed to the United States courts of appeals and state appellate courts. They also draft pleadings and briefs filed by the Solicitor General in the United States Supreme Court and make recommendations to the Solicitor General regarding the advisability of filing: (i) appeals in civil tax cases where the Federal Government did not prevail before the district courts, the Court of Federal Claims, the Tax Court, and state courts; and (ii) petitions for certiorari in civil tax cases where the Federal Government did not prevail in an appellate forum. In addition, attorneys in this section handle appeals generated in Freedom of Information Act and Privacy Act cases, civil tort suits that involve IRS officials and employees, and cases involving inter-Governmental immunity. They prepare *amicus curiae* briefs filed by the United States in private lawsuits that present issues affecting the interests of the IRS and in other cases where a court invites the Government to state its views on civil tax-related questions.

Case examples illustrate in substantive and tangible terms the nature of the work, its specific and general deterrent value, and its effects on revenues. In each of the cases described below, attorneys from the Tax Division's Appellate Section played a critical role by briefing and/or arguing civil tax issues that have a significant impact on the public fisc:

- ***CUNA Mutual Life Insurance. Co. v. United States*** (Fed. Cir., Feb. 9, 1999) was the third in a series of cases involving the computation of the deduction for policy holder dividends paid by mutual life insurance companies to their policy holders. The Federal Circuit joined the Seventh and Eighth Circuits, which had previously ruled in favor of the Government on this issue, in deciding that statutory provisions did not permit an augmentation sought by the plaintiff. The Internal Revenue Service has advised that, industry-wide, nearly $6 billion in revenues are at stake in this on-going litigation.

- ***ACM Partnership v. Commissioner*** (3rd Cir., Oct. 13, 1998). This case involved an intricate tax shelter marketed by Merill Lynch Company to Colgate-Palmolive Company and 10 other large corporations. The scheme involved the formation of partnerships between the U.S. corporations and foreign corporations, and attempted to bring large paper losses within the scope of permissible deductions under Treasury Regulations on contingent installment sales (in this case, attempting to allow Colgate a $98 million capital loss deduction on a transaction that involved an actual loss of less than $6 million). Although the court allowed a deduction for the actual loss, it concluded that the paper losses on the transaction were not deductible. The case involved approximately $30 million in taxes, but the IRS advises that the total amount at issue in the eleven cases in which the same scheme was used approaches $2 billion.

- ***Alumax, Inc. v. Commissioner*** (11th Cir., Jan. 21, 1999). This case presented the question whether the taxpayer, Alumax, could be included in the affiliated group for which consolidated returns were filed by a related taxpayer, Amax, Inc. Under the consolidated return regulations governing this case, entitlement to be included in such a group turned on whether the common parent possessed at least 80 percent of the voting power of the affiliated corporation's stock. The court of appeals ruled that Amax could not be considered to hold 80 percent of the voting power of Alumax's stock, and, thus, agreed with the Commissioner that Alumax could not be included in the consolidated returns. Approximately $400 million in taxes and accrued interest turned on this question.

- ***Lucky Stores v. Commissioner*** and ***Airborne Freight Corp. v. United States*** (9th Cir., Aug. 20, 1998); ***American Stores v. Commissioner*** (10th Cir., Mar. 9, 1999). These cases presented the question whether the taxpayers were entitled to deduct, for each of the years in question, contributions made to pension plans for their employees in the following years, based on compensation paid to those employees for services performed after the close of the taxable year. Under the governing statute, certain contributions made after the close

of the taxable year are properly deductible if made "on account of" the prior year. Relying on various private rulings, taxpayers claimed that they were entitled to the deductions in question notwithstanding the fact that they were paid with respect to services performed in the following year. The Ninth and Tenth Circuits disagreed, holding that the "on account of" requirement of the statute was not satisfied, and that taxpayers could not rely on private rulings, even if they were directly on point. A total of $97 million was at stake on this issue in these cases, and the IRS advises that more than $1 billion may be at stake industry-wide.[1]

- ***Shell Petroleum, Inc. v. United States*** (3rd Cir., June 24, 1999). At issue in this case was the definition of "tar sands" for the purpose of the credit allowed by Section 29 of the Internal Revenue Code for oil produced from tar sands. The court of appeals sustained the definition advanced by the Government, which was based on a Federal Energy Administration ruling which excludes deposits that can be exploited by conventional oil well production methods, and rejected the more liberal definition relied on by Shell, which was based on industry usage to include highly viscous oils, without regard to whether they may be produced using conventional production methods. The case directly involved $5.3 million, but the IRS estimates that this issue involves $4 billion on an industry-wide basis.

PROGRAM CHANGES:

	Perm. Pos.	FTE	Amount
International Compliance Initiative	**1**	**1**	**$ 75**

This initiative crosses all litigation programs in the Tax Division's budget. The description of this initiative is presented within the Criminal Enforcement program justification.

[1]This issue is also pending on a Government appeal recently argued in the Tenth Circuit]

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE DECISION UNIT

INITIATIVE/DECISION UNIT: Federal Appeals
COMPONENT GOAL(S): The core mission of the Tax Division's Federal Appeals program is representing the Government in tax appeals. Attorneys in this program litigate all federal civil tax cases appealed to the United States courts of appeals and state appellate courts. The general goals of the federal appellate activity of the Tax Division are reflected in the following performance indicators which measure our success in protecting the federal fisc, in achieving fair results, and in preserving our reputation for just and effective advocacy in the courts.

DOJ Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests
Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Input	1. Number of cases received from the District Courts, the Tax Court, the State courts, and the Court of Federal Claims							
	A. Tax Court	Case Management System (CMS)	309	350	200	500	300	350
	B. District Court		523	450	396	450	400	450
	C. All other Courts		61	50	44	50	50	50
	Total		893	850	640	1000	750	850
Output/ Activity	2. Percent of taxpayer appeals won, at least in part, by the Government	CMS	93%	----	92%	----	----	----
	3. Percent of Government appeals and cross-appeals in which at least part of the relief sought is awarded	CMS	77%	----	89%	----	----	----
Intermediate Outcome	4. Number of cases in which oral argument is heard	New CMS	186	250	226	250	240	250
	5. Number of substantive motions and responses and oppositions thereto, jurisdictional memoranda and position papers filed per year	New CMS	135	90	100	90	110	115

INITIATIVE/DECISION UNIT: Federal Appeals

COMPONENT GOAL(S): The core mission of the Tax Division's Federal Appeals program is representing the Government in tax appeals. Attorneys in this program litigate all Federal civil tax cases appealed to the United States courts of appeals and state appellate courts. The general goals of the Federal Appellate activity of the Tax Division are reflected in the following performance indicators which measure our success in protecting the federal fisc, in achieving fair results, and in preserving our reputation for just and effective advocacy in the courts.

DOJ Core Function 3: *Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests*
Strategic Goal 3.4: *Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.*

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Productivity/ Efficiency	6. A. Number of appeal recommendations, and settlement, certiorari, venue, rehearing, confession of error, mandamus, and amicus participation memoranda prepared per attorney work year	New CMS	6.7 (312/46.5)	7.0	7.1 (332/46.6)	7.0	7.5	7.5
	B. Number of briefs, reply briefs, petitions for rehearing etc., filed per line attorney work year	New CMS	14.5 (516/35.5)	15.0	12.8 (470/36.6)	15.0	13.0	14.0

A. Data Validation and Verification:

These performance indicators reflect the general goals of the Tax Division's Appellate Section. As our core function is representing the Government in tax appeals, performance indicators #2 and #3 reflect our success in protecting the federal fisc, in achieving fair results, and in preserving our reputation for just and effective advocacy in the courts.

The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved GPRA statistics will be generated automatically. It is envisioned that a refined performance measurement system may cause some variations in the way some statistics are calculated.

The Tax Division has relied on manual methods for recording and retrieving performance data. In conjunction with the development of a new case management system (TaxDoc), the Division has recently revised the complement of indicators that are tracked.

There will be new procedures to collect and record pertinent data on activities related to specific issues, enabling the Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved performance measurement statistics will be generated automatically.

The Tax Division currently lacks historical data on some activities. The newly refined information management system may cause some variations in the way some statistics are calculated.

B. FY 1999 Performance Report:

Performance Indicator #1 sets forth the number of cases received by the Appellate Section from the various trial courts for FY 99. The Section received 640 cases during FY 1999. While this figure is down from the previous year, the cases being appealed are, in general, more complex than was the case previously, which fact is reflected in the number of oral arguments (Performance Indicator # 4), which are heard only in the most difficult and complex cases. The Appellate Section had 226 oral arguments during FY 1999, which is a 21.5% increase over the previous year. Performance Indicator #5 lists the number of substantive motions and responses and oppositions thereto, jurisdictional memoranda and settlement program position papers filed by Appellate Section attorneys. Performance Indicators #2 and #3 report the percentage of taxpayer and Government appeals in which the Government prevailed at least in part. The lower percentage of wins for Government appeals reflects the fact that such appeals are of cases where the Government did not prevail in the lower courts. The Tax Division's Appellate Section obtained some degree of success in 92 percent of its taxpayer appeals in FY 1999 and 89 percent of its Government appeals during the reporting period. This latter figure evidences an extraordinary level of success, as the normal "win" range for Government appeals fluctuates from 55 to 75 percent. Plans for indicators #2 and #3 are omitted because they may be viewed as setting numeric goals, which are not consistent with the Tax Division's mission and goal of just and fair treatment of taxpayers. Performance Indicator #6A sets forth the number of appeal recommendations, and settlement, certiorari, venue, and other memoranda prepared per attorney work year. Similarly, Performance Indicator #6B lists the number of briefs filed per line attorney work year. While the number of appeal recommendations and other memoranda prepared during the reporting period was up (from 6.7 to 7.1 per attorney), the number of briefs was down (from 14.5 to 12.8 per attorney). As noted above, this latter decrease probably mirrors the increased complexity (and reduction in overall quantity) of the Section's workload. Restructuring of the Tax Division's support staff during this period may also have affected productivity to some extent. Factors that affect the workload of the Appellate Section also include IRS administrative actions, such as litigation referrals; the type and amount of civil and appellate litigation brought by taxpayers and others under the Internal Revenue Code; and the enactment of legislation affecting tax laws and the litigation arising under these laws.

C. Issues Affecting Selection of FY 2000 and 2001 Plans.

The IRS is shifting its emphasis to more complex, large-dollar, corporate cases. Appeals in these larger, more complex cases require more attorney time per case. We expect to continue to see more of these larger, complex cases in the years ahead. Thus, while the number of briefs per attorney is down slightly from prior years, individual cases require more attorney time on average. We also expect to see a greater percentage of cases argued, as has already been the case, although the large number of judicial vacancies may depress that figure. By FY 2000, we anticipate a marked increase in the number of Tax Court appeals as a result of augmented Tax Court jurisdiction under the IRS Restructuring and Reform Act of 1998, but this could be affected by budgetary constraints at the IRS, which could limit IRS's collection activities (and thus limit Tax Court challenges to such activities).

The Tax Division is in the process of implementing its new case management system. By the end of FY 1999, it is anticipated that all Federal Appeals statistics will be automated. A refined measurement system may cause some variation in the way some statistics are calculated.

CRIMINAL PROSECUTION

	Position	FTE	Amount
2000 Appropriation Anticipated	126	122	$14,887
2001 Base	126	122	15,747
2001 Estimate	**135**	**127**	**$16,381**
Increase/Decrease	9	5	$634

BASE PROGRAM DESCRIPTION:

Attorneys in the Tax Division's four Criminal Enforcement Sections investigate and prosecute individuals and corporations that attempt to commit tax evasion, willfully fail to file tax returns, file false tax returns, and otherwise illegally attempt to circumvent their obligations under the Federal tax laws. They also investigate and prosecute tax violations occurring in the context of other criminal conduct such as financial institution fraud, narcotics trafficking, bankruptcy fraud, health care fraud, organized crime, and public corruption. The Division seeks to promote a balanced program of criminal tax enforcement by investigating criminal conduct nationwide in a variety of industry and occupational market segments, as well as in the international arena in areas such as abusive use of offshore trusts and accounts.

The Criminal Enforcement Sections (CES) receive IRS requests to initiate grand jury investigations and requests to prosecute taxpayers identified by the IRS as a result of its own administrative investigations. Tax Division prosecutors review and screen these referrals to ensure that uniform standards of prosecution are employed and that all criminal tax violations warranting prosecution are, in fact, prosecuted. This review of criminal tax cases by Criminal Enforcement attorneys contributes to the high overall quality of criminal tax prosecutions and results in better than a 95 percent conviction rate, both of which are essential to deterring taxpayer fraud. After the Tax Division authorizes tax charges against a taxpayer, prosecutions are handled either by the U.S. Attorneys, or in complex and significant cases (or cases in which the U.S. Attorney requests assistance), by Tax Division Criminal Enforcement attorneys. Tax Division attorneys also provide legal advice to the U.S. Attorneys' Offices on a wide range of issues. In FY 1999, attorneys spent 59 percent of case-related time on litigation assignments (*e.g.*, preparing for or appearing at grand juries or trials, engaging in plea negotiations) and 41 percent of their time reviewing cases.

Tax Gap Cases: Legal Source Income Prosecutions

Tax Gap cases are cases in which the tax crime involves income from a legal source -- such as the consultant who reports only part of his income, the restaurateur who skims from the cash register, or the doctor who keeps two sets of bookkeeping records. This type of white collar crime erodes the tax base and encourages tax cheating. The public's confidence in the fairness and integrity of the income tax system is critical if the Government is to retain its ability to fund its operations through a voluntary tax system.

Briefly, the voluntary income tax system loses billions of dollars annually in uncollected tax revenues, *i.e.*, the "tax gap." To close this gap and increase revenues, in 1995 the IRS and the Justice Department launched an effort to reinvigorate the Government's tax enforcement. The imperative to close the gap is self-evident, as the IRS estimates unacceptable levels of non-compliance. IRS studies have concluded that:

- The annual **legal income source** tax gap has been estimated to exceed **$100 billion**.
- In 1994, the IRS estimates that there were **4.5 million** individual non-filers and **2.3 million** business non-filers.

A major objective of the Tax Gap initiative is to increase the identification, investigation, and prosecution of legal source income tax prosecutions brought each year. These cases constitute the core of the Tax Division's criminal prosecution mission and, because they can involve difficult issues of law and complex methods of proof such as net worth and bank deposits, demonstrate the special skills that Tax Division prosecutors bring to the Department's goal of reducing white collar crime.

Together, the Tax Division and the IRS established a working group to supervise this initiative composed of the Tax Division's Deputy Assistant Attorney General (Criminal); the IRS Assistant Commissioner for Criminal Investigation; the Assistant Chief Counsel (Criminal Tax); and representatives of the Attorney General's Advisory Committee of United States Attorneys. The Internal revenue Service's Criminal Investigation Division (CID) has reported that it is committed to increasing the amount of direct investigative time devoted to legal source income Tax Gap cases. Cases resulting from Grand Jury investigations referred to the Tax Division involving legal source totaled 402 in FY 1999. The number of defendants referred to the Tax Division in administratively-investigated cases involving legal sources of income totaled 432. Over the four year period from 1995 to 1998, legal source grand jury cases grew by 95 percent and the number of defendants in legal-source administratively investigated cases increased by 52 percent. While most Tax Gap cases may not generate

significant national media attention, these prosecutions receive front page newspaper coverage in local communities across the country and serve to remind ordinary taxpayers of the price paid by those who choose to cheat on their taxes. These are the cases where maximum deterrence occurs.

The majority of the cases handled by Criminal Enforcement Section (CES) attorneys are tax gap–or legal source income–cases. For example, in ***United States v. George M. Bishop***, a prominent Houston trial attorney was found guilty of evading approximately $350,000 in personal income taxes for 1991 and 1994, as well as for filing a false 1994 income tax return. The jury found that Bishop willfully omitted gross receipts of $850,000 and $214,000, respectively, from his returns for the years in question. The defendant provided misleading and incomplete information to his return preparer and caused false books and records to be maintained for his law practice. Bishop is scheduled to be sentenced in March 2000.

In ***United States v. Ronald Blackburn,*** the defendant entered a guilty plea to a five-count information charging him with evading the payment of $712,000 in federal withholding taxes. Blackburn controlled several companies and failed to pay their tax liabilities. As the president of LLA, Inc.–a firm that refurbished industrial machinery–the defendant received $174,000 in salary payments in 1993. To prevent the IRS from seizing these funds to pay some of the delinquent withholding taxes, Blackburn arranged to have his salary paid in cash. The defendant was sentenced to serve 37 months in prison.

In ***United States v. Edgar F. Bradley, Edgar F. Bradley, II, and Roy Bradley***, the defendants were sentenced to prison terms of 60 months, 57 months and 46 months, respectively, and fines and restitution payments totaling over $1 million. Bradley and his two sons owned and operated an independent insurance agency. These individuals placed their insurance commission income into purported trust accounts, held in the names of nonexistent nominees, to impede the Internal Revenue Service.

In ***United States v. Ricardo Downs,*** a jury convicted the defendant of failing to file tax returns for 1992 and 1993, and of willfully evading $353,000 in taxes for 1994. Downs, a medical technician, operated four "clinics" where unnecessary medical tests were performed on patients recruited off the street. The defendant then billed the insurance companies up to $6,000 per visit, paying patients and recruiters between $50-$250 while keeping the remainder for himself. Downs was sentenced to serve 30 months and three years of supervised release.

On April 13, 1999, a grand jury returned an indictment in the case ***United States v. Robert Perlmutter and Allan Jacobowitz.*** Perlmutter is the multi-millionaire owner of a nationwide chain of arts and crafts stores. He and Jacobowitz, the manager of one of Perlmutter's New York stores, were charged with a conspiracy that spans over a dozen years and during which millions of dollars in cash

receipts from the company were illegally skimmed. Specifically, Perlmutter is charged with using the diverted funds to build a mansion in South Florida, and with paying numerous contractors working on his house in cash. To date, over ten subcontractors have pleaded guilty to tax violations. In addition, Jacobowitz entered a guilty plea in July 1999 and has agreed to cooperate and testify in the matter. No trial date has been set.

A number of tax gap cases involve the prosecution of accountants and tax return preparers who seek to defraud the government by making false returns. For example, in ***United States v. Abraham McLeod, Jr.***, the defendant pleaded guilty to aiding and assisting in the preparation of forty-six false tax returns and four counts of obstructing the due administration of the internal revenue laws. The court found that McLeod's conduct cost the United States more than $7 million in tax losses. He was sentenced to serve over 10 years in prison. In ***United States v. Richard J. Parris, John A. Gerber, and Gary A. Ellis***, a jury convicted Parris on twelve counts of aiding in the preparation of materially false returns and two counts of mail fraud. The charges arose out of the defendants' involvement with a firm that marketed tax planning and return preparation methods, the effect of which was to disguise non-deductible personal expenses as deductible business expenses. In connection with this program, several hundred clients paid the firm amounts ranging from $2,500 to $3,700. Parris lied to the clients, saying that the program had been approved by the IRS.

Motor fuel excise tax evasion remains important as well. The IRS estimates that revenue losses are over $1 billion annually from this type of fraud. The perpetrators often use false exemption forms or rely on forged invoices and thinly-capitalized shell corporations to create a false impression that motor fuel excise taxes have been paid. These schemes generally generate large tax losses for the government. In one recent case, ***United States v. Richard Ferrara***, the defendant pleaded guilty to a two-count indictment for his involvement in a conspiracy to defraud the United States of approximately $402,000 in motor fuel excise taxes. The defendant operated two sham fuel companies. He purchased home heating oil tax-free through a series of sham transactions known as a "daisy chain," and then resold it to customers as tax-paid diesel fuel. The amounts that customers paid to Ferrara for the fuel taxes was pocketed by the defendant. The court sentenced Ferrara to serve 21 months in prison and pay $12,000 in restitution.

In FY 1996, the Tax Division launched a major initiative against illegal tax protesters. Resources for this initiative were provided in the 1998 General Legal Activities appropriation. The kind of tax evasion schemes falling into this category include claims that the income tax is unconstitutional, the taking of sham "vows of poverty," and the harassment of IRS employees. The creation of two new positions of Special Counsel for Tax Protesters for both civil and criminal matters in the Tax Division has provided the Division with the means to coordinate with and assist the IRS and U.S. Attorneys in protester matters. For example, the Special Counsel for Tax Protest Matters (Criminal) has participated in ongoing case coordination and oversight as part of the Department of Justice's Domestic Terrorism Working

Group (chaired by the Chief of the Domestic Terrorism and Violent Crimes Section of the Criminal Division), and has assisted various U.S. Attorneys by providing timely trial assistance and litigation support. Such Tax Division oversight provides local prosecutors with a broader perspective of the protester problem and a more detailed understanding of the role played by certain individuals in these multi-jurisdictional illegal organizations.

Needless to say, the Tax Division has litigated several cases involving tax protesters. In ***United States v. Veral Smith,*** an Idaho bullet-mold manufacturer was convicted by a jury of failing to file income tax returns, presenting fictitious financial instruments, failing to appear at a court-ordered hearing, resisting arrest, and assaulting two officers of the U.S. Marshal's Service. Smith was sentenced to 51 months in prison and five years of supervised release. This was the first prosecution using a recently enacted statute that is designed to combat anti-government groups that employ fictitious financial instruments to commit economic terrorism against the United States. More particularly, Smith used "Sight Drafts," which purported to be instruments issued by the U.S. Treasury. And the case of ***United States v. Dr. Lawrence Ciccarelli*** concerned an anesthesiologist and tax protester who earned over $1.8 million working at hospitals and medical service agencies between 1981 and 1996. The jury found that he attempted to evade paying $594,117 in taxes, and the court sentenced him to serve 36 months in jail and three years of supervised release, and to pay a $15,000 fine as well as the costs of prosecution. After the IRS attempted to collect taxes due, the defendant formed a corporation and two limited partnerships to conceal his income and assets and opened seven different bank accounts in their names. He also purchased over $865,000 in cashier's checks to stymie the government's efforts.

Tax Charges Arising from Illegal Source Income

CES attorneys also investigate and prosecute tax violations that occur in the context of other criminal conduct. The Tax Division categorizes these matters as "illegal source income" cases. The Tax Division relies on the Internal Revenue Code as the basis for prosecuting narcotics traffickers, for example. In some instances, the tax violations related to the narcotics enterprises are the only provable offenses; in other cases, the tax charges complement the evidence of the narcotics crimes. CES attorneys serve as liaisons to the Internal Revenue Service, the United States Attorneys' offices, the Organized Crime Drug Enforcement Task Forces (OCDETF), and other agency participants in the National Drug Control Strategy program.

Narcotics trafficking, however, is not the only illegal source of income that the Tax Division investigates. For example, in ***United States v. Arthur Peckham and George Serafino***, the defendants were charged with tax evasion, a *Klein* conspiracy, a conspiracy to commit mail fraud, mail fraud, and money laundering. The defendants, both employees of the Milton Bradley company, received and laundered $500,000 in vendor kickbacks. On November 30, 1999, Peckham and Serafino were convicted of conspiracy to commit mail fraud and the

Klein conspiracy. Peckham was also convicted of evading his personal income taxes for 1991 through 1993. Peckham and Serafino were convicted of sixteen and six counts of mail fraud, respectively, and six and four counts of money laundering, respectively. The total tax due and owing for the years 1993 through 1995 was approximately $175,000. The sentencing date has not yet been set.

International Tax Treaty Negotiations

As part of the Tax Division's focus on international compliance issues, the division participates in many activities to broaden cooperation with foreign nations whose financial institutions are used to conceal taxable income earned in the United States. Over the last year, the Tax Division has participated in negotiations, both directly and through the Office of International Affairs, to amend several Mutual Legal Assistance Agreements with other nations to include tax offenses within the scope of the treaties. Countries which have agreed on mutual assistance with the United States to investigate tax offenses include Russia, Malaysia, Egypt, Cyprus, and the Eastern Caribbean States. In addition, France has agreed to an amendment of the Extradition Treaty to cover tax offenses. The Tax Division also participated in a G-7 initiative to upgrade the sharing of money laundering information for tax enforcement.

PROGRAM CHANGES:

	Perm. Pos.	FTE	Amount
International Compliance Initiative	**4**	**2**	**$284**

In FY 2001, the Tax Division requests a total of 7 positions, 4 FTE workyears, and $500,000 to pursue an initiative on International Compliance. Of this amount, 4 positions, 2 FTE workyears and $284,000 are for support of this initiative within the Criminal Enforcement Program. One position, 1 FTE workyear, and $75,000 are identified within the Criminal Enforcement Program. Two positions, 1 FTE workyear, and $141,000 are identified within the Civil Litigation Program.

DEPARTMENT OF JUSTICE GOALS:

- Reduce traditional and newly emerging forms of white-collar crime, including tax fraud, both in the United States and abroad.
- Protect the federal fisc through affirmative and defensive civil litigation.

TAX DIVISION GOALS:

- Promote compliance with United States tax laws by litigation in the nation's trial and appellate courts, thereby enhancing both specific and general deterrence.
- Increase the collection of lawfully owed taxes.
- Fostering international law enforcement cooperation by assisting other nations in developing tax enforcement techniques and procedures.

The International Compliance Initiative has the following objectives:

1. To assist the Internal Revenue Service (IRS) in obtaining information regarding the increasing use of foreign bank accounts, trusts, and corporations to improperly evade the payment of United States income taxes.

2. To assist the IRS in reaching the foreign assets of U.S. taxpayers to satisfy outstanding tax liabilities, where domestic collection measures fall short of achieving compliance.

3. To enjoin promoters of illegal offshore schemes such as those involving foreign trusts.

4. To develop the means to prosecute successfully those who utilize and promote illegal foreign schemes and to provide training to Assistant United States Attorneys to that end.

5. To assist U.S. prosecutors in the extradition of fugitives charged with criminal tax offenses under U.S. law.

6. To foster the negotiation of law enforcement treaties that can further tax compliance in the international sphere, such as income tax treaties, mutual legal assistance treaties, and extradition treaties.

7. To improve coordination and cooperation between the IRS and the Tax Division in achieving taxpayer compliance in the international area, including the formation of an interagency team comprised of representatives from IRS Associate Chief Counsel (International), IRS Assistant Commissioner (International), Treasury International Tax Counsel, and the Tax Division.

8. To assist in effectuating the Administration's International Crime Control Strategy (ICCS), announced May 12, 1998.

To comply with our treaty obligations and foster the concept of reciprocity (thereby protecting our ability to obtain information abroad and reach foreign assets for our domestic enforcement goals), the International Compliance Initiative also has the following three additional objectives:

1. To assist foreign tax authorities in obtaining information regarding the increasing use of facilities located in the United States, including bank accounts, trusts, and corporations, to improperly evade payment of foreign income and other taxes.

2. To assist foreign tax authorities in reaching the assets of foreign taxpayers located in the United States to satisfy outstanding foreign tax liabilities.

3. To assist foreign tax authorities in extraditing U.S.-based fugitives charged with criminal tax offenses under their laws.

The objectives of this initiative are in concert with the Administration's International Crime Control Strategy (ICCS), which the President announced on May 12, 1998. As reported in *The Wall Street Journal*, the President promised new steps to fight the increasing problem of international crime, stating that part of the "battle involves an intensified crackdown on tax related crimes." The ICCS has as two of its eight goals and related objectives:

- **Deny Safe Haven to International Criminals** by (a) negotiating new international agreements to create a seamless web for the prompt location, arrest, and extradition of international fugitives, ...(c) and promoting increased cooperation with foreign law enforcement authorities.
- **Counter International Financial Crime** by ... (b) seizing the assets of international criminals, (c) enhancing bilateral and multilateral cooperation against all financial crime, and (d) targeting offshore centers of international fraud, counterfeiting, electronic access device schemes and other financial crimes.

PROGRAM DESCRIPTION:

The use of tax haven countries as well as other offshore countries to evade United States tax has been a longstanding concern of the Internal Revenue Service. That problem is increasing. Some of the growth stems from the decrease in the attractiveness of more traditional domestic tax shelters occasioned by the tax law changes enacted in 1986. In addition, the use of the Internet and other electronic technology makes the promotion and use of foreign trusts and other offshore schemes easier to accomplish and more popular, as well as more difficult to detect. The common thread in all of these schemes is use of tax haven countries, which impose little or no tax, offer strict bank secrecy laws not covered by treaty provisions, or refuse to agree to extradite fugitives charged with tax crimes.

While abusive offshore schemes take on many forms, the use of foreign trusts is becoming increasingly popular. A taxpayer first creates a trust in a tax haven country. Thereafter, he ostensibly transfers all ownership interests in specified property to the trust and supposedly relinquishes all control over the assets transferred. A number of entities are created and the trust then engages in a series of transactions designed to obfuscate (sometimes referred to as a "whirlwind" by the IRS), shifting the trust property around, and generating various "fees" and "expenses." The basic theory is that all trust income is earned in the tax haven country, and since the transferor has not retained any ownership in, or control over, the trust, no United States tax will be incurred. The reality of the situation is that due to side agreements and/or secret documents, the transferor never truly relinquishes control over the trust assets or the income they generate and, thus, is liable for United States tax on the trust income. A variety of methods is used to return the assets and the income they generate to the taxpayer, such as wire transfers, the use of debit or credit cards, and alleged loans. The taxpayer typically does not report these transfers and, because all of these methods are difficult to detect, substantial income goes untaxed. The estimated cost to the United States Treasury as a result of this behavior is staggering. The IRS has consulted with expert Jack Blum in its attempt to address these problems and international money laundering schemes. Blum, a former special counsel to the Senate Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations, who has testified before Congress on issues of international banking, has noted that offshore tax evasion is a huge hole in our tax system and estimates that 500,000 Americans improperly use foreign bank accounts, trusts, and business corporations to escape $50-75 billion in taxes annually.

The Tax Division initiative will utilize seven attorneys [one attorney Federal Appeals program; four attorneys Criminal Enforcement program; two attorneys Civil Litigation program] for the conduct of litigation to counter international financial crime.

Litigation to Counter International Financial Crime

The Civil, Criminal and Appellate Sections of the Tax Division all have critical roles to play in an International Compliance Initiative. Those roles are manifested in a variety of litigative areas. The Civil Sections will be called upon to seek the enforcement of IRS summonses, to bring repatriation proceedings, to defend IRS jeopardy assessments, and to seek consent directives and injunctions. The IRS will refer criminal cases to our Criminal Sections for review and possible criminal prosecution. Our Appellate Sections would represent the United States in any appeals resulting from these cases.

- Summons Enforcement Actions

If, during the course of an investigation, an IRS revenue agent and/or revenue officer cannot voluntarily obtain information from a taxpayer, or from a third party who has information bearing upon a potential liability or source of collection, the agent or officer may issue an IRS summons. If the summoned party refuses to comply, the IRS may request the Tax Division to enforce the summons. If summons enforcement proceedings are appropriate, a summons enforcement action would be filed in a United States District Court.

- Repatriation Proceedings

When the IRS learns that a taxpayer has assets located in a foreign country or that he may have accounts in offshore locations, the Division may be asked by the IRS to institute repatriation proceedings. In these proceedings, we would seek an order requiring a taxpayer who has outstanding tax liabilities to return to the United States assets he has transferred to a foreign jurisdiction.

- Jeopardy Assessment Proceedings

When evidence is gathered identifying violations of law, the Tax Division might also be called upon to defend the IRS's interests in an increased number of jeopardy assessment proceedings. As part of its approach to dealing with abusive offshore transactions, the IRS is beginning to include revenue officers earlier in the investigatory process, well before an assessment is made. This early involvement of collection personnel, who are more attuned to and trained to deal with collection issues, is intended to prevent dissipation of assets during the time it takes to complete an investigation, propose deficiencies, litigate the proposed deficiencies to judgment in the Tax Court, and then make an assessment. It is believed that by involving the collection personnel earlier, more jeopardy assessments will be made, which will

also result in increased litigation responsibility for the Tax Division. Defending jeopardy assessments requires intensive litigation efforts on very short notice.

- Consent Directives

As the IRS identifies more and more potential abusers of foreign trusts, accounts, and the like, the Division may be called upon more frequently to institute suits in federal district court to obtain consent directives from domestic taxpayers who transact business offshore. These directives require a taxpayer to execute documents directing the foreign entity purportedly having control over his documents to send them to the taxpayer, who then must turn them over to the IRS.

- Injunction Actions

As the IRS is able to gather information regarding specific promoters of these abusive offshore schemes, the Division believes it will be asked to seek injunctions to prohibit the promotion of such schemes, much as was done with domestic tax shelter promoters in the mid 1980's. While the Tax Division has been quite successful in its previous tax shelter injunction work, these cases proved to be extremely hard-fought and resource intensive, and there is every reason to believe the same will be true regarding attempts to enjoin promoters of offshore schemes.

- Criminal Proceedings

The IRS Criminal Investigation Division (CID) is responsible for administratively investigating violations of the criminal provisions of the internal revenue laws that are ultimately referred to the Tax Division for prosecution or further investigation by grand jury. CID agents also assist Tax Division prosecutors or Assistant United States Attorneys in the conduct of tax grand jury investigations. If CID believes one or more tax crimes may have been committed, it will begin a criminal investigation. That investigation ultimately may lead to a referral to one of the Tax Division's Criminal Trial Sections for authorization to institute various actions, including commencing a grand jury proceeding or instituting a criminal prosecution. If a criminal proceeding is authorized, the matter may be handled by attorneys in the appropriate Criminal Enforcement Section. Often, these investigations and prosecutions involve the need to obtain foreign evidence, usually financial information, or to extradite fugitives.

The Tax Division is now devoting significant resources to litigation efforts in the International Compliance area. Based on time reported in its case management system, Civil Trial Sections devoted approximately four FTE to these efforts in FY 1998, a doubling of efforts from FY 1997. The Criminal Enforcement Section reported spending nine FTE in FY 1999 on cases its attorneys identified as involving International Compliance. This compares to 5 FTE reported in FY 1997. The Division anticipates the need to devote an additional seven attorney FTE for these litigation efforts by FY 2001.

The IRS is also focusing increased resources in the offshore noncompliance area. Special agent resources devoted to criminal investigation of foreign trusts or international fraud increased from 34 in FY 1997 (when these categories began to be measured) to 104 in FY 1999. Sixty-three investigations related to these two types of tax fraud schemes were initiated in FY 1998. As noted in its *FY 1998 Annual Report, National Operations*, CID developed and implemented an International Strategy in 1994 to address international law enforcement objectives. The strategy calls for the assignment of special agents to strategic foreign posts for the purpose of:

- Facilitating the development and utilization of information obtained in host foreign countries to support investigations over which CID has law enforcement responsibility.
- Providing assistance to foreign governments in establishing or enhancing money laundering, criminal tax, and asset forfeiture statutes.
- Assisting foreign governments in developing and improving exchange of information agreements.
- Conducting tax, money laundering and financial investigative techniques training courses for host governments.
- Establishing liaison contacts with foreign law enforcement officials in the regions where they are assigned.

In its FY 1998 budget, the Internal Revenue Service was appropriated an additional $1 million for its overseas Criminal Investigation activity. During FY 1998, CID had special agents or attachés assigned to permanent positions in Bogota, Colombia, Mexico City, Mexico, Frankfurt, Germany, Ottawa, Canada, and Hong Kong, China. Special agents assigned to foreign posts routinely handle formal requests for information from district offices. These requests include conducting research, facilitating the seizure of assets, conducting interviews, and assisting in the extradition of fugitives. The Tax Division anticipates that as the IRS is able to secure more and more offshore information, there will be increased involvement by IRS's Criminal Investigation Division, and ultimately, a significant number of recommendations for prosecutions of tax crimes will be forwarded to the Tax Division. The Tax Division will be required to process these recommendations and, in many cases, assign attorneys to assist in the prosecutions.

An example of the anticipated volume of high-dollar-potential criminal cases is provided by information received in ***Christopher D. Johnson v. United States*** (D.N.J.). FBI agents investigating a defendant on cable piracy charges came into possession of computer tapes containing encrypted information regarding Cayman Island bank accounts. John Mathewson, 71, was the head of Guardian Bank and Trust, Cayman Islands. Mathewson promoted offshore bank accounts with features such as debit cards and offshore corporations to assist clients in hiding their money. In response to contacts with federal law enforcement, Mathewson provided information and computer tapes that provided a detailed inside view of offshore banking. Mathewson subsequently pleaded guilty to money laundering and tax evasion in the District of New Jersey. In 1999, because of his extensive cooperation, Mathewson was sentenced to 5 years of probation and a $30,000 fine. The New Jersey District office of the IRS Criminal Investigation Division (CID) has already proceeded with several investigations involving depositors whose names were uncovered. Tax Division attorneys have been handling several grand jury investigations in Newark, New Jersey, and further grand jury investigations are expected. Another half-dozen cases are being handled by Assistant United States Attorneys in Newark. Approximately fifteen other cases have been referred to the IRS Examination Division for civil action.

In addition to account holders being investigated by CID in New Jersey, several hundred account holders were referred to individual Criminal Investigation districts throughout the country. To date, four indictments have been returned, nine prosecution recommendations have been made, thirty-one formal investigations have been initiated, ninety-two preliminary reviews have started, and thirty-seven cases have been referred to the IRS Examination Division. It is probable that the Tax Division will be called upon to furnish litigation support for a substantial number of the cases that will result from these investigations. Using the New Jersey cases as a benchmark, Tax Division CES attorneys could be asked to assist on 30 to 50 of these matters and will need to devote five to eight FTE to complete the litigation. Once the criminal aspects of these cases are completed, the IRS and the Tax Division will move forward to achieve maximum civil compliance as well. The Tax Division requires additional resources to handle this large pool of potential cases.

In ***United States v. Hogan,*** relating to another account holder at this Cayman Island bank, the depositor placed approximately $700,000 with the bank and repatriated about half this sum to purchase a jet and a house. Over 1,600 attorney hours, plus travel time, were spent on this matter. As a direct result of Tax Division's investment of time and resources, Michael J. Hogan pleaded guilty on September 1, 1999 to conspiracy charges and evading his 1995 personal income taxes. He is now cooperating with the government and has not been sentenced. Michael Hogan's brother, Terrence Hogan, also pleaded guilty on September 1 to filing a false corporate return for Miami Valley Aviation, Inc. (MVA). He was sentenced to 48 days in jail, 1 year in home detention, 5 years of probation, a $20,000 fine and 500 hours of community service.

As noted above, the IRS is increasing efforts to combat international noncompliance. This effort includes training more of its agents in detecting and combating this problem. In this regard, the IRS is developing an Audit Techniques Guide to assist its agents in dealing with complex international issues. Its Foreign Trust Training Manual is also being rewritten. It is anticipated these materials will be ready for use this fall to train a pilot group of IRS personnel. Thereafter, additional agents will be trained in this important area. The natural outgrowth of this emphasis and training will be increased enforcement in the international compliance area, and subsequently, an increase in the litigation matters over which the Division has responsibility.

To further the international enforcement goals of this initiative, the Tax Division needs attorneys experienced in civil and criminal tax litigation and in obtaining foreign evidence or information, and knowledgeable about international agreements to achieve international tax compliance, such as tax treaties, mutual legal assistance treaties, and extradition treaties. These attorneys would (1) review or handle the internationally affected civil and criminal cases of the Tax Division; (2) assist foreign tax authorities in obtaining information located in the United States, in reaching the assets of foreign taxpayers located in the United States, and in extraditing U.S.-based fugitives charged with foreign tax crimes; (3) give expert advice to IRS agents and Government attorneys handling internationally affected tax cases, both civil and criminal; (4) participate in any negotiations which might lead to an agreement on achieving international enforcement goals; (5) propose legislation that would enhance such goals; and (6) coordinate with other international components of the United States Government, such as the Office of International Affairs (Criminal Division, Department of Justice), IRS Associate Chief Counsel (International), IRS Assistant Commissioner (International), the Department of Treasury International Tax Counsel, and the State Department. These functions are critical to enhancing our international tax enforcement goals and could be accomplished only with significant dedicated resources.

In sum, the cases in the International Compliance Initiative which will involve the Tax Division, while extremely resource intensive, will have a significant impact on tax compliance. A modest infusion of resources will enable the Tax Division to respond to this growing need to assist the IRS in developing its cases, and ultimately to enjoin and prosecute those who abuse both the tax laws and a number of other federal laws. To the extent those who engage in these activities can be forced to pay the taxes they owe, and are enjoined or prosecuted, the United States benefits.

	Perm. Pos.	FTE	Amount
Abusive Trust Initiative	**5**	**3**	**$350**

In FY 2001, the Tax Division requests a total of 7 positions, 4 FTE workyears, and $500,000 for an initiative to curb abusive trusts. Of this amount 5 positions, 3 FTE workyears and $350,000 are for support of this initiative within the Criminal Enforcement Program. Two positions, 1 FTE workyear, and $150,000 are identified within the Civil Litigation program. This initiative would achieve the following Departmental and Division goals.

DEPARTMENT OF JUSTICE GOALS:

- Reduce traditional and newly emerging forms of white-collar crime, including tax fraud, both in the United States and abroad.
- Protect the federal fisc through affirmative and defensive civil litigation.

TAX DIVISION GOALS:

- Promote compliance with United States laws by litigation in the nation's trial and appellate courts, thereby enhancing both specific and general deterrence.
- Increase the collection of lawfully owed taxes.

In recent years the Internal Revenue Service has noted a substantial increase in the number of taxpayers utilizing trusts in an attempt to avoid, or limit, their federal tax liabilities. While trusts have many legitimate uses, they rarely lead to a legitimate reduction in taxes. The IRS has found that more and more unscrupulous promoters are aggressively marketing abusive trusts, using strained, and in some instances outright false, interpretations of the tax laws. Some promoters offer so called "asset protection trusts", ostensibly designed to protect a purchaser's assets from his creditors, but which can, and often are, used to improperly shift income and to hide ownership of assets in order to avoid paying proper tax liabilities. Promoters often target sole proprietorships or professionals, promising that if the taxpayer transfers an operating business into an entity variously called a "business trust," a "common law business trust," or an "unincorporated business organization," he can claim deductions for what are essentially personal expenses, shift income, and avoid self-employment tax, while never

really losing control over his business or its assets. These schemes elevate form over substance, and sometimes can be "layered" or "tiered" making them more difficult to detect and unravel. When the facts are uncovered, the purchaser is not entitled to any of the advertised tax benefits.

The number of trust return filings with the IRS has increased by 11 percent since 1993, and is continuing to rise. More importantly, while there were 3,300,000 trust returns filed in 1997, the IRS believes that over 11,500,000 trusts are not filing returns. These phenomena have lead to substantial revenue losses. In order to combat this drain on the treasury, the IRS is increasingly focusing on the abusive trust area, both auditing returns that are filed, and detecting situations where returns should have been filed and taxes paid. According to budget projections, the IRS will increase the number of direct staff years directed to trusts by 230% from FY 1998 to FY 2000. In addition, the IRS's Criminal Investigation Division identified abusive trusts as an emerging area in 1997, and has steadily devoted increased resources to this problem, increasing special agent FTE investigating domestic trusts from 35 in FY 1997 to 64 in FY 1999. Moreover, the IRS has begun focusing on promoters of abusive schemes from both a criminal and civil perspective, considering criminal prosecution, civil injunction and/or civil penalties to combat the problem promoters of abusive schemes pose. To the extent those who promote abusive trusts are stopped, the number of purchasers of such schemes will be reduced, ultimately reducing the burden on the IRS and the taxpaying public.

The increasing emphasis of the IRS on the area of abusive trusts will continue to require significant resource commitment by the Tax Division to support their efforts. Attorney FTE spent reviewing and prosecuting criminal cases has increased from two in FY 1997 to over four projected by the end of FY 1999. (This excludes FTE spent on foreign trusts that are reported in our International Compliance initiative.) The Tax Division anticipates that there will be a substantial increase in the number of prosecutions and recommendations for prosecutions that we will be called upon to litigate and to review.

A recent case illustrates the necessity of the abusive trust initiative. ***United States v. Ronald Chappell, et. al.,*** was reviewed and authorized for prosecution by the Tax Division and tried by local prosecutors in the Eastern District of California. Ronald Chappell (a former CPA), Lloyd Winburn, Todd Gaskill (an attorney) and Martin Goodrich, sold abusive trust packages to clients and advised them to use the trusts to generate fraudulent tax deductions. More particularly, the defendants concentrated on wealthy clients who were advised to transfer operating businesses, homes and other assets into a series of trusts. The trusts were operated so that the clients maintained control over their businesses and other assets. On the trust tax returns, the clients then claimed normally non-deductible personal expenses, such as lawn care, house cleaning and scholarships for their childrens' education, as deductible trust expenses. They also depreciated the value of their residences and passed paper losses from the trusts to their personal returns. Some clients, who had reported significant taxable income in prior tax years, actually claimed that they qualified for the earned income tax credit, which is ordinarily reserved for the working poor. The

court held that this scheme caused a tax loss to the government in excess of $2.5 million. In April 1999, Chappell was sentenced to serve 87 months in prison; Winburn was sentenced to 63 months in prison; Gaskill was sentenced to 58 months in prison; and Goodrich was sentenced to 37 months in prison.

This case has spawned a number of offshoot investigations in other parts of the country. Some of the clients and "sub-promoters" used by the ***Chappell*** defendants were targeted in more than one investigation. A number of Tax Division attorneys are involved in on-going grand jury investigations. Due to the growing use of the Internet in marketing these schemes, most cases against large promoters will most likely be multi-jurisdictional. Purchasers in the midwest and the northeast may find a web site which is run from a server in Virginia and is used by a promoter in California. The Tax Division's global view facilitates coordination of these cases, so that inconsistent results are avoided and investigations are not damaged through unknown targeting of the same individuals. Coordination of so many cases, some with their own offshoots, is becoming an increasing problem with the current level of resources. Added resources will allow the Tax Division to better coordinate prosecutions, and litigate more of these cases. As the Tax Division becomes better equipped to take the lead in prosecuting more of these cases, uniform prosecution and coordination will be greatly enhanced.

Similarly, from a civil perspective, the Tax Division will be required to enforce an increased number of administrative summons as the IRS goes forward with its efforts in the abusive trust area. This will be especially true with respect to promoters of these schemes who, as we know from past experience, will resist every step of the investigation. And, as the IRS focuses more on promoters, there will be an increase in the number of civil injunction suits we will be asked to bring, for as noted above, it is more effective to stop these schemes before many purchasers become involved, than to audit trust purchasers later, if they can be detected. Indeed, as a result of the IRS's focus on abusive trusts, we have already successfully instituted an injunction proceeding against abusive trust promoters in California. That case, **United States v. Estate Preservation Services, et. al.** was a suit against the major promoter of the scheme, his corporation, a lawyer, and a certified public accountant who participated in the abusive promotion. The defendants used a nationwide multi-level marketing network to sell a non-grantor trust scheme. In promoting the scheme, trust purchasers were told, among other things, that they could transfer property into the trust, thereby receiving "a new income tax basis" for the property which could then be depreciated. In addition, prospective purchasers were told that these trusts could be used for "income splitting", to generate deductions that would otherwise not be available, and to reduce or eliminate self-employment taxes. The court, noting the wide-spread nature of the scheme and the type of fraudulent conduct, entered a preliminary injunction against all of the defendants.

INITIATIVE/DECISION UNIT: Criminal Prosecution
COMPONENT GOAL(S): The Criminal Sections of the Tax Division have three primary responsibilities: (1) conducting centralized review of all referred criminal tax matters; (2) staffing the investigation, trial, and appeal of many of these criminal tax matters; and (3) providing litigation support services to both United States Attorney's Offices and the Internal Revenue Service. These activities advance the Tax Division's goal of uniform and consistent national enforcement. The prompt review of criminal referrals and the handling of the litigation and litigation support responsibilities also advance the Internal Revenue Service's goals of achieving maximum deterrence and voluntary compliance with the Internal Revenue laws.

DOJ Core Function 3: *Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests*
Strategic Goal 3.4: *Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.*

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
	* indicates a requested FY 2001 program change.		FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Input	1. Review Responsibilities:	New Case Mgt. System (TaxDoc)						
	A. Total number of cases received from IRS and USAO for authorization and review:							974
	(1) Number of supplemental reviews.							527
	(2) Number of legal source income cases received.							618
	*(3) Number of cases in targeted enforcement areas (abusive trust, excise tax, drug enforcement, health care, protest) received.							168
	(4) Number of illegal tax protestor cases received.							35

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	B. Total number of litigation support activities:	TaxDoc						
	(1) Immunity requests							103
	(2) Search warrant requests							91
	(3) Non-prosecution agreements							NP
	2. Litigation Responsibilities:							
	A. Number of cases (by targets) handled with trial dispositions:							NP
	(1) Number of trials							NP
	(2) Number of guilty pleas							NP
	B. Number of Grand Jury Investigations cases (by targets) handled.							NP
	C. Number of Indictments.							NP

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Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
	3. Litigation Support Responsibilities: A. Develop a Litigation Resource Center to effectively respond to requests for pleadings, motions, research, and advise on tactics, strategy, tax issues, and legal matters. B. Maintain a Special Counsel for Tax Protest Matters to coordinate criminal prosecutions of illegal tax protestors. Conducts training and advises USA's. Responds to legislative and policy matters involving illegal tax protest activity. Responds to new trends and novel issues arising in tax protest litigation.							Develop & Expand Improve & Expand

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	C. Participate in working groups comprised of DOJ and IRS personnel to identify non-compliance issues:							
	*(1) International - To intercept and prevent abusive international non-compliance schemes before they have an opportunity to cause significant damage to the tax system.							Develop & Expand
	(2) Domestic - To identify and effectively deal with current and emerging domestic non-compliance issues.							Improve & Expand
	*(3) Abusive Trusts - To identify and effectively deal with current and emerging non-compliance issues schemes involving the use of trusts.							Develop & Expand

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	(4) Illegal Tax Protest Matters - To identify and effectively manage current and emerging non-compliance issues.							Improve & Expand
	*(5) Other - To develop training programs and stratagems to assist USAOs in all phases of criminal tax litigation.							Develop & Expand
	D. Provide expert technical assistance to USAOs in the investigation and prosecution of criminal tax and tax-related matters.							Improve & Expand

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Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Output/ Activity	4. Number and percentage of requests for litigation assistance at trial and appellate levels honored in legal source income cases.	Manual/ TaxDoc						151/90%
	*5. Number and percentage of requests for litigation assistance at trial and appellate levels honored in targeted enforcement areas (abusive trust, excise tax, drug enforcement, health care, and protest).	Manual/ TaxDoc						32/90%
	*6. Number and percentage of requests for litigation and investigation advice honored in international matters.	Manual/ TaxDoc						175/95%
	*7. International cases handled	TaxDoc						104

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Output/ Activity	9. Number and percentage of requests for participation in miscellaneous activities (*i.e.*, conduct criminal tax training for Assistant U.S. Attorneys, participate in task forces, advise on legislative proposals and amendments, publish Criminal Tax Manual and revisions, etc.)	Manual/ TaxDoc						110/90%

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End Outcome	10. Total number of all cases authorized.	TaxDoc						NP
	11. Total number of all cases declined.							NP
	12. Total number of litigation support activities:							
	A. Immunities							
	(1) Approved							NP
	(2) Declined							NP
	B. Search Warrants							
	(1) Approved							NP
	(2) Declined							NP
	C. Non-prosecution agreements							
	(1) Approved							

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Productivity/ Efficiency	13. Average number of litigation support activity cases (targets) handled per attorney work year.	TaxDoc						To Be Determined (TBD)
	14. Average number of days of completion time to review cases.							45

A. Data Validation and Verification:

The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved GPRA statistics will be generated automatically.

The Criminal Enforcement sections have relied on manual methods for recording and retrieving the statistics used in the preparation of this report. In conjunction with the development of a new case management system (TaxDoc), the entire Criminal Enforcement GPRA report has been revised for the FY 2001 plan. Although the Criminal Enforcement Sections currently lack historical data on some activities, there will be new procedures to collect and record pertinent data on activities related to specific issues enabling section managers to make projections and set goals based on complete, accurate, and relevant statistics. The TaxDoc system went online in July, 1999 with full implementation to be phased in over the next twelve to eighteen months. **Some of the FY 2001 projections listed as TBD (to be determined) are dependent on the inclusion of new data elements in the TaxDoc system.** The revamping of the sections information collecting procedures and controls is expected to result in more accurate reporting. The revised and expanded Criminal GPRA report will give a more thorough accounting of Criminal Enforcement activity. It is envisioned that a refined performance measurement system may cause some variations in the way some statistics are calculated.

There will be new procedures to collect and record pertinent data on activities related to specific issues, enabling the Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. By FY 2000, it is anticipated that all Criminal Enforcement statistics will be automated and incorporated into a refined information management system, which will include GPRA performance measurements. The newly refined information management system will, to some extent, modify the method by which statistics are presently calculated.

Targets and estimates are omitted from some performance indicators because they may be viewed as setting numeric goals which are not consistent with the Tax Division's mission. That goal is just and fair treatment of taxpayers. Measuring outcomes is difficult in any context, but particularly so in law enforcement. The Tax Division is guided principally by "doing what is just" and that includes not pursuing an unfounded indictment or baseless claim. The Tax Division is concerned that estimated levels of performance (e.g., targets for conviction rates, indictments and convictions) not become performance targets or otherwise lead to unintended and possible adverse consequences. As a result, the Tax Division will not set quantified targets for indictments and convictions.

B. FY 1999 Performance Report:

FY 1999 is not included in this exhibit.

C. Issues Affecting Selection of FY 2000 and 2001 Plans.

FY 2000 is not included in this exhibit.

The ability of the Tax Division to meet its projected goals depends, to a large extent, upon the number and types of cases recommended for prosecution, staffing levels, levels of expertise, and fluctuating caseloads in the United States Attorney's Offices and in the Tax Division's Criminal Enforcement Sections. IRS policies and initiatives also affect the complexity and volume of prosecution referrals. New areas of non-compliance also impact on the number and complexity of cases handled by the Tax Division.

In April, 1999, the Internal Revenue Service Criminal Investigation Division (CID) received the results of a review commission chaired by William Webster, former head of CIA and the FBI. The "Webster Report" recommended significant changes in the organization of CID and the selection of its investigative priorities. The IRS accepted those recommendations and has devoted substantial resources to implementing them. Final implementation is projected to occur in June, 2000. Since the Tax Division's criminal case workload is directly dependent on CID's investigations, this process has impacted both the number and kind of criminal cases handled by the Tax Division.

In the area of illegal tax protest, referrals have risen significantly from 1995 to 1997. However, because the IRS policy since 1998 has prohibited classifying individuals as illegal tax protestors, matters involving illegal tax protestors require actual Tax Division identification and classification after receipt. "Tax protest activity," as used by the Division in both criminal prosecutions and civil litigation, is defined as cases involving traditional illegal tax protest schemes such as claims that the income tax is unconstitutional, the taking of so-called "vows of poverty," and the harassment of IRS employees. The Division uses the terminology "illegal" tax protesters to distinguish individuals who declare themselves to be "tax protesters" outside the revenue system and who commit tax crimes from those individuals who are merely exercising their First Amendment rights to oppose tax policies while otherwise obeying the tax laws. Criminal prosecutions arising out of illegal tax protest activity are a subset of the legal source income prosecutions.

In late 1998, the Internal Revenue Service announced its intention to emphasize the investigation and prosecution of abusive trust cases. These cases tend to be complex, involving multiple individuals and entities operating in multiple jurisdictions. The cases also frequently involve transactions conducted outside the United States. The Tax Division is working closely with the Service to establish standards for the prosecution of these cases and is assisting the Service and U. S. Attorneys in the successful prosecution of many serious offenders in this area. The Tax Division defines abusive trusts as entities that while on paper take the form of a valid trust arrangement actually seek to evade taxes because they have no object or purpose other than evading taxes. In the typical abusive trust arrangement, there is, in fact, no change in any cognizable economic relationship between a taxpayer and the source of income and/or property both prior to and after the formation of the trust. In the typical abusive trust scheme, a taxpayer will maintain full control over his assets even though the documents reflect that the taxpayer has transferred away his interest to a trust with an independent trustee. In addition to "trust", these arrangements go by many different names, including, but not limited to: Pure Trust Organization (PTO), International Business Organization (IBO), Constitutional Trust, International Business Company (IBC), Unincorporated Business Organization (UBO), Common Law Trust, Pure Equity Trust, Family Trust, and Residence Trust. Performance indicator #8, Abusive trust cases handled, shows the number of abusive trust cases with time reported to them during the fiscal year, but excludes cases counted as international.

The Tax Division currently defines legal source income cases as those where the source of the proposed criminal tax charges is income that is legally produced as distinguished from income earned as a result of illegal conduct. As a vast majority of the taxpaying public earns its income from legal sources, legal source income prosecutions have a significant deterrent effect on the general public.

An "International Compliance Initiative" is another joint Criminal and Civil goal that the Tax Division has included in its strategies to promote compliance with federal tax laws by litigating tax cases with international issues in the nation's trial and appellate courts. This activity enhances both specific and general deterrence and promotes voluntary compliance. Performance indicator #7, International cases handled, shows the number of international cases with time reported to them during the fiscal year.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE/DECISION UNIT

INITIATIVE/DECISION UNIT: Criminal Prosecution
COMPONENT GOAL(S): The centralized review and recommendation of all criminal tax prosecution and the provision of litigation assistance to the U.S. Attorneys' Offices advances the goal of uniform enforcement. Prompt review of criminal referrals and enhanced public awareness of criminal tax convictions promote the goal of achieving maximum deterrence and foster voluntary compliance.

DOJ Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests
Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Input	1. Requests for litigation assistance at trial and appellate levels in legal source income cases	manual	157	151	166	151	151	See New FY2001 Plan Exhibit
	2. Requests for litigation assistance at trial and appellate levels in targeted enforcement areas (excise tax, drug enforcement, health care, protest, and international)	manual	13	32	31	32	32	
	3. Requests for litigation and investigation advice in international matters	manual	175	175	196	175	175	
	4. Requests for participation in miscellaneous intra and inter-governmental activities	manual	141	68	147	68	110	
	5. Requests received for litigation and investigation advice in illegal tax protest matters.	manual	128	60	195	60	85	
	6. Appoint a Special Counsel for Tax Protest Matters to coordinate criminal prosecutions, legislative and policy responses to illegal tax protest activity.	manual	Sustain	Sustain	Sustain	Sustain	Sustain	

INITIATIVE/DECISION UNIT: Criminal Prosecution
COMPONENT GOAL(S): The centralized review and recommendation of all criminal tax prosecution and the provision of litigation assistance to the U.S. Attorneys' Offices advances the goal of uniform enforcement. Prompt review of criminal referrals and enhanced public awareness of criminal tax convictions promote the goal of achieving maximum deterrence and foster voluntary compliance.

DOJ Core Function 3: *Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests*
Strategic Goal 3.4: *Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.*

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Output/ Activity	7. Percent of requests for litigation assistance at trial and appellate levels honored in legal source income cases	manual	100%	99%	100%	100%	95%	See New FY2001 Plan Exhibit
	8. Percent of requests for litigation assistance at trial and appellate levels honored in targeted enforcement areas (excise tax, drug enforcement, health care, protest, and international)	manual	92%	92%	83%	92%	90%	
	9. Rate of participation in miscellaneous activities (*i.e.*, conduct criminal tax training for Assistant U.S. Attorneys, participate in task forces, advise on legislative proposals and amendments, publish Criminal Tax Manual and revisions, etc.)	manual	100%	100%	100%	100%	90%	
	10. Percent of requests for litigation and investigative advice honored in international matters.	manual	95%	95%	100%	95%	95%	

INITIATIVE/DECISION UNIT: Criminal Prosecution

COMPONENT GOAL(S): The centralized review and recommendation of all criminal tax prosecution and the provision of litigation assistance to the U.S. Attorneys' Offices advances the goal of uniform enforcement. Prompt review of criminal referrals and enhanced public awareness of criminal tax convictions promote the goal of achieving maximum deterrence and foster voluntary compliance.

DOJ Core Function 3: *Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests*
Strategic Goal 3.4: *Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.*

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1999 Performance Report			Performance Plans		
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998 Actuals**	**1999 Final Plan**	**1999 Actuals**	**2000 Initial Plan**	**2000 Current Plan**	**2001 Plan**
Intermediate Outcome	11. Establish a system to publicize Criminal Tax information to enhance public awareness and promote general deterrence.	manual	System Planning	Deterrence Impact	Discon-tinued	Discon-tinued	Discon-tinued	Discon-tinued
End Outcome	12. Assist in maintaining IRS's voluntary compliance rate through fair and uniform tax litigation and enforcement.	IRS	82%	82%	Discon-tinued	Discon-tinued	Discon-tinued	Discon-tinued
Productivity/ Efficiency	13. Average number of days to perform initial reviews of administrative and grand jury outgrowth cases.	Case Management System	44	45	46	45	45	**See New FY2001 Plan Exhibit**

A. Data ...idation and Verification:

The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved GPRA statistics will be generated automatically.

The Criminal Enforcement sections have relied on manual methods for recording and retrieving the statistics used in the preparation of this report. In conjunction with the development of a new case management system (TaxDoc), the entire Criminal Enforcement GPRA report has been revised for the FY 2001 plan. Although the Criminal Enforcement Sections currently lack historical data on some activities, there will be new procedures to collect and record pertinent data on activities related to specific issues enabling section managers to make projections and set goals based on complete, accurate, and relevant statistics. The TaxDoc system went online in July, 1999 with full implementation to be phased in over the next twelve to eighteen months. The revamping of the sections information collecting procedures and controls is expected to result in more accurate reporting. The revised and expanded Criminal GPRA report will give a more thorough accounting of Criminal Enforcement activity. It is envisioned that a refined performance measurement system may cause some variations in the way some statistics are calculated.

There will be new procedures to collect and record pertinent data on activities related to specific issues, enabling the Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. By FY 2000, it is anticipated that all Criminal Enforcement statistics will be automated and incorporated into a refined information management system, which will include GPRA performance measurements. The newly refined information management system will, to some extent, modify the method by which statistics are presently calculated.

Targets and estimates are omitted from some performance indicators because they may be viewed as setting numeric goals which are not consistent with the Tax Division's mission. That goal is just and fair treatment of taxpayers. Measuring outcomes is difficult in any context, but particularly so in law enforcement. The Tax Division is guided principally by "doing what is just" and that includes not pursuing an unfounded indictment or baseless claim. The Tax Division is concerned that estimated levels of performance (e.g., targets for conviction rates, indictments and convictions) not become performance targets or otherwise lead to unintended and possible adverse consequences. As a result, the Tax Division will not set quantified targets for indictments and convictions.

B. FY 1999 Performance Report:

As of September 30, 1999, the Criminal Enforcement Sections have honored 100% or 166 requests for litigation assistance at trial and appellate levels in legal source income cases (reference Performance Indicators #1 and #7). We honored 83% of requests for litigation assistance at trial and appellate levels in targeted enforcement areas, (reference Performance Indicators #2 and #8). Our rate of participation in miscellaneous intra and inter governmental activities has substantially exceeded the 68 requests the Division has projected as our goal to the end of the reporting period (reference Performance Indicators #4 and #9). The figure for requests received for litigation and investigation advice in tax protest matters (Performance Indicators #2 and #5) reflects a significant increase over the requests received during the same period in FY 1998. This activity is on the rise and is expected to increase beyond our current attorney work years availability in this area.

Performance Indicators #11 and #12 have been discontinued in the current plan. By publicizing the prosecution of tax violators, the Tax Division no doubt enhances the public awareness of its litigation and enforcement efforts with a resultant deterrent effect. However, we can neither corroborate nor defend the IRS' voluntary compliance rate statistic. Lacking the means to identify statistically our deterrence impact or the rate of compliance, the Division concludes that these are not meaningful indicators for the purposes of this report. The Service has been tasked recently with improving its compliance research. The Division intends to improve and expand its participation in working groups with IRS and other DOJ components on a variety of non-compliance issues. (See FY 2001 Plan #3C)

Though the deterrent effect cannot be measured with the resources available to the Division, the prosecution of criminal tax law violators has a positive impact on income tax reporting. An important aspect of the criminal prosecution of tax violators is the impact on the general public. Taxpayers see that violators are not able to "beat the system" and that all taxpayers are required to pay their fair share. The Tax Division's litigation and enforcement efforts achieve our joint goal with the IRS for citizens of this nation to voluntarily comply with tax laws which in turn, advances the federal fiscal system.

C. Issues Affecting Selection of FY 2000 and 2001 Plans.

(FY2001 Plans are presented in the new Criminal Enforcement exhibit.)

The ability to meet goals depends to a large extent upon the number and types of cases recommended for prosecution; staffing levels, level of expertise, and fluctuating caseloads in the United States Attorneys' Offices and in the Tax Division's Criminal Enforcement Sections; IRS policies and initiatives affecting the complexity and volume of prosecution referrals; compliance of particular groups of taxpayers with the Internal Revenue Code; the volume of requests for comments and participation in miscellaneous activities; and the level of funding provided to the Division for personnel and other resources.

In April, 1999, the Internal Revenue Service Criminal Investigation Division (CID) received the results of a review commission chaired by William Webster, former head of CIA and the FBI. The "Webster Report" recommended significant changes in the organization of CID and the selection of its investigative priorities. The IRS accepted those recommendations and has devoted substantial resources to implementing them. Final implementation is projected to occur in June, 2000. Since the Tax Division's criminal case workload is directly dependent on CID's investigations, this process has impacted both the number and kind of criminal cases handled by the Tax Division.

Although cases involving illegal tax protest activity increased significantly from 1995 to 1997, the Tax Division's records reflect a decline in these case during fiscal year 1998. This decline, considered a false low, is attributed to the IRS Restructuring Act mandate forbidding IRS from designating individuals as illegal tax protestors. This mandate has served to increase the responsibility of the Tax Division in this area, as the Special Counsel for Tax Protest Matters (Criminal) is now responsible for the only national oversight of these cases, many of which fall under the definition of domestic terrorism. The importance of this responsibility is reflected in the significant increase of requests for litigation and investigation advice in illegal tax protest matters. By FY 2000, it is anticipated that all Criminal Enforcement statistics will be automated and incorporated into a refined information management system including GPRA performance measurements. These statistical modifications may cause some variation with the method by which statistics are presently calculated.

In late 1998, the Internal Revenue Service announced its intent to emphasize the investigation and prosecution of abusive trust cases. These cases tend to be complex, involving multiple individuals and entities operating in more than one jurisdiction. They frequently involve transactions outside the United States. The Tax Division is working closely with the Service to establish standards for the prosecution of these cases and to assist the Service and U. S. Attorneys in the successful prosecution of serious offenders in this area.

CIVIL LITIGATION

	Position	FTE	Amount
2000 Appropriation Anticipated	304	294	$35,263
2001 Base	304	294	37,237
2001 Estimate	**308**	**296**	**$37,528**
Increase/Decrease	4	2	$291

BASE PROGRAM DESCRIPTION:

The Tax Division's Civil Litigation program represents its most comprehensive litigating function. The attorneys in the Division's seven Civil Trial Sections litigate suits filed by and against taxpayers in the district courts, the bankruptcy courts, the Court of Federal Claims, and the state courts. All of these suits relate to the enforcement of the tax laws. The broad range of litigation handled by the Division's Civil Trial attorneys includes tax refund suits challenging the IRS' determination of a taxpayer's federal income, employment, excise, and estate tax liabilities; bankruptcy litigation raising issues of the validity and priority of Federal tax claims and the feasibility of reorganization plans; actions to enforce IRS administrative summonses that seek information essential to determine and collect taxpayers' liabilities; suits to collect taxes and other monies often hidden by fraudulent conveyances, sham entities, and alter egos; suits against IRS and other Government officials for torts allegedly committed in connection with tax collection activities; suits against the IRS brought pursuant to the Freedom of Information and Privacy Acts; and State and local inter-Governmental tax immunity suits. Although its primary function is handling litigation directly, Division Civil Trial attorneys frequently provide advice, training and other assistance to the many (Special) Assistant U.S. Attorneys handling the more routine civil tax cases.

Cases handled by Civil Trial attorneys often govern thousands of cases pending administratively at the IRS and generate significant revenue for the Federal treasury. Just as with its appellate and criminal prosecution functions, the Division's Civil Litigation program has both a direct impact on the taxpayer who is a party to the litigation and an indirect impact in promoting compliance with the tax laws, thereby enhancing both specific and general deterrence.

The great majority of civil litigation (generally over 85%) handled by the Division is defensive in nature, *i.e.*, cases brought by taxpayers or other persons against the United States. The Division's representation of the Government in this litigation saves the Treasury millions of dollars annually. Tax refund suits are one important component of the Division's defensive litigation. **The Division estimates that, in the most recently calculated three-year period, it saved the Government $37 for every $1 spent litigating refund suits.** In addition to this direct dollar impact, these cases frequently have an indirect dollar impact, on other taxpayers and other tax years of the same taxpayer. For instance, in ***Bell Atlantic Corp. and Subsidiaries v. United States*** (E.D. Pa.) (*app. pending*), the Tax Division prevailed in a complex tax refund suit involving the investment tax credit. Although the case itself involved only $77 million, the issue is estimated to have a nationwide tax-revenue impact (for all industries) of about $30 billion. In ***Lockheed-Martin Corp. v. United States*** (Fed. Cl.) (*app. pending*) the Tax Division successfully litigated whether certain expenditures should be eligible for research-and-development tax credits, another case where the issues presented involve several billion dollars of tax revenues with respect to defense industries. And in ***Florida Progress Corp. v. United States*** (M.D. Fla.)(*app. pending*), the district court upheld the Government's position that underground service line costs must be capitalized, a utility-industry issue that is estimated to involve $250 to $300 million annually.

Defending federal tax claims in bankruptcy proceedings represents another major portion of the Division's defensive litigation. The bankruptcy docket that the Tax Division handles tends to involve the more complex tax-related bankruptcy matters, many of which have significant collection potential. In ***In re Scott Cable Communications, Inc.*** (Bankr. D. Conn.), the Tax Division succeeded in convincing the bankruptcy court to sustain the Government's objection to a pre-packaged bankruptcy plan which, if widely adopted, had the potential to allow corporate debtors to avoid billions in capital gains taxes from the sale of assets. ***In re Nelson Bunker Hunt*** and ***In re William Herbert Hunt*** (Bankr. N.D. Tex.) are two separate Chapter 11 bankruptcy proceedings in which the Government has, over a number of years, obtained about $133 million in satisfaction of individual federal tax liabilities. In FY 1998 and 1999, the Government collected over $6.8 million and $1.7 million, respectively, from these bankruptcies. The Government has collected 80% of the assets in the Nelson Bunker Hunt case, and 70% in the William Herbert Hunt case. The Tax Division has also been successful in deterring abuse of the bankruptcy system. For example, in ***In re David Porras*** (Bankr. W.D. Tex.) (*app. pending*), the United States worked with the trustee to pierce a trust set up by the debtor to conceal over $1 million in assets from his creditors. Moreover, during the past year, Civil Trial attorneys have also secured a number of major victories in the U.S. Bankruptcy Courts by preventing the discharge of taxes owed by debtors who have willfully avoided payment or collection.

The Division defends the constitutionality of tax statutes, as in ***American Society of Association Executives v. United States*** (D.D.C.), where, based on arguments advanced by Tax Division attorneys, the district court dismissed a constitutional challenge to the proxy tax provisions in the 1993 Omnibus Budget Reconciliation Act. This district court decision in favor of the United States was recently affirmed on appeal.

The Division also defends the validity of Treasury regulations. For example, in ***Fransen v. United States*** (E.D. La.), the district court upheld the validity of a challenge to the validity of a regulation defining "passive activity." This decision was recently affirmed on appeal. And, in ***Steckler v. United States*** (E.D. La.), the district court upheld the Government's use of social security numbers, against a challenge based on the Religious Freedom Restoration Act.

Another important area of defensive civil litigation conducted by the Tax Division is the representation of IRS officers against complaints made by taxpayers who allege misconduct by government officials for activities related to tax collection. These lawsuits can cripple morale if employees who have not done anything improper believe that they can be held personally liable for simply doing their jobs. The IRS workforce relies upon the Tax Division for a vigorous defense against spurious lawsuits.

The Tax Division's affirmative civil litigation program is an area that directly generates substantial revenues for the Treasury. **In FY 1999, through its affirmative civil litigation, the Division recovered over $66 million for the Treasury by court action and in settlements. The Tax Division received total judgments and settlements obligating taxpayers and others to pay $109 million. In the first quarter of FY 2000, the Division already has received total judgments and settlements in excess of $50 million dollars. The Division estimates that, in the most recently calculated three-year period, it obtained a return for the Government of $17 for every $1 spent litigating debt collection cases.** Much of the affirmative litigation is very complex and time consuming. Litigation activities include seeking judgments to enforce IRS assessments against taxpayers, dealing with fraudulent transfers made by delinquent taxpayers attempting to place their assets out of the reach of the IRS, and the enforcement/foreclosure of federal tax liens. For example, in ***United States v. Mary Christine Harris*** (E.D. Mo.), the Tax Division succeeded in repatriating over $350,000 in proceeds of the sale of a wine collection auctioned by Sotheby's of London which the Government alleges was shipped overseas by a convicted tax fugitive. In ***United States v. Bell*** (E.D. Cal.), Tax Division attorneys succeeded in setting aside a taxpayer's allegedly fraudulent trust, which included a 30-acre ranch, to collect $2.6 million in tax liabilities.

The Service and the Tax Division have also begun to initiate more affirmative litigation against persons who employ increasingly sophisticated means to unlawfully shield their assets from collection, as well as actions to prevent the commercial dissemination of abusive tax schemes. In particular, beginning in FY 1998, the Division has been working closely with the Service to devise a plan to address the growing problem of abusive international and domestic trusts. One fruit of this effort was the recent litigation and decision in ***United States v. Estate Preservation Services*** (E.D. Cal.), in which the district court enjoined a promoter of various abusive tax shelter schemes in which, among other things, the promoter urged an abusive scheme involving charitable contributions. Another success was the decision in ***United States v. Robert R. Raymond and Robert G. Bernhoft***, (E.D. Wis.)(*app. pending*), in which the district court permanently enjoined the defendants from organizing or selling the "De-Taxing America Program," an abusive tax shelter.

While many of the cases handled by the Division's Civil Trial attorneys have a deterrent effect, the growing number of cases in which taxpayers advance frivolous tax protest arguments (which currently make up about 10 percent of the Civil Trial docket) form a particularly important part of the Division's civil deterrence efforts. These resource-intensive cases are essential to keep illegal tax protest activities from increasing further. Honest taxpayers who perceive that individuals engaging in illegal tax protest activities have "gotten away with it" will themselves be discouraged from voluntarily paying their taxes.

The Special Counsel for Tax Protest Matters (Civil) (who was first appointed in May, 1996) continues to serve as an information clearinghouse, enabling attorneys in the Tax Division, as well as Assistant United States Attorneys around the country, to obtain ready access to pleadings and other information pertaining to frivolous tax protest issues. The Special Counsel has better enabled the Tax Division to identify and address problems arising in frivolous civil tax protest cases. In FY 1999, the Special Counsel developed a resource available to all attorneys on the Division's intranet which discusses all recurring tax protest issues and provides relevant case authority. In addition, the Division has proposed legislation that would modify the automatic stay provision for serial bankruptcy filers, many of whom make frivolous tax protest arguments and who attempt to manipulate the Bankruptcy Code in order to avoid paying tax debts. All of these efforts are designed to address the illegal and groundless activities which undermine our tax system regionally and nationally.

The Division's Civil Trial attorneys are concerned with more than generating revenue, however. Although the Division attempts to collect all taxes that are legally owed, it is also committed to ensuring that taxpayers and other litigants are treated fairly, and that any legitimate claims against the Government are resolved properly. As part of their representation of the Service in the courts, Civil Trial attorneys conduct, in each case, an independent review of the Service's administrative determinations. This review process each year results in the Tax Division declining to bring certain affirmative litigation, and in defensive cases results in some complete concessions, where Civil

Trial attorneys determine that the Service's administrative position cannot be legally and/or factually supported. This vital function promotes the integrity of the Federal tax system by insuring that taxpayers and others involved in trial-level litigation are treated fairly and consistently nationwide.

The Division also plays an important role in monitoring cases handled by the Internal Revenue Service and the U.S. Attorney's offices. Approximately 20% of the Division's civil data management function is devoted to identifying and processing mail received on cases handled by the Service and the U.S. Attorney's Offices. The mail is then reviewed by attorney managers, to ensure that the interests of the United States are appropriately represented.

PROGRAM CHANGES:

	Perm. Pos.	FTE	Amount
International Compliance Initiative	**2**	**1**	**$ 141**

This initiative crosses all litigation programs in the Tax Division's budget. The description of this initiative is presented within the Criminal Enforcement program justification.

	Perm. Pos.	FTE	Amount
Abusive Trust Initiative	**2**	**1**	**$ 150**

This initiative crosses the Criminal Prosecution and Civil Litigation programs in the Tax Division's budget. The description of this initiative is presented within the Criminal Enforcement program justification.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE/DECISION UNIT

INITIATIVE/DECISION UNIT: Civil Litigation
COMPONENT GOALS: Promote the protection of tax revenues while striving to assure the fair and consistent treatment of taxpayers nationwide

DOJ Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests
Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
	* indicates a requested FY 2001 program change.		FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Input	1. Number of cases received	Case Mgt. System (CMS)						
	A. All cases		6,406	5,050	4,842	6,400	4,840	4,840
	B. Tax Protest cases		463	200	273	460	270	270
	2. Appoint a Special Counsel for Tax Protest Matters to coordinate a civil litigative, legislative, and administrative response to interference by illegal tax protests with the proper enforcement of the revenue laws.		Sustain	Sustain	Sustain	Sustain	Sustain	Sustain
	3. Develop a legal resource center which will enable the Division to identify and respond to new trends and novel issues arising in tax protest litigation.		Partially Imple-mented	Improve & Expand	Improved & Expanded	Sustain	Sustain	Sustain
	*4. Create a working group comprised of DOJ and IRS attorneys to discuss and identify international non-compliance issues, and to develop ways of stopping abusive international non-compliance schemes before they have an opportunity to cause significant damage to the tax system and develop training programs and stratagems to identify and effectively deal with current and emerging non-compliance issues.			Partially Imple-mented	Partially Imple-mented	Improve & Expand	Improve & Expand	Sustain
Output/ Activity	5. Number of civil cases closed	CMS						
	A. All cases		7,027	6,250	5,580	6,500	5,580	5,580
	B. Tax Protest cases		463	450	424	520	420	420

INITIATI 'ECISION UNIT: Civil Litigation
COMPON GOALS: Promote the protection of tax revenues while striving to assure th c and consistent treatment of taxpayers nationwide

DOJ Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests
Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
	* indicates a requested FY 2001 program change.		FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Intermediate Outcome	6. Number of cases pending (as of 10/1)	CMS						
	A. All cases		9,257	8,200	8,495	9,250	8,490	8,490
	B. Tax Protest cases		907	700	878	750	890	890
	C. International non-compliance cases		-------	-------	84	-------	100	110
	7. Court decisions (all courts)	CMS						
	A. Number of cases with decisions		2,737	1,500	2,386	2,800	2,390	2,390
	B. Number of decisions		3,004	2,730	2,623	3,100	2,620	2,620
	C. Percentage of wins		93%	-------	93%	-------	-------	-------
	8. Settlements and concessions (all courts)	CMS						
	A. Number of settlements		783	700	638	800	640	640
	B. Number of concessions		134	120	124	140	120	120
	9. Court decisions (excluding bankruptcy courts)	CMS						
	A. Number of cases with decisions		1,297	1,295	1,231	1,260	1,230	1,230
	B. Number of decisions		1,593	1,425	1,360	1,400	1,360	1,360
	C. Percentage of wins		94%	-------	93%	-------	-------	-------
	10. Settlements and concessions (excluding bankruptcy courts)	CMS						
	A. Number of settlements		532	470	443	610	440	440
	B. Number of concessions		89	85	80	90	80	80

INITIATIVE/DECISION UNIT: Civil Litigation
COMPONENT GOALS: Promote the protection of tax revenues while striving to assure the fair and consistent treatment of taxpayers nationwide

DOJ Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U. S. Interests
Strategic Goal 3.4: Promote the fair, correct and uniform enforcement of the federal tax laws and the collection of tax debts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
	* indicates a requested FY 2001 program change.		FY 1999 Performance Report			Performance Plans		
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Intermediate Outcome	12. Number of district court suits requests declined by the Division or withdrawn by IRS or other client agency	CMS	56	30	75	30	70	70
	13. Examine the problems of tax protest interference with judicial sales of property and with other tax collection actions and develop litigative and legislative responses which will increase revenue collection and reduce danger to U.S. Marshal Service and Internal Revenue Service employees		Continue to examine and refine litigative responses; develop legislative response	Work to implement legislative response; continue to refine litigative response	Work to implement legislative response; continue to refine litigative response	Work to implement legislative response; continue to refine litigative response	Work to implement legislative response; continue to refine litigative response	Work to implement legislative response; continue to refine litigative response
End Outcome	14. Tax debts collected ($ in millions) (by court action and settlement)	CMS	$72.3	-----	$66.1	-----	-----	-----
	15. Dollars retained in tax refund suits ($ in millions) (by court action and settlement)	CMS	$274.4	-----	$441	-----	-----	-----
Productivity/ Efficiency	16. Average number of significant litigation activities per attorney work year:	CMS						
	A. Briefs, written pleadings, and settlement memoranda prepared; discovery activities undertaken		103.83	100	83.50	100	83.5	83.5
	B. Trials, arguments and other hearings		9.15	9.7	9.67	9.7	9.7	9.7
	17. Number of civil cases closed per attorney work year	CMS/M average FTE is manual	37.18	35	30.0	35	30	30

A. Data V ition and Verification:

The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved GPRA statistics will be generated automatically. It is envisioned that a refined performance measurement system may cause some variations in the way some statistics are calculated.

The Tax Division has relied on manual methods for recording and retrieving performance data. In conjunction with the development of a new case management system (TaxDoc), the Division has recently revised the complement of indicators that are tracked.

There will be new procedures to collect and record pertinent data on activities related to specific issues, enabling the Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. The Tax Division began data validation and verification of performance measures at the onset of the enactment of GPRA legislation. On a quarterly basis, the GPRA statistics are reviewed by the Tax Division's Performance Management Committee's senior attorney chairpersons. This Committee consists of attorneys, litigation support specialists, data management specialists, and budget analysts. The majority of the statistics were contained in the Division's existing Case Management System. As part of the redesign of a new system, "TaxDoc," which was implemented during summer 1999, the few remaining manually-retrieved performance measurement statistics will be generated automatically.

The Tax Division currently lacks historical data on some activities. The newly refined information management system may cause some variations in the way some statistics are calculated.

The civil litigation program promotes the protection of tax revenues while striving to assure the fair and consistent treatment of taxpayers nationwide. Performance Indicators #14 and #15 reflect the direct impact of civil litigation on the U.S. Treasury insofar as the Division currently measures it. Performance Indicator #14 shows substantial tax revenues collected as a direct result of civil litigation. Performance Indicator #15 measures the amount of tax dollars saved in tax refund suits, as expressed in terms of the amounts of tax and interest sought by the complaint. The savings shown does not include the additional statutory interest for which the United States would have been liable had it lost. Annual fluctuations in Performance Indicators 14 and 15 may be attributable, in part, to outside factors over which the Division has no control, such as the number, types, significance, and complexity of the Division's case receipts, which in turn are dependent on such matters as the changing tax laws and the level of funding provided to the IRS for personnel and taxpayer compliance initiatives, the responsiveness of the Division's client agencies, the strategies of opposing counsel, the procedures and burdens on the court, and the collectibility of taxpayers' debts. The Division does not measure the revenue impact of the tax liabilities determined or upheld in bankruptcy cases where payments would be made directly to the IRS. While the Division does not measure the indirect influence of its civil litigation on the collection of revenues by the IRS, the impact is considerable, as exemplified by *Bell Atlantic*, described in the civil base program description. Reporting decisions on cases in Bankruptcy Court, District Court, Court of Federal Claims, State and Local Courts (Performance Indicators #7 and #9) provides a detailed basis for judging whether the positions taken in litigation by the Division are consistently reasonable. The fair and uniform treatment of taxpayers is also reflected in the numbers of concessions and settlements of issues and cases (Performance Indicators #8 and #10) and in matters where the Division declines to bring suit because it determines litigation is not warranted (Performance Indicator #12). Beyond the need to be responsive to client agencies (which is measured in part by Performance Indicator #11), the Division values efficiency in its civil litigation because it recognizes that the correct and fair result has more value if it can be achieved efficiently and expeditiously. A comparison of Performance Indicators #7 and #9 to Performance Indicators #8 and #10 gives some rough sense of the many issues that are resolved voluntarily, without judicial intervention, although there are, in addition, many bankruptcy matters which the Division resolves by stipulation. Performance Indicators #7, #9 and #16 attempt to convey the complexity of many civil cases (one case often includes multiple issues and multiple parties.) The number of litigation activities (Performance Indicator #16) is an indicator of attorney productivity. However, because it does not measure the complexity of the individual activity reported, this indicator is subject to some fluctuation depending upon the type of case that the Division is called upon to handle (for example, a tax protestor case that raises only well-settled Constitutional issues may require multiple pleadings to be prepared before it is dismissed, whereas a case that raises an important issue of substantive tax law may require a great deal of time and effort, but the preparation of fewer, albeit more substantial, pleadings before it is resolved.). Performance Indicators #1, #5, #6, and #16 provide a base against which to examine the Division's productivity, and its part in achieving efficient, expeditious justice. Performance Indicators #1b, #2, #3, #5b, #6b, and #13 describe important elements of the civil program's tax protest initiative. Performance Indicator #4 describes important elements of the civil program's international compliance initiative.

B. FY 1999 Performance Report:

In July, 1998, the Internal Revenue Service Restructuring and Reform Act of 1998 ("RRA98") was enacted. RRA98 radically altered the way the Tax Division's principal client agency, the Internal Revenue Service, functions. RRA98 also granted new rights to taxpayers both at the Internal Revenue Service administrative level and at the judicial level. The full effect of those changes is not yet known, as the Internal Revenue Service spent much of 1999 implementing the new legislation and continuing to restructure itself internally. The Division itself has been expending significant resources to interpret the numerous new provisions of RRA98, work with the Internal Revenue Service to arrive at consistent, fair positions, and train civil litigation program staff to handle litigation involving these provisions. Additional work remains to be done in all of these areas, as new issues continue to arise.

The Internal Revenue Service's much-publicized shift in resources away from audit and collection to implementing the new legislation and improving customer service appears to have affected case receipts. Overall, the reported outcomes continue to reflect positively on the civil litigation program's productivity, debt collection, and other revenue-enhancement efforts.

C. Issues Affecting Selection of FY 2000 and 2001 Plans.

It is impossible to make informed projections about the impact of RRA98 and the changes in Internal Revenue Service operations, on its performance indicators. Therefore, the Division is changing its FY 2000 and 2001 Plans to reflect essentially straight-line figures from its FY 1999 actual figures. Information available from the Service and the media suggest varying and sometimes contradictory results, which make predicting the Division's litigation load impossible. Additional Internal Revenue Service administrative proceedings may satisfactorily resolve so many issues that litigation would be reduced. On the other hand, if taxpayers choose to appeal the IRS' administrative decisions, litigation could increase. Because many administrative proceedings are pending, the Division cannot accurately predict the volume of ensuing litigation. For example, for the nine-and-one-half month period ended November 30, 1999, the IRS Appeals Office had received approximately 6800 requests for collection due process hearings. Only about 500 were acted upon as of that date. At least 1700 of the balance have the potential to lead to district-court litigation. Moreover, the IRS' budget request for FY 2001 demonstrates the need to put more resources into compliance which, in turn, would probably lead to an increase in litigation.

	Position	FTE	Amount
2000 Appropriation Anticipated	86	81	$9,006
2001 Base	86	81	9,532
2001 Estimate	**86**	**81**	**$10,552**
Increase/Decrease	...	...	$1,020

BASE PROGRAM DESCRIPTION:

The Assistant Attorney General, the Executive Office staff, and the Legislation, Policy & Management Analysis Unit of the Tax Division provide leadership, policy guidance and direction, and administrative support to all components of the Tax Division. The Division's executive leadership establishes appropriate and uniform policies involving appeals and civil and criminal tax enforcement, and promotes and maintains communications with the IRS, the Treasury Department, the Office of Management and Budget, the United States Attorneys' Offices, other components of the Department of Justice, and the public. The personnel in the Legislative, Policy & Management Analysis Unit review and analyze legislative proposals that directly affect the litigating mission of the Tax Division, prepare all legislative reports required by the Congress, the Office of Management and Budget, and the Department of Justice, and coordinate the Division's activities pursuant to the Government Performance and Results Act (GPRA). Timely responses also are prepared to satisfy the requirements of the Freedom of Information and Privacy Acts.

The Office of Administration provides services relating to general administration, fiscal/budgetary controls, automated information systems technology support, personnel, and other administrative matters as required. It consists of three components: (i) the Executive Office, which provides overall control and policy guidance; (ii) the Administrative Services Staff, which is responsible for accounting and financial services, budget planning and evaluation, personnel services (including providing administrative support for the recruitment and hiring of Division personnel), case records and file management, procurement, and facilities management; and (iii) the Information Management Staff,

which is responsible for managing and maintaining the Phoenix office automation network and for providing all other information systems technology support required by Tax Division employees, litigation support services, a personal computer resource center, and a post-litigation operation that tracks and monitors the Division's debt collection operations.

The Tax Division's senior management remains committed to maintaining and enhancing the standards of excellence that have been the hallmark of the Division since its inception. This commitment has resulted in improved internal management controls, better budget development and execution, increased office automation, and successful programs to improve employee training.

As part of pursuing the Tax Division's primary mission -- promoting the uniform and equitable enforcement of the nation's tax laws -- the Division's litigation managers (Section Chiefs) have fostered heightened cooperation with the United States Attorneys and the Internal Revenue Service. The Section Chiefs regularly meet with representatives from these other offices to develop and coordinate law enforcement initiatives and to discuss other matters of mutual concern. For example, the four chiefs of the Criminal Enforcement Sections participated in a meeting of IRS Criminal Investigation managers to explore workload priorities and trends. A byproduct of this development has been more participation by Tax Division line attorneys in the policy discussions and litigation efforts of cooperative law enforcement efforts, such as joint IRS/FBI investigations of motor fuel excise tax evasion, the Department of Transportation/Federal Highway Administration Joint Federal/State Motor Fuels Compliance Project, the Treasury Department's Tax Refund Fraud Task Force, various health care fraud task forces, and the Organized Crime Drug Enforcement Task Forces (OCDETF).

The Tax Division's executive, legislative, and policy personnel have participated in drafting the Division's position on a variety of issues related to the Department's and Division's operations. Thus, for example, the Assistant Attorney General has established a Performance Management Committee composed of staff, line attorneys, and managers to develop and implement the Division's response to the obligations imposed by GPRA. She also regularly meets with a Line Attorneys' Committee, composed of one elected representative from each of the legal sections in the Division, and with another committee of non-legal staff. Among the issues that have been addressed by these committees and in writings and policy discussions have been: the appropriate ratio between attorneys and support staff; the increased use of para-professionals; and the taxation of travel expense reimbursements received by Department attorneys on long-term job-related assignments.

On the legal side, the Assistant Attorney General has sought broad input on many issues including proposed asset forfeiture legislation and guidelines for searching and seizing computers. The Tax Division also has been exploring the potential applicability of Alternative Dispute Resolution mechanisms to litigation matters. During the past year, the Division's Office of Training continued to offer educational opportunities to managers, attorneys, other professionals, and support personnel. The Training Office offers classes and videotaped sessions

to enhance legal and technical skills. It also coordinates training mandated by the Department on such complex issues as sexual harassment sensitivity and AIDS awareness. The Office of Training provides the ethics and computer security training required by the Division of all its employees and continues to offer its successful individualized word processing training program.

One of three planned litigation support service centers opened in the fall of 1998, the remaining two opened in early 1999. These centers provide timely and efficient document and data processing for the Tax Division and reliable litigation and trial preparation support to our attorney work force. They are open on an extended-day basis and are available when the attorneys need to respond to court-ordered deadlines. The Office of Management and Administration has also implemented a new case management system, TaxDoc, which will provide comprehensive statistical outputs to our managers and allow them to use GPRA performance measurements to help manage their sections. The new system will incorporate case tracking, time reporting, records management tracking and all the elements of a modern case management system. It will be made available to the users as well as to the technical staff of the organization. This system will be compatible with the other legal divisions in the Department of Justice.

In the fall of 1999, the Tax Division also implemented a new office automation system, JCON2. This upgrade included a new e-mail system, updated versions of software packages, new desktop and laptop computers for all employees, new servers, and upgraded computer networks. The speed and computing capacity of the new system has allowed the Tax Division to catch up with recent technology innovations and is fully expected to increase employee productivity.

Clinger-Cohen Act of 1996:

Section 4307 of the Clinger-Cohen Act of 1996 (Public Law 104-106), requires agencies to develop workforce policies for procurement education and training. It also directs agencies to "set forth separately the funding levels requested for education and training of the acquisition workforce" in documents that support the President's budget. Furthermore, the Act states that funds appropriated for education and training under this section may not be obligated for any other purpose.

The Tax Division utilizes several contracts entered into by the Department of Justice. The Department has delegated a limited amount of procurement authority to the Tax Division to obtain goods and services under these contracts. Delegated functions include producing necessary procurement documents, record keeping, and coordination with Department officials who have primary authority and responsibility for contracting activity. Assistant Contracting Officer Technical Representatives (ACOTR) within the Tax Division are responsible for monitoring contract performance. These officials are required to complete certain training courses before they can accept the delegations.

The Tax Division procures the great majority of needed goods and services through exercise of small purchases authority. This is also a delegated responsibility requiring completion of training courses. Under the Division's Restructuring Project, office managers within the litigation sections have assumed responsibility for acquiring office supplies. This responsibility will eventually be expanded to include procurement of office equipment. This will necessitate partial re-delegation of procurement authority now centralized within the Office of Management and Administration. The Tax Division estimates annual expenditures of approximately $5,000 will be necessary to ensure ACOTRS receive mandatory training and that office managers receive the training necessary to qualify them to handle delegated duties.

PROGRAM CHANGES:

	Perm. Pos.	FTE	Amount
Automated Litigation Support Initiative	...	...	**$1,020**

In FY 2001, the Tax Division requests $1.02 million for the support of information technology advancements to enable the Tax Division to move forward into the 21st century, keeping pace with the technology available and used both within the courts and by opposing counsel.

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DEPARTMENT OF JUSTICE GOALS:

- Ensure that sufficient infrastructure exists to support law enforcement needs.

TAX DIVISION GOALS:

- To promote the fair, correct, and uniform enforcement of the Federal tax laws in the nation's trial and appellate courts; and
- To manage the Division efficiently and effectively.

PROGRAM DESCRIPTION:

This initiative represents a program increase of $1.02 million in support of information technology in the Tax Division in the Year 2001. It will be used to:

- Create an organizational and technical infrastructure in the Tax Division to support the use of automated litigation support (ALS) tools for trial preparation, electronic filing, and presentation in "typical," as well as large cases.
- Bring ALS tools to the attorney's laptop personal computer for use in the office and while on travel.
- Enhance the presentation of evidence in the courtroom through the use of presentation software and equipment.
- Provide training to all litigation team members (attorney and support personnel) on ALS tools.

Background

Traditionally, the Division has made only limited use of automated litigation support services. While ALS has been used in extremely large cases or by attorneys who are computer-savvy and have developed their own applications, its use in smaller cases has been discouraged. The Division has not included ALS as part of its base, which would have allowed for widespread use of this technology. Instead, funds from a no-year account of unobligated funds administered by the Justice Management Division have been used as needed, but this is not a reliable source of funds.

Internal and external changes in the litigation environment make it imperative that the Division enhance its ALS program. Internally, restructuring has put the Division in a position to fully automate its workforce. This initiative will complement the establishment of Litigation Support Service Centers throughout the Division, as well as provide the office automation and teleconferencing equipment needed to provide Division personnel with a complete set of automated tools. Automated litigation support equipment will decrease the amount of time necessary to complete document-intensive trials and will facilitate jury comprehension. The addition of these resources will allow attorneys and paralegals to analyze large volumes of documents quickly and more thoroughly. Additionally, Tax Division attorneys are becoming aware of the availability of ALS technology and will have the office automation tools (JCON-II) needed to support these technologies.

A number of external factors also are at work. For example, the Division must prepare itself for electronic filing, which is being piloted by the United States District and Bankruptcy Courts. Electronic filing projects, in which the Division expects to participate, are underway in Bankruptcy Courts in the Southern District of New York, Arizona, Southern District of California, Northern District of Georgia, and Eastern District of Virginia, and in the District Courts for civil litigation in the Western District of Missouri, Eastern District of New York, Northern District of Ohio, and Oregon. At least four other districts (New Mexico, Idaho, Kansas, and Southern District of Texas) are operating independent projects. Additionally, the use of presentation technology in the courtroom is quickly becoming the norm and has proven to be of great benefit in the presentation of complex litigation. [2]

This initiative is consistent with the Department and Tax Division's goals of promoting the fair, correct, and uniform enforcement of the Federal tax law in the nation's trial and appellate courts; enhancing collection by the U.S. Treasury of tax debts; and managing the Department and Division efficiently and effectively.

The Division will conduct a pilot study in Fiscal Year 2000 with up to four litigation teams to determine the best mix of technology and training for the Division's workforce and to provide a basis for benefit/cost analysis. Based on the results of this study, we anticipate redesigning work processes to utilize effectively ALS technology.

To ensure that the Division meets the Department's goal of interoperability and information sharing, the Division will continue its participation in the Litigating Components' ALS working group; software will be integrated into the JCON-II platform; and the courtroom presentation equipment will be interoperable with the equipment purchased by the Executive Office for United States Attorneys and by the Administrative Office for the United States Courts. The Division will also continue to request funding for its office automation infrastructure through the Legal Activities Office Automation account.

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[2] A study recently completed for the Executive Office for United States Attorneys (***Automated Litigation Support: Needs Assessment and Cost Benefit Analysis***, DynCorp, January 31, 1999) supports these assumptions.

Components of the Initiative

Funding is requested for:

- Training for attorneys and non-attorneys, particularly paralegals, approximately $250,000 in FY 2001; approximately $100,000 in each subsequent year.
- Imaging and database capabilities - approximately $200,000 each year.
- Presentation equipment - approximately $70,000 for two kits for use in training staff and trial preparation.
- Contractor support - $500,000 per year to provide technical support.

1. Training for attorneys and non-attorneys

Training will be provided by contract personnel on all aspects of the litigation support function to ensure that the equipment being procured is used effectively. Attorneys and paralegals will learn the most current and modern techniques. An initial course will familiarize non-technical attorneys and paralegals with the use of computer technology both in the investigative phase and the litigation phase of both civil and criminal matters. The course will demonstrate available technology which can assist in the preparation and trial of any case and the type of technology already being used by either investigative targets or opposing litigation parties.[3] Additional courses will provide training on the use of imaging and database capabilities, full-text retrieval software, and courtroom presentation equipment.

For planning purposes, the following courses have been identified in order to ensure that the software and hardware to be purchased is utilized effectively. This requirement will be refined based upon the pilot project in FY 2000.

[3]The EOUSA's OLE offers a comparable course, which lasts four days. We would anticipate a similar requirement and would tailor the EOUSA curriculum to meet Tax Division-specific requirements.

Course	Estimated Cost Per Person	Total Employees to be Trained	Estimated Cost
Information and Technology in Tax Litigation - an introduction for non-technical personnel (attorneys and paralegals) - 4 days	$400	340	$136,000
Trial Preparation for Paralegals - 5 days. To include use of database software (including database design), scanning software and equipment, and presentation software.	$1,500	40	$60,000
Using Technology in the Courtroom for Paralegals - 3 days, To include the setup and operation of the courtroom presentation equipment.	$1,000	40	$40,000
Trial Preparation for Litigation Assistants - 3 days. To include the use of database software, scanning software and equipment, and presentation software.	$400	35	$14,000
Totals			$250,000

Training is a key element of this initiative because without it the equipment and software to be purchased will not be fully utilized. Attorneys and support personnel must know how to best apply databases, document management, graphics design, and technology-based presentations to the overall litigation function. This will be an on-going effort because of changes in technology and staff turnover.

2. Equipment and Software

a. Imaging and database capabilities

The Division receives voluminous files from the IRS in both civil and criminal litigation. To the extent possible, the IRS will be encouraged to provide information in an electronic format. Nevertheless, we would anticipate continuing to receive administrative files with mixed documents, which currently are copied upon receipt and in preparation for discovery. Electronic filings will substantially increase the need for scanned documents because they will need to be included with the filings.

Commercially available scanners will be used along with off-the-shelf imaging and database software. The exact configuration will be determined during the pilot studies to be conducted in FY 2000. Experience in the private sector indicates substantial savings from electronic imaging of documents in copying costs, space savings, as well as in the preparation of deposition kits during discovery. There are also a number of intangible benefits, including improved management of originals, concurrent and remote access to the documents and better disaster recovery.

In addition to scanning requirements, there are requirements for database applications. For example, the Division is currently developing an application that will track information concerning checks and other financial transactions associated with a bank account for a specific case. It has been estimated that the Division requires approximately a dozen standard databases to meet most of the attorneys' needs.

The following is an estimate of the software and equipment to be purchased in FY 2001. Equipment will be located in each of the trial sections in both Washington, D.C., and Dallas, Texas.

Item	Quantity	Estimated Cost
Database/viewing software (At a minimum, we will evaluate the following software packages before making a purchase decision: ATTView, Jury Link, Summation, Trial Director.)	400	$80,000
Scanners (large) - one for each section	11	$55,000
Scanners (desktop) - for use at trials and by attorneys on travel	10	$4,000
CD Burners	2	$1,000
Server to store images	1	$60,000
Total		$200,000

Experience suggests that in future years, additional funding will be needed in order to refresh technology and to meet expanded requirements.

b. Presentation equipment

As the EOUSA ALS study indicated, automated litigation support equipment for trial presentation will decrease the amount of time necessary to complete a document-intensive trial and will facilitate comprehension by the jury of the evidence presented at trial. Studies have shown that perception, interpretation, and retention are substantially enhanced when the visual sense is addressed in conjunction with the

auditory sense. This equipment is available in an increasing number of courts and the expectation of the judges is that it will be used.[4] Tax Division attorneys must be prepared to do so.

The Tax Division will need a minimum of two systems for training and for trial preparation purposes so that the attorneys are prepared to utilize the equipment in court. Each system, which must be easily transported, will include the following components at an approximate cost of $35,000:

Item	Description
VCR	A VCR which allows any video to be played and displayed on system. The VCR has a toggle remote that allows users to go frame by frame. Speed control allows for variable playback
Video Printer with supplies	Prints directly from the monitor display for later reference by the attorney
Multiple synch Marker	Allows users to draw, point and type on any image on the system. Drawing can be done on any monitor in the courtroom via lightpen. Color changes can also be made to differentiate between markings.
Visual Presenter with autofocus	This is a mounted video camera which allows display of documents or 3-dimensional evidence.

[4]At its June 1998 meeting, the Judicial Conference Committee on Automation and Technology requested that the AOUSC develop and propose a plan for long-term implementation of court-room technologies and approved an interim funding policy that will permit a limited amount of courtroom technologies to be installed, particularly in courtrooms undergoing construction or major renovation. A 1996 survey of Federal judges conducted by the AOUSC on courtroom technology indicated that almost two-thirds of the responding judges used the technology or were interested in using it.

Item	Description
Touch Panel	This device is programmed to turn the system on/off and to communicate with most of the components in the system. It is a touch panel that allows the user to switch between input devices and control output displays, e.g, the user can control the image being displayed and the output displays to monitors placed throughout the courtroom (controlling who gets to view what at any given time).
Speaker System	Allows audio output from the system.
Scan Doubler with freeze frame	This device enhances composite, video, or S-Video signals by doubling the number of video lines.
6-in, 1-out stereo audio switcher	This device works with the switcher. When the input is changed, so is the audio. This is essential for seamless court presentations.
3500 Series VGA switcher	This device is a high performance, high quality analog switcher, designed to accept high resolution video signals from multiple sources and switch them to a single display device.
Distribution amplifier	This device allows the defense and prosecution the ability to use the monitor in front of them for local computer view or court view with the switch of a button.
Video switcher	This is a high resolution video switcher, designed to provide the various court participants in a trial video images of the courtroom presentation. Each monitor can be turned on and of on demand.
Monitors	Monitors will be purchased for use in conducting dress rehearsals prior to trial and for training. We anticipate leasing monitors for use outside of the Washington, D.C. area because they do not ship well.

Item	Description
Barcode Reader	This device, when combined with the use of a bar code for each page of evidence, allows the user to select any page of evidence at random without having to access the evidence file first, in order to enhance the courtroom presentation process.
Video distribution amplifier	This device is used to distribute video signals to up to 6 additional monitors, when needed. The devices connected to this unit are not separately controllable.
Shippable cases	Cases are needed for each set of equipment in order to allow them to be shipped to the Dallas office for training and trial preparation.
Cables and connectors	Various connectors and cables are required to attach the different components/devices. Different lengths and types of cables are used in order to meet varied courtroom requirements.

The configuration described above is the Courtroom Presentation System developed by the United States Attorneys. For planning purposes, it was selected because we believe that it will meet the Tax Division's needs based on the experience the United States Attorneys have had in presenting white collar crime and complex fraud cases to juries and because it is less expensive then systems provided by companies such as DOAR Communications, Inc., which cost up to $60,000 each. It is our intention to refine this configuration as part of the pilot project during FY 2000.

3. Contractor Support

The Tax Division's Office of Management and Administration has streamlined its positions as a result of restructuring. It will assist Division personnel in identifying the appropriate utilization of computer technology, selecting the appropriate devices for communicating the information and its analysis to a jury, and performing inherently governmental functions such as developing statements of work for contractors, supervising contractors, and acting as the agent of the Federal government in accepting and/or rejecting contractor work products. The $500,000 requested will allow the Division to utilize a small corps (3-5) of contract litigation support specialists and computer

programmers to assist Division personnel on an on-going basis, as well as for large cases. They will customize COTS applications for use in Tax Division cases, assist in scanning documents, in setting up and keying databases, preparing courtroom graphics, and in running courtroom equipment, when needed, for a large number of smaller cases. At the same time, we expect to receive requests for litigation support in 5 or more large cases (ALS cost of $50 - 200,000 each) per year. Because of the cyclical and varied nature of this work, we believe the use of contract personnel will provide the appropriate level of flexibility.

Tax Division
Salaries and Expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	International Compliance Initiative						Abusive Trust Initiative				Automated Litigation Support		Grand Total	
	Federal Appeals		Criminal Prosecution		Civil Litigation		Criminal Prosecution		Civil Litigation		Management & Administration			
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Grades														
GS-13	1	$70	4	$278	2	$138	4	$278	2	$138			13	$902
GS-11							1	44					1	44
Total positions and annual rate	1	70	4	278	2	138	5	322	2	138			14	946
Lapse (-)		(35)	(2)	(139)	(1)	(69)	(2)	(161)	(1)	(69)			(6)	(473)
Other personnel compensation				1		1		1						3
Total workyears and personnel compensation	1	35	2	140	1	70	3	162	1	69			8	476
Personnel benefits		9		17		19		43		20				128
Travel and transportation		4		18		9		18		9				58
GSA rent														
Other rent		1		4		2		6		2				15
Printing														
Other services		4		12		7		43		18		$750		834
Purchases of goods and services from Government accounts		9		36		17		12		8				87
Operation and Maintenance of Equipment		1		3		1								5
Supplies and materials				3		1		4		1				9
Equipment		12		31		15		57		23		270		408
Total program workyears and obligations changes requested, 1998	1	$75	2	$284	1	$141	3	$350	1	$150		$1,020	8	$2,020

Tax Division
Salaries and Expenses, General Legal Activities
2001 Priority Rankings

Base Program

Program	Ranking
Criminal Prosecution	1
Federal Appeals	2
Civil Litigation	3
Management and Administration	4

Program Increases

Program	Initiative	Ranking	Item	Ranking
Federal Appeals Criminal Prosecution Civil Litigation	International Compliance Initiative	1	Litigation of Tax Cases	1
Criminal Prosecution Civil Litigation	Abusive Trust Initiative	2	Litigation of Tax Cases	2
Management and Administration	Automated Litigation Support	3	Trial Preparation Court Room Presentation	3 4

Tax Division
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
FY 1999 - 2001

Category	1999 Authorized	1999 Reimbursable	2000 Authorized	2000 Reimbursable	2001 Program Increases	2001 Total Authorized	2001 Total Reimbursable
Attorneys (905)	360	12	360	10	13	373	10
Paralegal Specialists (950)	39	...	39	...	1	40	...
Other Legal and Kindred (900-998)	57	2	57	2	...	57	2
Gen. Admin. Clerical and Office Services (300-399)	121	...	121	...	...	121	...
Accounting and Budget (500-599)	9	...	9	...	...	9	...
Total	**586**	**14**	**586**	**12**	**14**	**600**	**12**
Washington, D.C.	556	14	556	...	14	570	...
U.S. Field /1	30	...	30	...	...	30	...
Total	**586**	**14**	**586**	**12**	**14**	**600**	**12**

/1 Includes only Southwestern Civil Trial Section, in Dallas, Texas, which is a permanent field office

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Attorney and Support Positions/Workyears
FY 2000 - 2001

Appropriated Positions

	2000 Appropriation Anticipated						2001 Program Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
Decision Unit	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appeals	53	49	17	17	70	66	1	1	...	...	1	1	54	50	17	17	71	67
Criminal Prosecution	95	92	31	30	126	122	8	4	1	1	9	5	103	96	32	31	135	127
Civil Litigation	200	189	104	105	304	294	4	2	...	...	4	2	204	191	104	105	308	296
Management and Administration	12	11	74	70	86	81	...	...	...	...	...	...	12	11	74	70	86	81
TOTAL	360	341	226	222	586	563	13	7	1	1	14	8	373	348	227	223	600	571

Reimbursable Positions

	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	TE /1
Federal Appeals	...	...	..	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...
Criminal Prosecution	12	10	2	2	14	12	...	...	...	...	...	...	12	10	2	2	14	12
Civil Litigation		...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	12	10	2	2	14	12	...	...	...	...	...	...	12	10	2	2	14	12

Total Positions Requested

	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appeals	53	49	17	17	70	66	1	1	...	...	1	1	54	50	17	17	71	67
Criminal Prosecution	107	102	33	32	140	134	8	4	1	1	9	5	115	106	34	33	149	139
Civil Litigation	200	189	104	105	304	294	4	2	...	...	4	2	204	191	104	105	308	296
Management and Administration	12	11	74	70	86	81	...	...	...	...	...	...	12	11	74	70	86	81
TOTAL	372	351	228	224	600	575	13	7	1	1	14	8	385	358	229	225	614	583

/1 The increase of twelve positions from 2000 level reflects the cancellation of the transfer of twelve ICDE positions to Tax Divisions regular appropriation.

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Tax Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual Pos. & WY	1999 Actual Amount	2000 Appropriation Availability Pos. & WY	2000 Appropriation Availability Amount	2001 Request Pos. & WY	2001 Request Amount	Increase/Decrease Pos. & WY	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1		...	
ES-5 $130,200	1		1		1		...	
ES-4 $130,200	16		16		16		...	
ES-2 $121,264	3		3		3		...	
ES-1 $115,811	2		2		2		...	
GS-15 $84,638-110,028	259		259		259		...	
GS-14 $71,954-93,537	67		67		67		...	
GS-13 $60,890-79,155	52		52		65		13	
GS-12 $51,204-66,564	15		15		15		...	
GS-11 $42,724-55,541	42		42		43		1	
GS-10 $38,885-50,554	2		2		2		...	
GS-9 $35,310-45,900	41		41		41		...	
GS-8 $31,968-41,557	64		64		64		...	
GS-7 $28,866-37,522	17		17		17		...	
GS-6 $25,976-33,768	2		2		2		...	
GS-5 $23,304-30,292	2		2		2		...	
Ungraded positions	...		...		...		...	
TOTAL, APPROPRIATED POSITIONS	**586**		**586**		**600**		**14**	
Average ES Salary		$121,635		$127,673		$130,200		
Average GS/GM Salary		$65,824		$68,983		$69,887		
Average GS/GM Grade		13.05		13.07		12.76		

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual 1/ FTE	1999 Actual 1/ Amount	2000 Appropriation Availability 2/ FTE	2000 Appropriation Availability 2/ Amount	2001 Request FTE	2001 Request Amount	Increase/Decrease FTE	Increase/Decrease Amount
11.1 Full-time permanent	533	$37,708	543	$39,476	551	$41,959	8	$2,483
11.3 Other than full-time permanent	20	903	20	947	20	1,004	...	57
11.5 Other personnel compensation	2	382	2	434	2	452	...	18
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	**555**	**$38,993**	**565**	**$40,857**	**573**	**$43,415**	**8**	**$2,558**
Reimbursable workyears:								
Full-time permanent	[12]		[12]		[12]		...	
Other than permanent								
Other object classes:								
12 Personnel benefits		$8,345		$8,930		$9,884		$954
13 Benefits to former personnel		32		5		5		...
21 Travel and transportation of persons		2,530		2,462		2,553		91
22 Transportation of things		505		544		561		17
23.1 GSA rent		6,941		6,954		7,614		660
23.2 Rental Payments to Others		0		262		262		
23.3 Communications, utilities and miscellaneous charges		1,279		1,263		1,278		15
24 Printing and reproduction		87		227		33		(194)
25.1 Advisory and Assistance Services		...		...		...		
25.2 Other services		3,583		4,762		4,135		(627)
25.3 Purchases of goods and services from Government accounts		1,024		1,345		1,542		197
25.7 Operation and maintenance of equipment		315		155		166		11
26 Supplies and materials		689		611		632		21
31 Equipment		1,310		517		931		414
TOTAL OBLIGATIONS	**555**	**$65,633**	**565**	**$68,894**	**573**	**$73,011**	**8**	**$4,117**

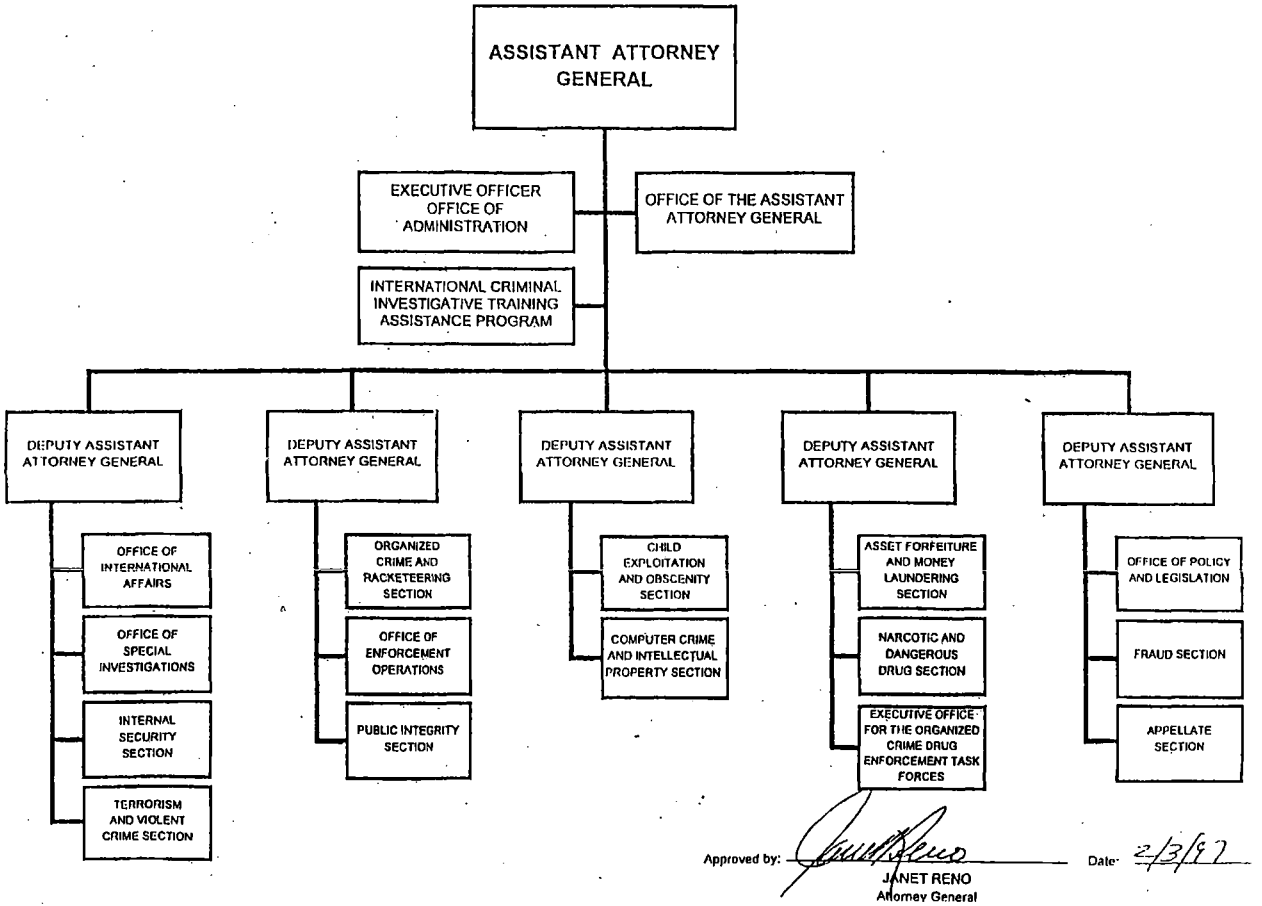
1/ Includes one-time transfer of Y2K.
2/ Includes unobligated no year balances carried forward from 1999

CRIMINAL DIVISION
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
BUDGET REQUEST TO CONGRESS FOR FISCAL YEAR 2001

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CRIMINAL DIVISION



Approved by: _____ Date: 2/3/97

JANET RENO
Attorney General

The Criminal Division is requesting a total of 818 permanent positions, 823 workyears, and $113,959,000 in its Salaries and Expenses appropriation for fiscal year 2001. This request represents an increase of $9,482,000 (includes adjustment to base and annualizations) over the appropriated amount of $104,477,000 for FY 2000. The Division's total requested program increases for FY 2001 (36 positions, 21 workyears, and $3,159,000) would expand resources in certain areas to meet emerging priorities identified by the Administration and the Attorney General.

SUMMARY STATEMENT AND PERFORMANCE PLAN

The Criminal Division FY 2001 Budget Request and Performance Plan directly support the Division's mission and the priorities, goals and strategic approaches that are included in the Department of Justice's (DOJ) Strategic Plan, FY 1997-2002. The Performance Plan and the corresponding Government Performance and Results Act (GPRA) workload exhibits are included as an instrument for measuring program performance against established goals. The Criminal Division continues to define and identify outcome-related performance results as a means of being more accountable and continuing to improve upon the Division's overall effective use of requested resources.

A. Criminal Division Mission and Goals and Relationship to DOJ Strategic Plan

The Criminal Division's mission is to develop, enforce, and exercise general oversight for federal criminal laws, except those that are specifically assigned to other Divisions. The Division oversees criminal matters under more than 900 statutes; supervises certain civil litigation; advises the Attorney General on matters concerning criminal law; monitors sensitive criminal law areas requiring coordination, such as attorney subpoenas, attorney fee forfeitures, and international law enforcement; establishes and facilitates implementation of criminal law enforcement policy; provides leadership for coordinating federal-state-local law enforcement relationships; and coordinates law enforcement issues relating to national security.

The first concise mission statement for the Division appears in a message from the President of the United States transmitting a manuscript entitled, "Origin and Development of the Office of the Attorney General" to the House of Representatives in 1929. In the manuscript, President Coolidge writes:

"An Assistant Attorney General has charge of a Division which operates in connection with the enforcement of criminal laws of the country by giving direction, where necessary, to the prosecution of cases involving crimes against the United States and to all the other matters involving criminal practice and procedure, such as questions pertaining to indictments, grand juries, search warrants, passports, alien enemies, extraditions, etc. Under the Division also come questions arising in connection with crimes committed on the high seas, crimes arising under the national banking law, and under naturalization laws, and from which is given, when necessary, advice and instruction to United States Attorneys in various districts respecting the conduct of criminal cases."

There have been any number of expansions of the Division's responsibilities since 1929. While the basic mission remains unchanged, the scope has broadened to encompass national security law enforcement issues that have taken us into the arena of international affairs.

The resources being requested by the Criminal Division for FY 2001 will be used to achieve its goals which are in conformance with DOJ's Strategic Plan 1997-2002. Criminal Division's goals directly support the Department's Core Functions and Strategic Plan Goals as shown below.

DOJ Core Function 1: Investigation and Prosecution of Criminal Offenses.

DOJ Strategic Plan Goal 1.1: Reduce violent crime, including organized crime and gang-related violence.
DOJ Strategic Plan Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.
DOJ Strategic Plan Goal 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions).
DOJ Strategic Plan Goal 1.4: Reduce white-collar crime, including public corruption.
DOJ Strategic Plan Goal 1.5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, state and local agencies that are critically linked to improve operation of the Nation's justice system.

B. FY 2001 Annual Performance Plan

The Criminal Division is proposing an FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals, organized around the Department of Justice's Strategic Plan 1997-2002, will establish a baseline from which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA).

CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses		
DOJ Strategic Plan Goal	**CRM's Performance Goals**	**CRM's Performance Indicators**
Goal 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.	Fully utilize asset forfeiture and money-laundering statutes in investigations and prosecutions of organized crime to disrupt and dismantle these organizations by attacking their financial underpinnings and denying them the profits of their crimes.	▸ Number of cases (sole/shared) litigated.
	Increase efforts against those who commit sexual exploitation offenses against children, including those who traffic in child pornography.	▸ Number of agents and prosecutors trained to conduct investigations.
	Investigate and prosecute known LCN members engaged in racketeering activity through aggressive use of wiretaps and cooperating witnesses. Continue to disrupt operations of LCN crime families through investigation and prosecution of LCN leadership.	▸ Number of cases and matters related to the reduction in LCN membership.
	Devise national investigative and prosecution strategies targeting the most significant non-traditional organized crime groups operating in the United States, including Asian and Russian criminal groups. Coordinate investigations and prosecutions of major non-traditional organized crime group figures.	▸ Number of non- LCN Strike Force cases opened.
	Provide assistance to USAOs nationwide in vigorously prosecuting violent crime cases.	▸ Number of violent crime prosecutions and investigations.
	Train federal prosecutors and agents about the use of various federal offenses particularly suited to combating violent crime.	▸ Number of training seminars and topics taught.

CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses		
DOJ Strategic Plan Goal	**CRM's Performance Goals**	**CRM's Performance Indicators**
Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.	Fully utilize asset forfeiture and money-laundering statutes in investigations and prosecutions of drug-trafficking organizations to disrupt and dismantle these organizations by attacking their financial underpinnings and denying them the profits of their crimes.	▸ Number of cases (sole/shared) litigated.
	Identify, disrupt and dismantle drug trafficking organizations which are international, multi-jurisdictional, or have an identified local impact.	▸ Number of nationally coordinated investigations that lead to the disruption and dismantling of drug trafficking organizations. ▸ Indictments obtained in OCDETF-level cases. ▸ Convictions obtained in OCDETF-level cases.
	Incorporate and coordinate domestic and foreign strategic investigative and intelligence information from all sources (including the law enforcement agencies, intelligence community, and financial databases).	▸ Number of drug trafficking organizations identified by SOD.
	Provide training and technical assistance to foreign counterparts.	▸ Number of foreign governments assisted with drafting appropriate counterdrug legislation, and extent to which they are assisted. ▸ Number of foreign counterdrug investigations, prosecutors, judges and legislators trained.
	Support cohesive, multilateral pressure against governments that fail to take sufficient action to combat international drug trafficking.	▸ Participation in the OAS/CICAD and U.S. inter-agency effort to develop multilateral counterdrug monitoring and evaluation program for the Hemisphere.

DOJ Strategic Plan Goal	CRM's Performance Goals	CRM's Performance Indicators
Goal 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens or institutions).	Fully utilize asset forfeiture and money-laundering statutes in investigations and prosecutions of espionage and terrorist activities to disrupt and dismantle these groups by attacking their financial underpinnings and denying them the profits of their crimes.	▸ Number of cases (sole/shared) litigated.
	Continue the high rate of success in the investigation and prosecution of espionage cases.	▸ Conviction rate of espionage cases.
	Continue efforts to enhance coordination and communication in national security cases between the Division and the intelligence community, to include the agencies and offices directly engaged in counterintelligence activities and investigations.	▸ Number of cases in which the Classified Information Procedures Act was successfully employed.
	Continue to participate in training seminars for agents and prosecutors on national security investigations and prosecutions.	▸ Number of training sessions conducted.
	Coordinate nationwide federal criminal investigations and prosecutions of terrorist financing activities.	▸ Number of terrorist fundraising investigations coordinated/ participated in.
	Work with the FBI and US Attorneys Offices to identify and thwart individuals and groups engaged in domestic terrorist activity, thereby deterring terrorism, enhance statutory tools to combat terrorism, and train prosecutors in terrorism response.	▸ Number of exercises and training sessions participated in.
	Aggressively investigate and prosecute terrorist acts directed against American nationals and interests at home and overseas, and also support and assist investigations and prosecutions by foreign law enforcement authorities for such acts committed against Americans extraterritorially.	▸ Number of foreign terrorist act investigations and prosecutions conducted. ▸ Number of domestic terrorist act investigations and prosecutions conducted and supported.
	Further the capabilities to coordinate and respond to cyber and physical threats to the Nation's critical infrastructure, including interagency cooperation with the Dept. of Defense and other responsible federal agencies. Continue to identify and eliminate key infrastructure vulnerabilities and improve investigations and protection through training and disseminating information and tools.	▸ Number of cases/matters handled.

CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses		
DOJ Strategic Plan Goal	**CRM's Performance Goals**	**CRM's Performance Indicators**
Goal 1.4: Reduce white-collar crime, including public corruption and fraud.	Fully utilize asset forfeiture and money-laundering statutes in investigations and prosecutions of white-collar crimes to disrupt and dismantle these criminal enterprises by attacking their financial underpinnings and denying them the profits of their crimes.	▸ Number of cases (sole/shared) litigated.
	Continue to increase the capability of the FBI to acquire, examine and present computer evidence in online pornography cases and enhance the capability of the United States Attorney Offices to investigate and prosecute these cases.	▸ Number of agents and prosecutors trained to conduct investigations relating to online pornography.
	Continue efforts to further develop capacity to respond to cyber-attacks, computer thefts and intrusions affecting consumers, businesses and government in order to keep pace with and successfully investigate and prosecute the new breed of high-tech criminals.	▸ Number of agents and prosecutors trained to conduct advanced computer fraud investigations relating to both federal crimes and national security.
	Work with other federal agencies to continue to identify and target fraud schemes, such as financial institution, health care, and Internet fraud by successfully prosecuting and obtaining judgments and settlements.	▸ Number of indictments and convictions in white collar crime.
	Continue to place the utmost emphasis on the investigation and prosecution of illegal exports, re-exports and diversions of U.S. controlled weapons and strategic dual use goods and technologies, and on the enforcement of the various embargoes imposed under the International Emergency Economic Powers Act and its predecessor, the Trading with the Enemy Act.	▸ Conviction rate in export cases.
	Where necessary and appropriate, work with the relevant investigative and export licensing agencies in the development of export enforcement policy, and continue to participate in training seminars and conferences designed to educate federal agents and prosecutors about the conduct of export investigations and prosecutions.	▸ Number of training sessions conducted.
	Select appropriate cases involving federal, state, or local government corruption for investigation and, if warranted, prosecution.	▸ Appropriate handling of corruption investigations and prosecutions as reflected in the number of matters and cases.
	Encourage recognition of public corruption as a Department priority, and encourage Department-wide notice of availability of headquarters assistance on corruption cases.	▸ Participation in shared corruption cases jointly handled with USAOs when requested by USA.
	Encourage and participate in training events for federal prosecutors and investigators addressing corruption statutes, investigative techniques, and litigation issues.	▸ Number of lectures to federal, state, or local prosecutors and law enforcement agents

CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses		
DOJ Strategic Plan Goal	**CRM's Performance Goals**	**CRM's Performance Indicators**
Goal 1.5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, state and local agencies that are critically linked to improved operation of the Nation's justice system.	Foster cooperation with federal, state, and local law enforcement agencies to maximize the use of asset forfeiture and anti-money laundering activities as a means to disrupt and dismantle criminal enterprises.	▸ Number of state and local law enforcement agencies provided technical advice on asset forfeiture. ▸ Number of state and local law enforcement agencies that participate in the Equitable Sharing Program. ▸ Number of equitable sharing cases reviewed.
	Ensure that the monies and properties, recovered from criminals engaged in criminal activities, belonging to innocent victims are returned to the victims.	▸ Number of victims' petitions for remissions processed.
	Work bilaterally and multilaterally with foreign governments to actively encourage foreign countries to ratify treaties, implement laws, and international cooperative agreements to deny safe havens to criminals, as well as the proceeds of their crimes.	▸ Number of foreign countries receiving drafting assistance with asset forfeiture and money laundering legislation and regulations. ▸ Number of foreign countries that have transferred forfeited assets to the U.S.
	Provide asset forfeiture and anti-money laundering training and training to domestic and foreign prosecutors, investigators, regulators, legislators, and judges to cultivate the expertise needed to successfully investigate and prosecute money laundering and asset forfeiture statutes.	▸ Number of domestic and foreign prosecutors, investigators, legislators and judges trained on asset forfeiture and money laundering issues. ▸ Number of money laundering and asset forfeiture publications distributed.
	Continue to work with the Internet Crimes Against Children Task Forces staffed by State and local law enforcement to investigate these crimes. Continue to work with other agencies and international law enforcement to combat crimes against children on an international level.	▸ Coordination and participation in international meetings related to combating crimes against children.
	Continue to participate in the policy and legislative development process, both domestically and internationally, to enhance investigative and prosecutorial responses in child exploitation and trafficking cases.	▸ Participation in drafting process of international agreements and protocols related to trafficking of women and children.
	Revise current and negotiate new bilateral and multilateral agreements with countries where crucial to furthering U.S. interests in extradition and mutual legal assistance.	▸ Number of new extradition treaties with other countries entering into force, with a view toward the extradition of nationals. ▸ Number of new mutual legal assistance treaties with other countries entering into force.
	Assist federal, state and local efforts to develop and implement programs and activities to reduce drug-related crime and violence.	▸ Number of training presentations (federal, state and local).
	Vigorously work to denaturalize and remove (deport) participants in World War II war crimes/crimes against humanity	▸ Number of prosecutions and investigations. ▸ Number of cases filed. ▸ Number of persons who lost citizenship. ▸ Number of persons removed.

	Work to ensure the exclusion of people who have been involved in the perpetration of World War II War Crimes/Crimes against. Humanity from immigration into the United States	▸ Number of people excluded from immigration to the US that have been involved in War Crimes.
	Work with the State Department, Office of Government Ethics, and other federal agencies and DOJ components on corruption issues of concern at the international level.	▸ Participation in international conferences, proceedings, and related meetings and negotiations addressing public corruption issues.
	Work with the President's Council on Integrity and Efficiency and its Integrity Committee on the handling of allegations of wrongdoing by IGs and their senior staff.	▸ Appropriate resolution of allegations as reflected in the number of matters and cases.
	Lecture to visiting foreign officials at the request of the State Department or other federal agencies or DOJ components on U.S. laws addressing public corruption.	▸ Number of addresses to foreign officials on U.S. laws addressing public corruption.
	Lecture to state and local election officials on the federal laws addressing election crimes and the election process.	▸ Number of addresses to state and local election officials.
	Review and make recommendation to authorizing official as to legality and appropriateness of requests from USAOs and federal law enforcement agencies to use court-authorized electronic surveillance.	▸ Electronic Surveillance Originals reviewed. ▸ Electronic Surveillance Extensions reviewed.
	Review applications involving federal (and occasionally state) investigations for witnesses to enter the Federal Witness Security Program (WSP). Coordinate all government agencies' involvement in WSP. Coordinate the Division's overall victim-witness efforts with other Department components.	▸ Witness security applications. ▸ Witnesses & family members placed in WSP. ▸ Witnesses authorized into WSP.
	Serve as liaison among all government agencies — often including both foreign and state government agencies — with an interest in specific prisoner transfers.	▸ Prisoner transfer requests reviewed. ▸ Prisoner transfers authorized. ▸ Prisoners transferred.
	Register entities as required by the Gambling Devices Act of 1962.	▸ Gambling registrations processed.
	Coordinate the Division's responses to requests for disclosure under the Freedom of Information and Privacy Acts.	▸ FOIA matters pending, received, and closed.
	Process S-Visa requests and coordinate with other law enforcement agencies in securing S-Visa legal resident status for cooperating witnesses.	▸ S-Visas requests processed.
	Coordinate with other DOJ components in obtaining tax disclosures, courtroom closures, and press subpoenas.	▸ Requests for Tax Disclosures, Courtroom Closures, and Press Subpoenas Reviewed.
	Coordinate with USAOs and other DOJ components in obtaining immunities for witnesses for trial and grand jury proceedings .	▸ Witness Immunities Issued.

1999 Performance Report

Overall, the Division met or exceeded its projected performance outcomes for FY 1999. Listed below is a sampling of some of the Division's major accomplishments. In FY 1999, the Division:

- Continued to combat computer crime and protect the National Information Infrastructure through efforts such as the new Cybercitizen Partnership, the Intellectual Property Rights Initiative, and enforcement of the Economic Espionage Act.

- Served as the central point of contact for Federal, state and local law enforcement, government entities, and industry for support and expert technical advice on issues relating to computer crime.

- Continued to work with Federal, state and local law enforcement to identify, deter, and respond aggressively to domestic and international terrorist activity. The Division played a leading role in the development of the Administration's Five-Year Interagency Counterterrorism and Technology Crime Plan and played a leading role in the U.S. efforts to disrupt terrorist financing.

- Worked to reduce white collar crime, including: coordinating several multi-district health care provider cases throughout the country, investigating and obtaining indictments related to bribery allegations in connection with Salt Lake City's bid for the Winter Olympics, and handling cases to combat corruption throughout all levels of government.

- Worked to decrease the amount of trafficking in online pornography on the Internet and other online services by providing training for law enforcement, working with Internet Service Providers to facilitate cooperation, and increasing training and coordination with international partners to stem the flow of exploitation materials.

- Continued to work to reduce the availability of illegal drugs by prosecuting cases and providing legal support to field components, supporting the Southwest Border Initiative by prosecuting cases along the Southwest Border, and working to improve international narcotics enforcement efforts, including those in Colombia.

- Continued to attack major organized crime groups including La Cosa Nostra and Russian and Asian organized crime syndicates.

- Worked with the State Department on bring new extradition and mutual legal assistance treaties into force and to negotiate several new multi-lateral initiatives.

- Continued efforts to identify, prosecute, and denaturalize/deport alleged war criminals residing in the United States. The Division also served as DOJ's representative to the Nazi War Crimes Disclosure Act Interagency Working Group that is working to identify,

locate, and make public all classified records pertaining to suspected Nazi war criminals and persecutors or to the misappropriated assets of victims of Nazi persecution.

- Presented numerous successful cases to the courts of appeals and drafted many successful merit briefs in the Supreme Court.

- Provided support to many litigation efforts where asset forfeiture and money laundering laws were successfully used. Led the Department's efforts in the development of the first National Money Laundering Strategy. Continued efforts to pursue the forfeiture of assets abroad, providing training in asset forfeiture and money laundering to law enforcement personnel, and administered the Equitable Sharing Program.

- Performed the Division's Title III review function, administered the S-Visa program, administered the prisoner transfer program and provided a myriad of legal support functions for Federal, state and local law enforcement entities.

Additional accomplishments and more details regarding the following achievements are included in the Accomplishments Section for each Section/Office later in the budget submission.

Of the over 100 measures the Division presented in its budget submission, only an insignificant number of targets were not met. For those areas that did not meet their targets, none represent a departure from the Division's law enforcement goals or plans. For example, the Division projected that 10 State Computer Telecommunications Coordinators (CTCs) would be in place in FY 1999. The actual number of State CTCs in place in FY 1999 was only 2. While the Division did not meets its target for this program, the Department continues to promote this program; in fact the Attorney General recently called for the establishment of a 50-State CTC network, and the Department expects more State CTCs to be established in FY 2000.

For the estimates not met, most are a result of extenuating factors or the fact that actual results did not meet the exact numerical target, but are consistent with the target number set. The Division is not making radical changes to programs where targets were not met, but continues to refine its ability to accurately define and measure performance outcomes for the future. For example, the Division projected that by the end of FY 1999, a cumulative total of 16,709 witnesses and family members would be placed in the Witness Security Program. By the end of FY 1999, the actual number of witnesses and family members placed into the program was 15,976. While the actual figure is not exactly as high as the estimate, it is very consistent with the general estimate. It is difficult to predict the number of requests for program services as the Division is reactive to the needs of the law enforcement community. Based on the fact that this figure is consistent with the estimate provided, the Division does not see this as a problem and does not plan to revise future year estimates. In addition, some indicators presented in 1999 are no longer tracked by the Criminal Division as they are being reported on by other DOJ components.

1999 Actual					
Department of Justice FY 2000 Summary Performance Plan Fiscal Years 1998 and 1999 Performance Report, Fiscal Years 2000 and 2001 Planned Performance					
CORE FUNCTION 1: INVESTIGATION AND PROSECUTION OF CRIMINAL OFFENSES					
Key Summary Level Indicators		1998 Actual	1999 Actual	2000 Planned	2001 Planned
1.3.3	Total number of U.S. Attorneys Offices with crisis response plans. (CRM, USAs)	10	20	60	75
1.5.1	Number of new extradition treaties with other countries entering into force, with a view toward the extradition of nationals. (CRM)	1	4	8	4
1.5.2	Number of new mutual legal assistance treaties with other countries entering into force. (CRM)	1	8	10	4

Data Validation and Verification Issues

The Criminal Division recognizes the importance of valid data for the purposes of complying with the requirements in the Government Performance and Results Act (GPRA). At present, the Division employs both electronic case tracking systems and manual systems to report workload statistics. To ensure more complete and accurate data, this process will be automated with the completion of the Division's case tracking system. Currently, GPRA statistics are reviewed three times a year for accuracy by the Division's Section/Office management. Enhancements in these areas are supported by national strategies and by rising workload in the Division Sections involved in the initiatives. As in the FY 2000 submission, this request recognizes and strengthens interconnectivity among the Sections of the Division. This approach was also extended to other components of the Department.

C. Major New FY 2001 Initiatives

The Criminal Division's total requested program increases (36 positions, 21 FTE and $3,159,000) support four of the Attorney General's FY 2001 cross-cutting initiatives that were identified and developed within the Department this spring. Presented below in order of priority is a brief overview of these initiatives. A more detailed explanation and justification follows in section VI: Program Changes and Justifications.

Initiative	Positions	Attorneys	Workyears	Amount
Strategic Drug Enforcement	5	3	3	$389,000
International Crime	14	7	8	$1,197,000
Counterterrorism	11	6	6	$888,000
Protecting Communities	6	4	4	$685,000
Total	**36**	**20**	**21**	**$3,159,000**

Strategic Drug Enforcement: In order to maintain our focus on the war on drugs, the Division is requesting 5 positions, 3 FTE, and $389,000. These additional resources will enable the Division to maintain a comprehensive approach to support the Department's strategic drug enforcement priorities, especially the expansion of the Special Operations Division (SOD) effort. These positions are critical for the Division to keep pace with the expansion of drug trafficking in this nation and abroad.

This request directly relates to the DOJ Strategic Plan, CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses: Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts and Strategic Plan Goal 1.5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, state and local agencies that are critically linked to improve operation of the Nation's justice system.

International Crime: The Division's FY 2001 international crime initiative consists of a request for 14 positions, 8 workyears, and $1,197,000. These resources will be directed toward coordinating an effective, long-term attack on international crime. With these additional resources, the Division will bolster its international analysis and training and provide the capacity to

deliver the training funded by the State Department efficiently and effectively.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses: Strategic Plan Goal 1.1: Reduce violent crime, including organized crime and gang-related violence; Strategic Plan Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts; Strategic Plan Goal 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions); Strategic Plan Goal 1.4: Reduce white-collar crime, including public corruption.; and Strategic Plan Goal 1.5: Coordinate and integrate law enforcement activities wherever possible, and cooperate fully with other federal, state and local agencies that are critically linked to improve operation of the Nation's justice system.

Counterterrorism: This request, 11 positions, 6 FTE, and $888,000, is to be used to bolster the Division's abilities to combat espionage and terrorism, including cyberterrorism. As a result of emerging computer technology over recent years, significant attention has been, and continues to be, focused on the vulnerability of the critical infrastructure as a result of cybercrime and cyberterrorist attacks. The Division has become a nexus for federal, state, local and foreign agencies seeking guidance on how to develop responses to the threat of cybercrime/cyberterrorism. The additional resources would enable the Division to meet its mission priorities and maintain its leadership role in these efforts.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses: Strategic Goal 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the US and abroad when directed at US citizens or institutions); Strategic Plan Goal 1.4: Reduce white-collar crime, including public corruption; Strategic Plan Goal 1.5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, state and local agencies that are critically linked to improve operation of the Nation's justice system.

Protecting Communities: Two areas related to protecting communities, Indian Country and crimes against children, are addressed in this initiative. The request is for 6 positions, 4 FTE and $685,000. The additional resources would enable the Department to have an effective voice in law enforcement and policy matters in Indian Country. In addition, the Division plays a major role in protecting the children of our Nation. Additional resources are being requested to focus on enforcement efforts against child pornography, trafficking of women and children, and international parental kidnapping. These additional resources also will be focused on enhancing the Short-Term Protection Program.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses: Strategic Goal 1: Reduce violent crime, including organized crime and drug and gang-related violence.

Criminal Division
Salaries and Expenses, General Legal Activities
Crosswalk of 1999 Availability
(Dollars in Thousands)

	1999 Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Crime & Narcotics	106	105	$13,572	...	...	...	...	...	...	...	...	56	106	105	$13,628
White Collar Crime	219	212	26,292	...	...	...	...	...	...			$772	219	212	27,064
International	191	183	25,137	...	...	...	...	...	6,016			2,801	191	183	33,954
[Office of Special Investigations]	[51]	[41]	[5,763]	...	...	...	...	...	...	...	...	...	[51]	[41]	[5,763]
Litigation Support	178	182	22,524	...	...	...	...	...	...			593	178	182	23,117
Management and Administration	98	108	12,807	...	...	22	...	...	200	...	...	108	98	108	13,137
Total	792	790	$100,332	0	0	$22	0	0	$6,216	0	0	$4,330	792	790	$110,900

Approved Reprogramming: The reprogramming reflects $22,000 for guard service.

Transfers Between Accounts: The Division had the following additional funding available for FY 1999:

$200,000 for Year 2000 conversion efforts;
$6,016,000 for international training and assistance of which $5,103,000 is two-year money transferred in the last quarter of FY 99 and available through FY 00.

Unobligated Balance Brought Forward: The Division brought forward $4,330,000 in FY 1999 for the following:

$769,000 to fund additional positions to address cybercrime;
$2,000 for FARA;
$593,000 for Indian country programs;
$2,799,000 for international training and assisstance;
$108,000 for automated litigation support and $3,000 for ADP equipment;
$56,000 from drug "X" account.

Criminal Division
Salaries and Expenses, General Legal Activities
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Reprogrammings			FY 2000 Enacted		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos.	WY	Amount
Organized Crime & Narcotics	112	109	$15,182	(6)	(2)	($1,066)	...	...	...	106	107	$14,116
White Collar Crime	227	227	30,402	(8)	(5)	(2,722)	...	...	...	219	222	27,680
International	197	196	28,670	(6)	(3)	(2,053)	...	...	...	191	193	26,617
[Office of Special Investigations]	[51]	[51]	[7,162]	...	...	[(324)]	...	...	...	[51]	[51]	[6,838]
Litigation Support	188	190	25,087	(10)	(8)	(2,094)	...	...	...	178	182	22,993
Management and Administration	112	122	15,402	(14)	(14)	(2,331)	...	...	...	98	108	13,071
Total.....	836	844	$114,743	(44)	(32)	($10,266)	0	0	$0	792	812	$104,477

2000 President's Request

The Division requested (a) 13 positions (9 attorneys), 9 workyears and $1,760,000 to augment the Division's cybercrime/cyberterrorism programs and (b) 13 positions (9 attorneys), 5 workyears, and $1,130,000 to supports its narcotics programs. The President's Budget also included a proposed transfer of 18 positions and $2,404,000 consistent with the Department's proposal to transfer resources from the centralized Organized Crime Drug Enforcement Task Forces (OCDETF) account to participating Departmental components.

Congressional Appropriation Action on FY 2000 Request

Congress denied program increases (a) and (b) above. Congress denied the Department's request to transfer OCDETF resources to components. Congress reduced the Division's base funding by $4,972,000 for FY 2000.

Reprogrammings

There are no reprogrammings pending for the Division.

Criminal Division
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base:	Perm. Pos.	WY	Amount
2000 Enacted	792	812	$104,477
2000 Availability	792	812	104,477
Adustment-to-base Increases:			
2001 Pay Raise			2,486
Annualization of 2000 Pay Raise			1,070
Within-grade Increases (WIGI)			541
CSRS Employees FERS Retirement System			55
Federal Health Insurance Premiums			255
GSA Rent			911
Lease expirations			33
Accident Compensation			188
ICASS Cost			252
Travel Management Centers Contract Fees			72
General Pricing Level Adjustments			453
National Archives and Records Projections			7
Total, increases	0	0	6,323
Adjustments-to-base Decreases:			
Position/FTE Adjustment	-10	-10	
Total, decreases	-10	-10	0
2001 Base	782	802	110,800
Program Changes (See Program Narrative for Details)	36	21	3,159
2001 Request	818	823	$113,959

	FY 1999 Availability*			1999 Actual			2000 Enacted			2001 Base			2001 Estimate			Increases/Decreases		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Criminal Matters																		
Organized Crime & Narcotics	106	105	$13,628	106	98	$13,380	106	107	$14,116	106	107	$14,970	106	107	$14,970	0	0	$0
White Collar Crime	219	212	27,064	219	197	26,680	219	222	27,680	209	212	29,356	218	217	30,188	9	5	832
International	191	183	33,954	191	171	27,645	191	193	26,617	191	193	28,227	207	202	29,760	16	9	1,533
[Office of Special Investigations]	[51]	[41]	[5,763]	[51]	[41]	[5,681]	[51]	[51]	[6,838]	[51]	[51]	[7,252]	[51]	[51]	[7,252]	[0]	[0]	[0]
Litigation Support	178	182	23,117	178	170	22,734	178	182	22,993	178	182	24,384	189	189	25,178	11	7	794
Management and Administration	98	108	13,137	98	101	12,909	98	108	13,071	98	108	13,863	98	108	13,863	0	0	0
Total	792	790	$110,900	792	737	$103,348	792	812	$104,477	782	802	$110,800	818	823	$113,959	36	21	$3,159
Reimbursable Workyears		96			96			96			86			86				
Total Workyears		886			833			908			888			909				

* FY 99 Availability includes $6,016,000 for international training and assistance of which $5,103,000 is two-year money transferred in the last quarter of FY 99 and available through FY 00.

Criminal Division
Salaries and Expenses, General Legal Activities
Summary of Resources by Program
(Dollars in Thousands)

	FY 1999 Availability *			1999 Actual			2000 Enacted			2001 Base			2001 Request			Increases/Decreases		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Criminal Matters																		
Organized Crime & Narcotics	106	105	$13,628	106	98	$13,380	106	107	$14,116	106	107	$14,970	106	107	$14,970	0	0	$0
White Collar Crime	219	212	27,064	219	197	26,680	219	222	27,680	209	212	29,356	218	217	30,188	9	5	832
International	191	183	33,954	191	171	27,645	191	193	26,617	191	193	28,227	207	202	29,760	16	9	1,533
[Office of Special Investigations]	[51]	[41]	[5,763]	[51]	[41]	[5,681]	[51]	[51]	[6,838]	[51]	[51]	[7,252]	[51]	[51]	[7,252]	[0]	[0]	[0]
Litigation Support	178	182	23,117	178	170	22,734	178	182	22,993	178	182	24,384	189	189	25,178	11	7	794
Management and Administration	98	108	13,137	98	101	12,909	98	108	13,071	98	108	13,863	98	108	13,863	0	0	0
Total	792	790	$110,900	792	737	$103,348	792	812	$104,477	782	802	$110,800	818	823	$113,959	36	21	$3,159
Reimbursable Workyears		96			96			96			86			86			0	
Total Compensable Workyears		886			833			908			888			909			21	
Other Workyears Overtime		2			2			2			2			2			0	
		888			835			910			890			911			21	

* FY 99 Availability includes $6,016,000 for international training and assistance of which $5,103,000 is two-year money transferred in the last quarter of FY 99 and available through FY 00.

Criminal Division
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
U.S. Department of State	...	52	$19,742	...	52	$21,402	...	47	$21,410	...	...	$8
U.S. Agency for International Development (USAID)	...	26	19,427	...	26	21,206	...	21	21,206	...	...	...
Interagency Crime and Drug Enforcement (ICDE)	...	18	3,026	...	18	2,404	...	18	2,500	...	...	96
Foreign Agents Registration Act (FARA) Fees	...	...	497	...	...	497	...	...	497	...	...	...
All Other Reimbursable Resources	...	...	43,079	...	...	1,057	...	...	1,099	...	...	42
Budgetary Resources	...	96	$85,771	...	96	$46,566	...	86	$46,712	...	...	$146

	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Crime & Narcotics	...	...	$2	...	...	...	...	...	...	...	...	$0
White Collar Crime	...	...	811	...	...	$700	...	...	$728	...	...	28
International	...	78	39,554	...	78	43,048	...	68	43,053	...	...	5
[Office of Special Investigations]	...	...	...	...	...	...	...	...	...	...	...	...
Litigation Support	...	6	778	...	6	809	...	6	842	...	...	33
Management and Administration	...	12	44,626	...	12	2,009	...	12	2,089	...	...	80
Total	...	96	$85,771	...	96	$46,566	...	86	$46,712	...	...	$146

Program Changes and Justification

"We must continue to do all that we can to protect our families and children from dangerous criminals."

Attorney General Janet Reno
Remarks at the National Law Enforcement
Officers Memorial Candlelight Vigil
May 13, 1999

Protection of families and children is a common theme for the Criminal Division's FY 2001 budget request. The initiatives included are closely aligned with priorities articulated in recently released national strategies such as the International Crime Control Strategy published in 1998, the Office of National Drug Control Policy's 1999 National Drug Control Strategy, the Department's Strategic Plan and Drug Strategy as well as the Department's Counterterrorism Strategy. Significant segments of this request were developed as a result of the Attorney General's Law Enforcement Review which fostered a systemic approach in formulating the Department's budget to ensure that the Division's request complements the requests of other related Departmental components. Portions of the initiatives presented below are also referenced in the cross-cutting budget initiatives.

The request comprises four initiatives: Strategic Drug Enforcement, International Crime, Counterterrorism, and Protecting Communities. Enhancements in these areas are supported by national strategies and by the rising workload in the Division's Sections/Offices involved in the initiatives. As in the FY 2000 submission, this request recognizes and strengthens interconnectivity among the Sections/Offices of the Division. This approach was also extended to other components of the Department. For example, a portion of the resources sought for the Office of International Affairs and the Child Exploitation and Obscenity Section in the Protecting Communities initiative were included as apart of a collaborative effort with the U.S. Attorneys. The Division's Child Exploitation and Obscenity Section and various U.S. Attorney offices work together to assist in countering child pornography rings with significant segments operating outside the United States or where the victims are located outside the United States.

As criminal organizations become increasingly complex and sophisticated, coordination at all levels of law enforcement has never been more important. As simple tools such as computers provide an individual the capacity to disrupt or damage critical elements of our nation's infrastructure, the requirements for preparedness and preemptive capabilities have never been greater. As criminal activity weaves its way around the world via cyberspace, traditional tools for identifying, apprehending and prosecuting criminals have never appeared so inadequate. This has fostered the approach used in this request.

Many Offices or Sections of the Division are represented in each of the initiatives. This recognizes the complimentary but interdependent roles played in rising to the emerging challenges of criminal law enforcement. Enhancements requested include not only attorneys in the Section of primary focus but also for those Sections and Offices which support the activity. Enhancements also would provide the analytical capabilities necessary to keep pace with the ever increasing sophistication of criminal activity. The total request is for 36 positions, 21 FTE, and $3,159,000. This annualizes to 36 positions, 36 FTE and $4,858,000 in fiscal year 2002.

Initiative	Positions	Attorneys	Workyears	Amount
Strategic Drug Enforcement	5	3	3	$389,000
International Crime	14	7	8	$1,197,000
Counterterrorism	11	6	6	$888,000
Protecting Communities	6	4	4	$685,000
Total	**36**	**20**	**21**	**$3,159,000**

FY 2001 Strategic Drug Enforcement Initiative

The Strategic Drug Enforcement Initiative was developed as a result of the Attorney General's directive to the Department to develop a coordinated FY 2001 budget request which focuses on long-range planning and budget needs across all Department components. During the spring of 1999, the Criminal Division met with other Department components involved in the war on drugs to identify and coordinate resources required in FY 2001 to bolster the Department's drug enforcement activities. This approach afforded Department components the opportunity to analyze existing resource allocations and determine the most effective means of utilizing current and requested funding based on input from across the Department. As a result of this cross-cutting process, funding requests for FY 2001 to an unprecedented extent should complement other federal efforts and state and local assistance programs in the on-going effort to reduce illegal drug trafficking and increase our demand reduction efforts.

Program	Positions	Attorneys	Workyears	Amount
Asset Forfeiture & Money Laundering Section (AFMLS)	3	2	2	$254,000
Enforcement Operations (OEO)	2	1	1	$135,000
Total	**5**	**3**	**3**	**$389,000**

For FY 2001, the Division is requesting 5 positions, 3 FTE, and $389,000 to bolster its strategic drug enforcement programs. This request includes the following positions: 3 attorneys, 1 paralegal, and 1 clerical position. All costs were derived from the fiscal year 2001 cost modules. The request annualizes to 5 positions, 5 FTE, and $611,000 for FY 2002.

The Criminal Division recognizes the integral roles that its Sections/Offices play in the Department's counter drug mission. The Division's FY 2001 Strategic Drug Enforcement Initiative request has been developed to strengthen the linkages both within the Division and between the Division and other Department and other government agencies in order to increase overall enforcement capabilities. The initiative has received the support of the Department's FY 2001 Strategic Drug Enforcement Cross-Cutting Budget Initiative and the OCDETF's FY 2001 planning process.

Narcotics enforcement continues to be a growing priority for the Criminal Division and the entire Department of Justice. As evidenced by the Attorney General's February 9, 1999 speech before the National Association of Alcoholism and Drug Abuse Counselors, the war on drugs is a strong priority of the Attorney General that requires additional attention and additional resources:

> *"...illegal drugs are estimated to cost our society more than $67 billion dollars annually...if you make this investment now, you can save this much down the line."*
>
> Attorney General Janet Reno
> February 9, 1999

Due to emerging priorities involving narcotics matters, the Division's Asset Forfeiture and Money Laundering Section (AFMLS) and Office of Enforcement Operations (OEO) continue to experience an increase in their workloads. In response to this reality, for FY 2001 the Division has developed an integrated funding request for AFMLS and OEO, in order to maximize the Division's ability to coordinate and facilitate national narcotic law enforcement efforts currently underway, such as the activities ongoing at the Special Operations Division (SOD).

SOD is a multi-agency national law enforcement coordinating entity comprising agents, analysts, and prosecutors from DEA, FBI, USCS, and the Criminal Division. SOD's mission is to coordinate and support regional and national level criminal investigations and prosecutions against the major criminal drug trafficking organizations threatening the United States, particularly the major transnational criminal drug trafficking organizations operating along either side of the U.S.-Mexico land border, as well as major Colombian drug trafficking organizations. As a result of the successes achieved in the past year or so, such as Operation Meta, and the disruption of the Carrillo-Fuentes organization in Organized Crime Drug Enforcement Task Force (OCDETF) investigations Operation(s) Limelight and Reciprocity, SOD has been successful in identifying and targeting the emerging trafficking threats using the Southwest border as the gateway into the U.S. This mission is routinely performed seamlessly across both investigative agency and district jurisdictional boundaries. Within SOD, no distinction is made among the participating investigative agencies -- coordination and cooperation are essential ingredients for its success. Where appropriate, state and local investigative and prosecutive authorities are fully integrated into SOD-coordinated drug enforcement operations.

The Department is expanding the mandate of the SOD, by adding a money laundering unit to this initiative. This new "financial side" of the SOD will focus on cartel-related money laundering and financial crimes originating in Mexico and Colombia. This new unit will work in concert with the existing drug trafficking operations side of SOD and will receive, analyze and disseminate information pertaining to the financial underpinnings of criminal organizations.

The profits realized by drug trafficking organizations fuel and expand their operations, and involve laundering such monies through the financial systems and into legitimate businesses worldwide. It has been estimated that illegal drug sales in the United States alone generate an estimated $45.6 billion annually in profits. To counter this as mentioned above, the Department has developed drug control strategies and initiatives to disrupt and dismantle these international drug trafficking organizations. Counter-money laundering and asset forfeiture activities are integral to this effort. These activities strive to deny safe havens for drug traffickers and to deny them the profits of their crimes and the monies needed to finance their operations.

It is essential that the United States concentrate on attacking the economic foundations of drug trafficking operations through expanded international laws, treaties, agreements, and other methods necessary to remove the impediments to pursuing criminals who commit crimes in one country and use other countries to move or hide their illicit profits or proceeds. AFMLS, which is responsible for handling money laundering and asset forfeiture efforts and initiatives, provides centralized policy and program oversight, and maximizes the law enforcement potential of laws designed to dismantle and destroy criminal enterprises by denying use of ill-gotten financial gains. Its many responsibilities include encouraging countries to adopt money laundering and asset forfeiture laws, providing assistance in drafting legislation, providing technical assistance and training to facilitate the implementation of laws, coordinating financial sector enforcement targeting efforts, providing litigation support for asset forfeiture and money laundering cases, negotiating international cooperation and sharing agreements, sponsoring forums to promote international cooperation, and developing national and international strategies.

AFMLS' involvement has produced extraordinary results; for example, in one case more than $180 million was repatriated and forfeited, and approximately $89 million was shared with the cooperating foreign government. AFMLS has worked closely with foreign countries, including Colombia and Mexico, on vital money laundering and asset forfeiture legislation. AFMLS is now assisting the Colombian and Mexican governments to implement their forfeiture laws, including providing technical assistance and training to its prosecutors. These laws have been used most often in drug trafficking and financial crimes, serving as both deterrent and punishment.

As discussed above, the recently approved "financial side" for SOD will generate additional workload demands for AFMLS. The financial unit in SOD will work with the existing SOD infrastructure to attack the financial underpinnings of the criminal organizations involved in drug trafficking. AFMLS currently does not have adequate staff to handle the workload responsibilities related to this expansion. If the Department's expansion of the SOD to focus on financial issues is to be successful, an investment in AFMLS is critical.

In addition to the SOD, AFMLS' responsibilities continue to expand. For example, the Financial Action Task Force (FATF), originally established in 1989 by the G-7 nations to promote international cooperation in fighting money laundering, is expanding its membership to include countries from Latin America, Africa, and Asia. Further, implementing the international aspects of the Department's Drug Control Strategy requires a substantial amount of AFMLS resources. Attacking the financial resources of criminal organizations is a priority in waging the war on criminal organizations involved in the drug trade. Given the increased workload projected for AFMLS associated with the SOD expansion and AFMLS's expanding role related to international drug enforcement, additional resources for AFMLS are critical for the Department's drug enforcement activities to succeed.

By law, all applications for court-authorized electronic surveillance must first be approved by an appropriate Department of Justice official. It is the job of the Criminal Division's Office of Enforcement Operations (OEO) to review each of these requests and make a recommendation to the authorizing official as to the legality and appropriateness of the request. OEO attorneys, who are experts on electronic surveillance, work closely with federal law enforcement officials in the drafting and review of these requests. OEO attorneys also work closely with the federal law enforcement officials on the myriad of legal issues that arise during the course of investigations utilizing electronic surveillance and on legislative and policy matters involving electronic surveillance.

Because of efforts such as SOD, the amount of new wiretaps related to narcotic enforcement is growing. The increased activity in the area of narcotic investigations is reflected in the workload of OEO. In FY 1998, OEO processed the largest number of wiretaps in its history, an increase of 13% over 1997. During the first half of FY 1999, the number of requests increased by 26% compared to the number within the same time period in FY 1998. The complex investigations conducted by SOD are highly intelligence driven and often require expedited treatment for Title III wiretaps which places even greater pressure on OEO's capabilities in this area.

As part of the FY 2001 Strategic Drug Enforcement cross-cutting budget initiative, DEA requested additional funding to support the use of Title III electronic surveillance in SOD investigations. If this increase in funding is ultimately approved by Congress, it can be expected to substantially increase the number of DEA-generated Title III requests that must be reviewed and approved by the Criminal Division before a court order may be sought. Accordingly, the Division is requesting additional resources for OEO to support its burgeoning narcotics-related Title III workload.

The Division plays an active role in the achievement of goals identified in the President's anti-drug abuse policies, the Office of National Drug Control Policy (ONDCP) and the Department of Justice's recently completed *Drug Control Strategic Plan (DCSP)*. The goals the Division specifically focuses on are:

- ONDCP/DCSP Goal 2 - Increase the Safety of America's Citizens by Substantially Reducing Drug-Related Crime and Violence,
- ONDCP/DCSP Goal 5 - Break Foreign and Domestic Sources and Supply, and
- The Department's Strategic Plan 1997-2002, Goal 2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

In FY 2001, the Division intends to enhance its efforts to meet the above goals and objectives. With additional resources, the Division will be able to increase the use of asset forfeiture in investigations and prosecutions of drug trafficking organizations to disrupt and dismantle criminal organizations by attacking their financial underpinnings and denying the profits of their crimes. In addition, the Division will be able to more fully utilize the money-laundering statutes in investigations and prosecutions of drug-trafficking organizations to disrupt and dismantle the financial operations which are often used to finance their crimes. Requested resources for FY 2001 will enable the Division to focus on the identification, disruption and dismantlement of drug trafficking organizations which are international, multi-jurisdictional, or which have an identified local impact. With additional resources, the Division will be able to more fully incorporate and coordinate domestic and foreign strategic investigative and intelligence information from all sources (including the law enforcement agencies, intelligence community, and financial databases).

Over the past year, with the resources provided, the Division has achieved several significant accomplishments in the war on drugs, as highlighted below.

- In May 1998, the Secretary of the Treasury and the Attorney General of the United States announced the culmination of "Operation Casablanca," the largest, most comprehensive and significant drug money laundering case in the history of U.S. law enforcement. This operation targeted professional money launderers for the Cali and Juarez cartels and numerous Mexican and

Venezuelan bankers who assisted in laundering more than $80 million in drug proceeds. In March 1999, two of the three Mexican banks included in the indictment, pled guilty to money laundering and agreed to civilly forfeit a total of $13.6 million. In addition to assisting the Southern District of California, AFMLS filed the civil forfeiture complaint against approximately $23.1 million that was sent from the undercover account to bank accounts in 16 countries.

- Much of the work of OEO is directed at the priority area of dealing with the narcotics problem facing this nation. This is done in part, through the review of electronic surveillance requests. In 1998, OEO reviewed 1,526 requests for electronic surveillance approvals, the highest number ever received in any one year since the wiretap statute was enacted 30 years ago. In the first six months of 1999, the number of wiretap requests continued to come in at a record pace, and reflected a 23-percent increase over the same period in FY 1998. There continues to be a heavy emphasis on wiretaps targeting narcotics dealers, often on the level of importers and distributors for the large Colombian and Mexican drug organizations. Many of these requests have been part of the high-priority Southwest Border Initiative, which has targeted importers and distributors operating in that area of the country. There were a number of arrests and seizures resulting from these wiretaps in areas such as California, Texas, and New York, and the seizures included millions of dollars and tons of cocaine.

- Recently, as a result of a nine-month wiretap investigation in the Central District of California, there were seizures of three and one-half tons of cocaine and more than $15 million in cash. In a series of wiretaps presently ongoing in multiple districts, law enforcement has, to date, seized almost $20 million in drug proceeds and more than 10,000 kilograms of cocaine. Recent drug-related wiretaps included the case [resulting in a hung jury] in which a jury foreman allegedly took a bribe to arrange an acquittal in a high-profile drug case in Miami, Florida, and an 11-month wiretap investigation in which 30 members of the Mexican Mafia in California were indicted on RICO charges involving murder and extortion that included "hits" on rival gang members. Most of these cases resulted in arrests and ongoing prosecutions in which the wiretap evidence is paramount.

- During FY 1998, no wiretap application submitted to a court for approval after review in OEO was rejected, and there were no instances of reversal of any OEO-reviewed wiretap for lack of probable cause in suppression motions or on appeal.

In summary, in order to maintain the war on drugs, the Division is requesting 5 positions for AFMLS and OEO for FY 2001. These positions together represent a comprehensive approach to ensuring the Division is able to support the Department's strategic drug enforcement priorities, especially the expansion of the SOD effort. These positions are critical for the Division to keep pace with the expansion of drug trafficking in this nation and abroad. With these resources, the Division will be better equipped to attack the criminal organizations that manage and operate this criminal activity. Denying the Division's program increases would significantly hamper its ability to expand its current operational capability and response to emerging drug enforcement challenges and would seriously impede the Criminal Division's ability to fully implement and support many of the Administration's and the Attorney General's highest priorities in the areas of strategic drug enforcement.

To address the increasing workload associated with achieving the goals necessary to win the war on drugs, the Criminal Division is requesting 5 positions (3 attorneys), 3 FTE and $389,000 for the fiscal year 2001. This request will annualize to 5 positions (3 attorneys), 5 FTE, and $611,000 in fiscal year 2002.

- For AFMLS, the Division requests two attorney positions at the GS-15 level and one professional position at the GS-13 level to handle the increase in cases generated from this initiative. The total request is for 3 positions (2 attorneys), 2 FTE, and $254,000 for FY 2001. The request will annualize to 3 positions (2 attorneys), 3 FTE, and $408,000 for FY 2002.

- For OEO, the Division requests one attorney position at the GS-15 level and one clerical position at the GS-7 level to handle the anticipated increase in wiretap applications. The total request is for 2 positions (1 attorney), 1 FTE, and $135,000 in FY 2001. The request will annualize to 2 positions (1 attorney), 2 FTE, and $203,000 for FY 2002.

FY 2001 International Crime Initiative

"Only through concerted efforts at home and with our international partners will we ensure the protection of America's interests today and in the future."

President Bill Clinton
International Crime Strategy
May 1998

International criminal activity has increased in scale and extent in the wake of globalization, becoming a complex worldwide threat. International criminals today engage in a wide range of illegal activities, including drug trafficking, terrorism, alien smuggling, fraud, extortion, money laundering, bribery, economic espionage, on-line pornography, intellectual property theft, and counterfeiting. Many also resort to extreme violence to advance their criminal enterprise. Increasingly, international criminals are banding together in multi-national criminal syndicates, expanding their activities in scope and range with no regard for national borders. International crime is more than a law enforcement problem. It is a formidable threat to America's security and it demands a concerted response.

In FY 1998, the President signed the first International Crime Control Strategy. This strategy is the output of a combined effort of the Departments of Justice, State and Treasury as well as many other U.S. stakeholder agencies to develop and implement a comprehensive national strategy to fight international crime and reduce its impact on Americans. In order to implement the goals and objectives of the strategy, the Division requires additional resources in FY 2001.

The Division's FY 2001 International Crime Initiative consists of a request for 14 positions, 7 attorneys, 8 workyears, and $1,197,000. These resources are broken down among the following Sections/Offices of the Division:

Program	Positions	Attorneys	Workyears	Amount
Office of International Affairs	9	7	5	$758,000
Office of Policy and Legislation	1	0	1	$70,000
International Criminal Investigative Training Assistance Program	4	0	2	$369,000
Total	14	7	8	$1,197,000

Bilateral and Multilateral Issues

In developing its budget request for FY 2001, the Division has recognized the need to bolster its international programs in order to increase its response to the growing needs in this area. The Sections/Offices of the Division are seeing a consistently increasing level of workload related to crime that has impacts within and beyond our borders. The Division's Office of International Affairs (OIA), which supports many aspects of the international federal law enforcement effort, continues to see a dramatic increase in workload. Incoming foreign extradition requests numbered 329 in FY 1998, and 415 in FY 1999 and are expected to climb to 480 by FY 2001. Foreign Mutual Assistance Requests numbered 794 in FY 1998, and 883 for FY 1999 and will likely reach 925 by FY 2001.

Last October, the Senate gave its advice and consent to ratification of 38 new extradition and legal assistance treaties. Each of these will require the labor-intensive process of establishing law enforcement relationships with the United States' foreign counterparts, so that each of these treaties is brought into force and implemented efficiently and thoroughly. In addition, OIA's caseload of bilateral extradition and mutual legal assistance treaties and matters continues to increase. Matters received in 1998 numbered 7,150, in FY 1999 those figures are expected reached 8,000, and by FY 2001 they are projected to exceed 10,000. OIA's responsibilities for staffing multilateral efforts such as the G8 meetings, the negotiation of the U.N. Organized Crime Convention, and cross-cutting assignments such as "mapping the world" and aiding in reassessing our no "safe havens" strategy have escalated and will require additional resources to properly staff. For example, there will clearly be additional extradition and legal assistance work for the Division in support of the international criminal tribunals and in high profile cases such as Pinochet. Further, OIA requires

additional resources to increase outreach to state and local prosecutors to improve their awareness of, and to better coordinate, on international criminal matters. To undertake this increase, the Criminal Division is requesting seven positions for OIA.

International Analysis

International crime places additional burdens on the Division that it is currently not equipped to handle. The Division is seeking resources to bolster its support for international programs by developing an international analysis function. In order to handle increased responsibilities, the Division is requesting resources for FY 2001 to support its role to implement, coordinate, and support the Department's international crime programs. The Division is currently, and will be tasked, to a greater extent, to lead and staff Departmental, governmental, and global initiatives. These initiatives are aimed at stimulating cooperation, coordination, and program development across component, agency, government, and international boundaries. The Division will continue to be tasked to lead and implement initiatives and asked to represent the Department and the U.S. in the international arena. In order to effectively carry out these responsibilities, the Division requires additional resources. Further, because so much of the Division's work is international in nature, many more Division employees are operating in the international arena, either directly in overseas locations or from the United States. Given the increasing prevalence of international crime, the Criminal Division is requesting two positions for OIA for the creation of an international analysis and training working group.

The Division also seeks to strengthen the analytical capabilities of the Office of Policy and Legislation (OPL) to better support its international programs. As the Justice Management Division noted in its analysis of the Division's FY 2000 spring planning request, the analytical work of OPL is widely acknowledged to be critical to the development of Criminal Justice Policies within the Department. The Attorney General, the Deputy Attorney General and Senior Division managers routinely call upon OPL to analyze and interpret criminal justice information, statistics, and to conduct research for numerous projects. Examples include interagency projects addressing racial disparity in federal sentencing; crime data analyses for the Special Cities project, Police Hiring Supplement, and Community Oriented Policing Services Program; as well as analyses of U.S. Sentencing Commission data for crack and powder cocaine defendants, white collar criminals, and juveniles. As the demand for the Division's presence in the international arena continues to expand, it is clear that analytical support must follow suit. The mapping the world project currently underway has illustrated the need to enhance the Division's analytical capabilities to relieve the burden on attorneys to undertake largely analytical tasks that keep them from legal work. To address this need, the Division is seeking one analyst for OPL to work with the International Training Strategies Working Group allowing OPL to expand its role into the international arena to better allocate analytical work within the Division.

International Training

This request would provide the Criminal Division the capacity to deliver the training programs funded by the State Department

efficiently and effectively. To do so, the Division is seeking appropriated funding for the core management levels for the International Criminal Investigative Training Assistance Program (ICITAP) which trains investigators overseas and which is also involved in institution building worldwide.

In response to recent management issues, the Division has taken several steps to better manage the delivery of international training programs. In November 1998, the Division filled the SES level position of Chief, International Training Development Programs (ITDP). Organizationally, the Assistant Attorney General elevated the reporting relationships for international training and development such that the Chief reports directly to the Assistant Attorney General's office and does not report through a Deputy. The Division is also in the process of reiterating the requirement that all requests for Criminal Division training conducted overseas be coordinated by the Chief, ITDP, including requests for ICITAP training.

ICITAP was established as a component of the Department in 1986. Since that time, all of its funding has come from program-specific transfers from State or USAID; it enjoys no Department of Justice (DOJ) funding except for modest support of four positions starting in FY 1998 and all operating expenses, including salaries for all other headquarters core management and staff, must be charged as "overhead" against State and USAID program funds. The Division's next critical measure in the international law enforcement training arena is to expand ICITAP's DOJ funded core management staff to further address management issues and to better establish a stable base within ICITAP from which overseas training programs may be launched.

During the past several years, every manager of ICITAP and a series of government and contract reviews of ICITAP management issues have urged that ICITAP have an appropriated operating budget for core headquarters activities. In 1998, to respond to these recommendations as well as persistent requests from State, the Division agreed to fund three management level positions directly rather than charge these to overhead against State and USAID funded programs. In 1999, the Division devoted another position to headquarters management activities focused on Kosovo due to the increasing demand for law enforcement support for that area of the world. This brings the present number of ICITAP core headquarters management positions funded by the Division to four.

ICITAP has twelve years of extensive experience working with foreign police institutions, particularly in Latin America, and is well acquainted with the complex interagency setting in which policies and programs are set for the United States' administration of justice agenda. ICITAP has developed long-term and strategic approaches to criminal justice sector development that are important to the Nation's objectives overseas. Drawing from this experience, ICITAP has been tapped to help restore order in Kosovo. Realizing the potential benefits for planning and managing these types of training and assistance programs is difficult as long as ICITAP must devote virtually all its resources to fixed programs funded by other agencies. Those fixed programs leave little latitude to fund important general international training management activities that are broader than the individual programs for which the funds are obtained. As a result, ICITAP's ability to plan and manage training programs for which it will seek funding from State and USAID is

diminished due to limited staff resources and expertise. Attempts to secure overhead funds from State and USAID to finance these headquarters management and planning activities has prompted State and USAID to complain that doing so makes ICITAP too expensive and makes overhead charges too high. This lack of funding for "overhead" core management activities, in turn, inhibits ICITAP's ability to secure training and development assistance program funds from State and USAID for the law enforcement and criminal justice area. As has been acknowledged by State, ICITAP's overhead -- now about 12% -- has in fact been reduced over the years, in part as a result of the direct funding of the 4 positions referenced above. However, without an expanded base budget to draw upon, ICITAP must pass back virtually all its operating costs to its funders in the form of overhead charges against program funds. State has acknowledged that its displeasure with ICITAP's "high overhead" is derived largely from the lack of an appropriated base budget to fund headquarters management and planning activities.

We have consulted with senior staff of the State Department's Latin Bureau for Western Hemisphere Affairs (WHA) and International Narcotics and Law Enforcement Affairs (INL) about this issue. Both organizations fund significant ICITAP programs. Both Jonathan Winer at INL and Roberta Jacobson, Director of Policy and Planning at ARA, have confirmed that their organizations strongly support a proposal for DOJ to secure a core operating budget for headquarters management and planning activities in ICITAP.

Under a solely reimbursable model, management is inhibited in effecting a coherent, adequate headquarters staffing plan because it has no core, reliable funding to support its headquarters staff through potential ebbs and flows of foreign assistance funding and the shifting priorities of its outside funders. Due to dependence on reimbursable, program specific funding, planning is extremely difficult. Because of its funding structure, ICITAP is constrained to be largely reactive and limited in scope. In most instances, it is difficult to justify the use of funds dedicated to existing programs for much needed long-term and strategic planning. Internal initiatives include such things as a specialized computer system to accommodate ICITAP's extremely complex financial and reporting requirements; establishment of policies and procedures for office management and course and program development; preparation of state and local experts for overseas criminal justice assignments; training and professional development of staff; and regular conferences to bring field managers together; retaining independent contractors to deal with audit requirements and the year-long process of recompeting the offices' elaborate contracts. To do this would require conversion of select headquarters management, administrative and forensic staff and related operating expenses from a reimbursable to an appropriated basis. This would involve 4 positions, 2 workyears and $369,000.

In summary, to support its international crime programs, the Division requests the following resources for FY 2001:

- OIA requests 5 attorneys at the GS-15 level for bilateral/multilateral issues and 2 GS-15 attorneys to work on the International Training Strategies Working Group. Further, OIA requests 1 GS-11 paralegal and 1 GS-7 clerical position to support its bilateral and multilateral workload. The total request is for 9 positions (7 attorneys), 5 FTE, and $758,000 in FY 2001. The request will annualize to 9 positions (7 attorneys), 9 FTE, and $1,209,000 for FY 2002.

- OPL requests 1 GS-13 analyst to bolster the Division's international analysis functions. The total request is for 1 position (0 attorneys), 1 FTE, and $70,000 for FY 2001. The request will annualize to 1 position (0 attorneys), 1 FTE, and $108,000 for FY 2002.

- ICITAP requests 4 GS-15 professionals to formalize its international training programs. The total request is for 4 positions (0 attorneys), 2 FTE, and $369,000 in FY 2001. The request will be 4 positions (0 attorneys), 4 FTE, and $599,000 for FY 2002.

FY 2001 Counterterrorism Initiative

"I think it is important that when we talk about terrorism we talk about all forms of it. We've seen the horror of conventional terrorism in Oklahoma City. We can conjure the horrors of weapons of mass destruction, chemical and biological weapons, and then there is a new weapon that we're just beginning to understand, the threat of cyber tools. If a person can sit in a kitchen in St. Petersburg, Russia and steal from a bank in New York, if a 17-year-old hacker can hack into military establishments, we have got to make sure that we are prepared to fight back in terms of the cyber terrorism."

Attorney General Janet Reno
Addressing the National Governors' Association,
Center for Best Practices and National Emergency Management
February 2, 1999

This Counterterrorism Initiative was developed as a result of the Attorney General's directive to the Department to develop a coordinated FY 2001 budget request which focuses on long-range planning and budget needs across all Department components. During the spring of 1999, representatives from the Criminal Division met with representatives from other Department components involved in the Department's counterterrorism efforts to identify and coordinate resources required in FY 2001 to bolster the Department's counterterrorism activities. This approach afforded the Department components the opportunity to analyze their existing resource allocations and determine the most effective means of utilizing current and requested funding based on input from across the Department. As a result of this cross-cutting process, funding requests for FY 2001 should complement, to an unprecedented extent, other federal efforts and state and local assistance programs in the on-going effort to prepare the nation to prevent and counter terrorist activities.

This request attempts to address counterterrorism in all its forms. The increase sought for the Computer Crime and Intellectual

Property Section is included to address the threat to the nation's infrastructure. Resources requested for the Terrorism and Violent Crime Section would bolster its capacity to update and refine the Interagency 5-Year Counterterrorism Strategy. Resources for the Office of Enforcement Operations would establish the capacity to deal with witnesses and victims of terrorist acts.

The Division's FY 2001 Counterterrorism Initiative consists of a request for 11 positions, 6 FTE, and $888,000. These resources are broken down among the following Sections/Offices of the Division:

Program	Positions	Attorneys	Workyears	Amount
Computer Crime/Intellectual Property Section (CCIPS)	7	5	4	$586,000
Terrorism/Violent Crime Section (TVCS)	1	1	1	$92,000
Office of Enforcement Operations (OEO)	3	0	1	$210,000
Total	11	6	6	$888,000

This request includes the following positions: 6 attorneys, 3 professional, 1 paralegal, and 1 clerical. All costs were derived from the fiscal year 2001 cost modules. This request will annualize to 11 positions, 11 FTE, and $1,360,000 for FY 2002.

Cybercrime/Cyberterrorism.

In past submissions the Division has noted that the incidence and complexity of computer crime continue to increase rapidly as greater numbers of people develop proficiency in manipulating electronic data and navigating computer networks, and as worldwide access to the Internet continues to skyrocket. It appears the intrusion rate per host site on the internet is fairly constant, but internet growth will increase the number of hosts, and therefore, even at a constant intrusion rate per host, the number of intrusions cases will increase commensurately to the growth of hosts. Earlier in 1999, government agencies experienced first hand the vulnerability of the critical infrastructure as a result of cybercrime and cyberterrorist attacks as hackers broke into many government Web sites and either changed content or caused the sites to be taken down. In 1990, the National Research Council, an arm of the National Academy of Sciences, recognized that "Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb," (Report by the National Research Council as quoted in The Washington Times, December 24, 1990). Consequently, with the Computer Crime and Intellectual Property Section's (CCIPS) demonstrated expertise in high technology crime and its responsibility for the Department's Computer Crime Initiatives, the Section has become a nexus for federal, state, local and foreign agencies seeking guidance on how to develop responses to the threat of cybercrime/cyberterrorism, and how to address potential and suspected abuses and infiltrations.

For FY 2001, the Division is requesting 7 positions (5 attorneys) to maintain its leadership role in the Department's efforts to combat cybercrime including cyberterrorism. As a result of emerging computer technology over recent years, significant attention has been, and continues to be, focused on the vulnerability of the critical infrastructure as a result of cybercrime and cyberterrorist attacks. Dramatic increases in the number and variety of issues on which CCIPS is consulted, as well as continued expansions in its client base, have combined to create enormous workload demands that cannot be met without additional resources. Moreover, as the Department takes the lead in addressing the growing threat to the nation's information infrastructure (including criminal attacks, cyberterrorism, electronic espionage, and information warfare), CCIPS has been directed to broaden its responsibilities in several areas. Resources sought for CCIPS within this initiative would allow it to meet its mission priorities and maintain its leadership role in the Department's effort to combat computer crime/cyberterrorism. The following accomplishments are illustrative of the important work that is done in the area of prevention of cyberterrorism:

- CCIPS provided expert legal and technical instruction and advice for exercises and seminars to senior personnel on information warfare, infrastructure protection, and other topics for the Department of Defense, the National Security Agency, the Central Intelligence Agency, and others. At the personal request of the DOD General Counsel, CCIPS answered several pages of difficult legal questions regarding the roles, responsibilities, and powers of the many different actors within DOD who protect and defend DOD networks. Further, the Naval War College invited CCIPS to give a featured presentation at a high-level, invitation-only conference on cyberwarfare and international law.

- CCIPS led the Department's efforts to counter cyberterrorism through work on PDD-63, the Five-Year Counterterrorism Strategy, support to the National Infrastructure Protection Center, and extensive international work (including chairmanship of the G-8 Subgroup on High-tech Crime, a leadership role in the Council of Europe Experts' Committee on Cybercrime, and a new cybercrime project at the Organization of American States).

- As law enforcement matures into the Information Age, CCIPS is a central point of contact for investigators and prosecutors who confront investigative problems with emerging technologies. This year, CCIPS assisted with wiretaps over computer networks, as well as traps and traces that require agents to segregate Internet headers from the content of the packet. CCIPS has also completed a final draft of the Online Investigative Principles, guidance for agents and prosecutors on the many problems of law, jurisdiction, and policy that arise in this new environment. These Principles are the product of an interagency group led by CCIPS, and all the participating federal agencies intend to adopt them when final.

- The Attorney General launched the Cybercitizen Partnership, created by CCIPS in cooperation with high-tech industries, to accomplish three large missions: to teach responsible computing so that children will learn not only how to use computers, but how NOT to use them; to create a program that will support and foster personnel exchanges between law enforcement and industry to improve expertise and awareness on both sides; and to create a directory of expertise in industry which law

enforcement may use to find the precise skills they need in an investigation.

- In countless sensitive meetings with industry representatives and other members of the administration on the issue of encryption, CCIPS continues to search for balanced solutions to the conflict between individual privacy and public safety. The Section plays a leading role in law enforcement's efforts to ensure our continued ability to decrypt data or otherwise obtain plaintext.

> *"We are now building tremendous databases. What would happen if the bad guy, instead of having guns or instead of knowing how to launder money electronically, decides he is going to fuss with the information systems we develop. I don't think we have begun to consider how we protect those systems to insure accuracy....if a 17-year-old hacker can break into sophisticated military networks, think of what he can do to some of our exposed information networks. We must continue to address this and keep one step ahead of the bad guys."*
>
> Attorney General Janet Reno
> Addressing the Search International Consortium on Strategies and Statistics
> February 9, 1999

Five-Year Interagency Counterterrorism and Technology Crime Plan

To support the efforts of the Division's Terrorism and Violent Crime Section (TVCS), the Division is requesting one senior-level attorney position to support the Division's work related to the Five-Year Interagency Counter-terrorism and Technology Crime Plan. This position is necessary to provide coordination and planning among DOJ and government-wide components. Annual updating, refinement, and course corrections of the Five-Year Plan require continued liaison both within DOJ and government-wide. Based on the DOJ Implementation Plan, TVCS will monitor progress of specific components (FBI, NIPC, NDPO, INS, OIPR, CCIPS, OIA, JMD, OLA, EOUSA, OJP, and Tax Division) on assigned actions and accomplishment of milestones. Similarly, TVCS will monitor government-wide progress on assigned actions and accomplishment of milestones by the two dozen agencies which participated in the development of the Five-Year Plan. To date, work in this important area has been accomplished by detailing a senior Deputy Section Chief to spearhead the effort. This short-term response has inherent limitations and it is necessary for the Division to secure additional resources to properly staff this effort and maintain staffing devoted to other priority areas. The Attorney General has rejected a proposal to meet this demand via contract employee for this purpose given its sensitive nature and national security policy importance.

Additional resources for TVCS to support its needs related to implementation of the Five-Year Interagency Counterterrorism and Technology Crime Plan will allow TVCS to continue accomplishments in the counterterrorism area; for example:

- TVCS has played a leading role in the U.S. effort to disrupt terrorist financing. Efforts in the international arena included engaging member-nations of the European Union in debate on the issue of terrorist financing at their October 1998 Vienna meeting, and assisting the State Department in guiding the Organization of American States (OAS) through its Second Inter-American Specialized Conference on Terrorism in Argentina. The OAS conference culminated in the Commitment of Mar del Plata, which created a new Inter-American Committee for Combating Terrorism within the OAS and endorsed numerous TVCS-drafted measures designed to impede the financing of terrorist organizations. TVCS continues to play a pivotal role in drafting and advocating a G-8 Terrorist Financing Convention initiative introduced in the United Nations in 1999. TVCS has joined with the State Department, the FBI and others to create and staff an international terrorist financing training curriculum that is scheduled to be ready for presentation to prosecutors and investigators who will be asked to assist us in bringing to justice terrorist financiers.

- TVCS has continued the pretrial preparations in United States v. Mohammed Rashed, CR. No. 87-0308, (D.D.C), a major international terrorism case pending in the District of Columbia. This case stems from the August 11, 1982 bombing of Pan Am Flight 830, flying from Tokyo, Japan, to Honolulu, Hawaii, which resulted in the death of a Japanese teenager on board and injured a number of passengers.

- TVCS provided critical support to the Southern District of New York's (SDNY) prosecutions growing out of its investigation of terrorist Usama Bin Laden and his role in the August 1998 bombings of the U.S. embassies in Nairobi and Dar es Salaam. These efforts involved the review and approval of the proposed indictments, as well as obtaining the necessary certifications as required by 18 U.S.C.§2332, that the offense was intended to coerce, intimidate, or retaliate against a government or a civilian population. Considerable effort was also expended by TVCS, on SDNY's behalf, in order to avoid possible prejudice to the criminal prosecution by the parallel investigation being conducted by the Department of State's Accountability Review Board.

- Following a nine-week trial, a verdict of guilty was obtained on all counts against Chevie Kehoe and Daniel Lewis Lee in a domestic terrorism RICO prosecution. Defendant Lee received the death penalty. This prosecution resulted from the activities of the Aryan People's Republic, a white supremacist gang created by Chevie Kehoe, that committed murders and armored car robberies in furtherance of their plan to initiate a racial civil war in the United States.

- TVCS has made significant efforts to improve federal laws relating to weapons of mass destruction and has recently developed legislation to strengthen criminal statutes in the area of biological agents and toxins to maximize the ability of law enforcement to intervene early in the chain of events that could lead to the use of such weapons.

- TVCS has participated in designing and executing a number of exercises to test the effectiveness of federal procedures for

preventing and responding to terrorist incidents, particularly those involving weapons of mass destruction.

- TVCS played a leading role in developing the Administration's Five-Year Interagency Counterterrorism and Technology Crime Plan, coordinating input from 24 federal agencies as well as state and local law enforcement and academia.

Victim/Witness Assistance

> *"It was four years ago and it will be for years to come, for in this day and age terrorism is a reality that we must live with. While we cannot and will not let terrorism infringe on our freedom, it is vitally important to be prepared and organized in every instance of a terrorist attack both at home and abroad. We must be ready to respond swiftly, sensitively, and to have a plan in place to handle both the short-term and long-term needs of the victims."*
>
> Attorney General Janet Reno
> Addressing the National Symposium on Victims of Crime
> February 11, 1999

The 1999 supplemental appropriations bill related to Kosovo included an emergency provision to allow the Office of Victims of Crimes' terrorism funds to be used to assist the families of American victims of the PAN AM 103 bombing throughout the trial process. The Office of Victims of Crime has turned to the Criminal Division to coordinate the delivery of assistance to the families of victims of this terrorist act. After the Oklahoma City bombing, the United States Attorney's Office (USAO) relied on its victim/witness coordinators to work closely with the prosecution team, to provide counseling and comfort to the families of victims and to surviving victims and coordinate with the various agencies involved to ensure that victim/witness assistance was delivered in an expeditious fashion. When a terrorist event occurs outside of the country, there is no counterpart to the domestic USAO victim/witness coordinators. At the suggestion of the Office of Victims of Crime, the Criminal Division is seeking to establish this victim/witness assistance capability in the event that U.S. citizens are victimized by terrorist activities outside of the United States.

In doing so, the Division would co-locate this function with the Short- Term Protection Program within the Division's Office of Enforcement Operations (OEO). OEO presently has a need for an additional security analyst to cope with the growth in demand for Short-Term Protection services, especially those related to the activity within the District of Columbia and related to the investigative use of federal prisoners. OEO has also experienced a growth in demand for other victim/witness services. The demand has been met on an ad hoc basis by the unit chief and, given other important responsibilities, there is a growing risk that the Division will not be able to provide the necessary response. This request is for one victim/witness coordinator to focus on the victim/witness coordination demands of terrorist acts which occur outside of the United States and which affect U.S. citizens.

OEO is responsible for authorizing or denying the entry of all applicants into the federal Witness Security Program (WSP),

coordinating and administering matters relating to all aspects of the WSP among all program components, and approving or denying requests by federal agencies to utilize federal prisoners for investigative purposes. Since the inception of the program in 1970, nearly 7,000 witnesses and 8,000 family members have been processed by the OEO. The ongoing needs of these 15,000 program participants, as well as the new witnesses and their families that enter the program each week, have placed a severe burden on the OEO's analysts. Serious delays in processing program applications have occurred, and correspondence and other document processing continues to take anywhere from a month to a year to be handled. Some functions, deemed important but not urgent, are simply not performed because of staffing limitations. At this rate, the ability of the OEO to provide program services will continue to decline, and the program will become less dependable, possibly resulting in federal prosecutors having to look to alternative means to handle their witness protection needs. Quite possibly, the shortfall in the OEO's staffing will result in the security of witnesses and their family members being jeopardized. In order to staff at an appropriate level and address its inability to handle its current workload, the Criminal Division is requesting two security analyst positions for FY 2001. Related automated support needs for the Witness Security Program are presented in the technology section below.

In order to strengthen the Division's counterterrorism program, the Criminal Division is requesting 11 positions (6 attorneys), 6 FTE and $888,000 for FY 2001. These positions will annualize to 11 positions, 11 FTE, and $1,360,000 for FY 2002..

- For CCIPS, the Criminal Division requests 5 attorney positions at the GS-15 level, 1 paralegal position at the GS-11 level, and 1 clerical position at the GS-7 level to maintain the Section's leadership role in cybercrime/cyberterrorism. The total request is for 7 positions (5 attorneys), 4 FTE, and for $586,000 FY 2001. The request will annualize to 7 positions, 7 FTE, and $886,000 for FY 2002.

- For TVCS, the Criminal Division requests 1 GS-15 attorney position. The total request is for 1 position, 1 FTE, and $92,000 for FY 2001. The request will annualize to 1 position, 1 FTE, and $150,000 for FY 2002.

- For OEO, the Criminal Division requests 1 GS-13 analyst to provide support in matters related victim/witness assistance and 2 analyst positions at the GS-13 level to assist in servicing witnesses. The total request is for 3 positions, 1 FTE, and $210,000 for FY 2001. The request will annualize to 3 positions, 3 FTE, and $324,000 for FY 2002.

FY 2001 Protecting Communities Initiative

"We have got to continue to do and work together to achieve further results, because I'm convinced, and you have proven this to me in your communities, that if we work together, if we keep the pressure on with respect to guns....if we give our children a strong and positive future, we can have a tremendous lasting impact on the culture of violence in this country."

Attorney General Janet Reno
Address to the United States Conference of Mayors
January 29, 1999

It is the belief of the Attorney General that law enforcement (at local and federal levels) works best when it works together. This sentiment is reflected in the Criminal Division's FY 2001 Protecting Communities Initiative. In the Spring of 1999, at the directive of the Attorney General, the Criminal Division participated in a process with other Departmental components to identify, develop, and coordinate initiatives linking criminal justice on a local and federal level in order to promote community safety. As a result of this process, FY 2001 funding requests should be better coordinated than ever before and reflect the Department's unified effort to assist communities in managing crime and improving community safety and quality of life for its citizens.

The Division's FY 2001 Protecting Communities Initiative consists of a request for 6 positions, 4 FTE, and $685,000. These resources are broken down among the following Sections/Offices of the Division:

Program	Positions	Attorneys	Workyears	Amount
Office of Policy and Legislation (OPL)	1	0	1	$70,000
Child Exploitation and Obscenity Section (CEOS)	2	2	1	$246,000
Office of International Affairs (OIA)	2	2	1	$314,000
Short Term Protection (OEO)	1	0	1	$55,000
Total	6	4	4	$685,000

This request includes the following positions: 4 attorneys and 2 analysts. All costs were derived from the fiscal year 2001 modular costs.

Indian Country Initiative

The Division's Office of Policy and Legislation (OPL) began its efforts to improve federal-tribal law enforcement coordination and public safety in Indian Country in 1995 with the Indian Country Justice Initiative. Based on this work, OPL raised early concerns about overall public safety services in Indian Country. Ultimately in recognition of the public safety crisis in Indian Country, President Clinton issued a directive in 1997 to analyze law enforcement problems on Indian lands and to provide options for improving the criminal justice system on Indian lands. OPL helped prepare a response to this Presidential directive that documented the Indian Country law enforcement problems and outlined possible action to address these problems. In response to this directive, the Criminal Division formed the Executive Committee for Indian Country Law Enforcement Improvements, as part of the government's trust responsibility for public safety in Indian Country. This accords with the Administration's commitment to the government-to-government relationship with Indian Tribes. The Executive Committee consisted of senior agency officials from DOJ components, the Department of Interior and six tribal leaders.

The Committee produced a final report for the Attorney General and Secretary of Interior in October 1997 documenting the nature and magnitude of the problem and outlining options for the President to improve public safety in Indian Country. Working in partnership with tribal, federal, state and local governments, OPL is helping to coordinate an effort to consolidate Bureau of Indian Affairs (BIA) law enforcement programs and to provide Indian Tribes with police officers, criminal investigators, training, equipment, tribal court assistance, juvenile programs, and correctional grants with funds from the President's 1999 budget. Upgrading public safety to acceptable standards in Indian Country is projected to take about four years.

The Circle Project derives from the Attorney General's desire to accelerate the efforts outlined above by establishing three demonstration sites. This will improve law enforcement services and the quality of life in Indian Country. The Criminal Division's Office of Policy and Legislation plays a key role in this multi-agency effort. By agreement between the Secretary of the Interior, the Attorney General and OMB, the Indian Country Presidential Initiative and its derivatives are a coordinated, collaborative effort between the two departments. For example, OJP's Correction's Office will build jails in locations mutually agreed upon by DOJ, BIA, and the Tribes. Staffing theses jails, however, will be the responsibility of BIA. The COPS Office will fund officers hired by the Tribes and trained at the BIA Police Academy. Among the major players are: the Criminal Division; OJJDP, the Corrections Office; OTJ; COPS; NIJ; BOP; FBI; the USA's Native American Issues Subcommittee; JMD; OJP's American Indian and Alaskan Native Desk; BIA's training academy; BIA's Office of Law Enforcement Services; and DOI's Office of the Assistant Secretary for Indian Affairs.

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The Criminal Division has played a major role in the development of the Presidential Initiative to Improve Law Enforcement in Indian Country. To assist in continuing this role, the Criminal Division is requesting one analyst position for OPL. This person would be responsible for planning and conducting analyses of data related to criminal justice programs, policies, activities, and crime trends in Indian Country. This person would work with USAOs, OJP and the Office of Tribal Justice ensuring that the Department would have an effective voice in law enforcement and policy matters in Indian Country. This request has been presented and discussed as a component of the Department's FY 2001 Communities cross-cutting budget initiative.

Crimes Against Children

The Criminal Division plays a major role in protecting the children of our Nation. In the past year, the Division coordinated investigations and prosecution of numerous violators of federal laws in order to protect the welfare of children. This component of the Division's initiative to protect communities focuses on enforcement efforts against child pornography, trafficking of women and children, and international parental kidnapping, and reflects the Division's important role in the fight against abuse toward children.

The Division's Child Exploitation and Obscenity Section (CEOS) is responsible for overseeing the federal response to child sexual abuse and exploitation. CEOS has directed a substantial amount of its resources to the prosecution of child pornography. With the emergence of the Internet, child pornographers who previously were restricted to books, magazines, and mailings, now have the technology to reach a far wider audience. The Criminal Division is working diligently to decrease the use of computers, computer bulletin board systems, and computer online services that traffic in child pornography. However, additional resources are necessary for the Division to develop a capability to stay abreast of technological changes and developments and be able to target those who use these media for illicit pornographic purposes.

The U.S. Attorneys are pursuing an initiative aimed at addressing these concerns. In order to support the U.S. Attorneys' efforts, additional resources are necessary. The Division requires additional resources in order to dedicate people to keeping pace with advances in technology, form partnerships with Internet Service Providers (ISPs) to assist in identifying illicit activities, to develop legal tools to combat the use of emerging technology employed for illicit purposes, and to ensure that leading edge techniques for detecting and prosecuting those engaged in this illicit activity via the Internet is disseminated to the field on a timely basis. Technology is advancing at such a swift rate, as is the sophistication of the criminals who are using this technology for pornographic reasons that additional resources are necessary for the Division to keep pace.

Also, as a part of its mission, CEOS prosecutes violators of the federal criminal statutes relating to prostitution, sexual exploitation of minors, and obscenity. Under these statutes, the Division specifically prosecutes those who sell, buy or transport women and children interstate or internationally to engage in sexually explicit conduct. In recent years, this activity has increased as has investigations and litigation of these crimes.

International parental abduction poses difficult challenges and obstacles for the law enforcement community at local, state, and federal levels. Findings indicate that in recent years many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries. The number of children taken to or retained in a foreign country by a parent has grown over the last twenty years as the number of bi-national couples increases and our world shrinks due to sophisticated communications and transportation.

The Office of Children's Issues (OCI) at the Department of State is responsible for the administration of the Hague Convention on the Civil Aspects of International Child Abduction--an international treaty that facilitates through civil processes the return of abducted or wrongfully retained children -- now in force between the United States and 48 countries. OCI reports that as of May 25, 1999, it has as many as 430 open cases of children taken to Hague Convention countries and 635 cases of children taken to countries in which no formal structures facilitate the return of the child. The overall rate of return for Hague Convention matters taken to completion is about 61%. The overall rate of return for children taken to non-Hague countries is understandably lower, about 39%.

Although progress has been made in aiding the return of abducted children, there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention on the Civil Aspects of International Child Abduction. The Office of International Affairs, in cooperation with the above-mentioned entities, is working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries. For FY 2001, the Division is requesting resources to strengthen its ability to participate in the developing enforcement efforts in this area. Our request for resources is consistent with planning currently underway between the State Department and the Department of Justice to develop and implement a plan of action to address this problem.

The Short-Term Protection Program

Over the past decade, the Department of Justice, largely through the United States Attorneys' offices, has become increasingly involved in the prosecution of violent, often drug-and gang-related, crime that historically had been the province of the states. One of the results of this trend is that witness security has become a more serious problem. Witnesses to violent crime, particularly gang-related violent crime, are often the targets of intimidation, threats, and assaults. Fear of gangs can be pervasive in a neighborhood, intimidating witnesses without any explicit threat needing to be made. Effective law enforcement requires that prosecutors and law enforcement agencies be able to respond to the needs of threatened and intimidated witnesses.

The Short-Term Protection Program (the "STPP") was established as a pilot project in the District of Columbia in 1991. The STPP provides specialized services for threatened witnesses in criminal prosecutions for whom the Witness Security Program and the Emergency Witness Assistance Program are inappropriate. In order to expand the STPP, Criminal Division is requesting one position for the Office of Enforcement Operations.

Prior to 1990, the Witness Security Program was the only formal witness security program in existence. In the late 1980s, concerned by the increase in gang- and drug-related violent crime, the United States Attorney for the District of Columbia urged the Department to do more to assist threatened and intimidated witnesses. In response, in June 1990, the Management and Planning Staff of the Justice Management Division (JMD) circulated a policy options memorandum entitled "Short-Term Witness Security". JMD recommended the creation of a three-tier system. The first tier was the existing Witness Security Program. The second tier would provide short-term witness security, including temporary relocation and 24-hour protection while in the danger area. The third tier of services would include temporary relocation to a relative's home or to a hotel and subsistence if necessary, but no protection of the witness. JMD recommended that a pilot program providing Tier 2 and Tier 3 services be established in the District of Columbia with the view of establishing a national program in the following fiscal year.

As indicated above, STPP was established in 1991 as a pilot project to provide Tier 2 witness security services.[1] The STPP operates under the same legal authority (18 U.S.C. § 3521 et seq.) as the long-term WSP, provides a limited range of services.[2] An Assistant United States Attorney must sponsor the witness into the program. An application to admit the witness is submitted to OEO.[3] While the application is pending, the Metropolitan Police Department is responsible for providing housing and other assistance to the witness. Once admitted to the program, participants (and family members, if necessary) are relocated out of town for a period of time, usually six months to a year. While they are out of town, the Marshals Service provides subsistence to participants. While not formally part of the program, the Marshals Service provides other services such as employment services and access to drug treatment to witnesses amenable to receiving such services. The Marshals Service provides security for participants when they return to the jurisdiction for court appearances. Participants are terminated from the program ninety days after the case in which they were a witness ends by plea or verdict or otherwise and are given an additional one month's subsistence. Participants are free, if they wish, to return to the jurisdiction after their termination from the program, but they are provided no services or protection if they choose to do so. The STPP is available only if all other options (e.g., the Emergency Witness Assistance Program, HUD relocation) have been explored and found wanting.

Since the inception of the program in 1991, approximately 189 witnesses have been admitted into the STPP. In addition, services have been provided to family members of a number of the witnesses. According to figures provided by JMD, the total direct costs of the STPP for fiscal years 1992 through 1997 were approximately $4 million, or about $27,000 per witness. Direct costs are the costs of providing services to the witnesses and their families and do not include the personnel costs of the Marshals Service and OEO. Three categories of costs -- housing, subsistence, and relocation -- constituted upwards of 90 percent of the total direct costs.

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1 As is discussed more fully below, the Department created the Emergency Witness Assistance Program in 1997 to provide Tier 3 services.

2 The description that follows is of how the STPP currently functions.

3 OEO is responsible for the WSP as well as the STPP, and the procedures governing both programs are similar.

In order to strengthen the Division's programs that support the Nation's communities, the Criminal Division is requesting 6 positions (4 attorneys), 4 FTE and $685,000 for FY 2001. These positions will annualize to 6 positions, 6 FTE, and $971,000 for FY 2002.

- For OPL, the Criminal Division requests 1 analyst position at the GS-13 level to administer the increasing workload associated with the Attorney General's Indian Country initiative. The total request is for 1 position, 1 FTE, and $70,000 for FY 2001. The request will annualize to 1 position, 1 FTE, and $108,000 for FY 2002.

- For CEOS, the Criminal Division requests two attorney positions at the GS-15 level to keep pace with the increase in illicit activities involving child pornography. The Division also requests $50,000 in funding to meet increased litigation support requirements and to support travel and training requirements related trafficking of women and children. The total request is for 2 positions, 1 FTE, and $246,000 for FY 2001. The request will annualize to 2 positions, 2 FTE, and $353,000 for FY 2002.

- For OIA, the Criminal Division requests two attorney positions at the GS-15 level to support Division efforts to better address child pornography and international parental kidnaping programs. In addition, the Division requests funding for travel and training to support the Division's international parental kidnapping programs. The total request is for 2 positions, 1 FTE, and $314,000 for FY 2001. The request will annualize to 2 positions, 2 FTE, and $432,000 for FY 2002..

- For OEO to support the enhanced efforts of the Short-Term Protection Program, the Criminal Division is requesting one GS-11 analyst position for the fiscal year 2001. The total request is for 1 position, 1 FTE, and $55,000 for FY 2001. This request will annualize to 1 position, 1 FTE, and $78,000 for FY 2002.

Program Performance Information

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	792	812	$104,477
2001 Base	782	802	110,800
2001 Estimate	818	823	113,959
Increase/Decrease	36	21	3,159

The Criminal Division includes the following Decision Units: White Collar Crime, International, Organized Crime and Narcotics, and Litigation Support. Program changes, program descriptions and highlights of the FY 1999 accomplishments are included below.

Decision Unit: WHITE COLLAR CRIME

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	219	222	$27,680
2001 Base	209	212	29,356
2001 Estimate	218	217	30,188
Increase/Decrease	9	5	832

The Child Exploitation and Obscenity Section

Program Changes	Perm. Pos.	FTE	Amount
	2	1	$246

Base Program Description: The **Child Exploitation and Obscenity Section** (CEOS) prosecutes those who, under the federal criminal statutes, possess, manufacture, or distribute child pornography; those who sell, buy or transport women and children interstate or internationally to engage in sexually explicit conduct; those who travel interstate or internationally to sexually abuse children; those who abuse children on federal and Indian lands; those who do not pay certain court ordered child support payments; those who transport obscene material in interstate or foreign commerce either via the mails, common carrier, cable television lines, telephone lines or satellite transmission; and those involved in international parental abduction. CEOS attorneys also assist United States

Attorneys Offices (USAOs) in investigations, trials, and appeals related to these statutes. Additionally, CEOS attorneys provide advice on victim-witness issues, and develop and refine proposals for prosecution policies, legislation, governmental practices and agency regulations in the areas of sexual exploitation of minors, child support and obscenity for USAOs, United States Customs Service, United States Postal Service, and the FBI. CEOS also conducts and participates in training of federal, state, local and international prosecutors, investigators and judges in the areas of child exploitation and trafficking of women and children.

FY 1999 Accomplishments: CEOS worked to decrease the amount of trafficking in online pornography on the Internet and other online services. This was accomplished by the training of law enforcement to improve investigations and prosecutions and to increase the number of cases; working with the Internet Service Provider (ISP) industry to facilitate cooperation in investigations, as well as educating them about reporting requirements and to continue working on self-regulation; and increasing training and networking with international law enforcement and prosecutors to stem the worldwide flow of child exploitation materials. Working closely with the Executive Office of the United States Attorneys (EOUSA), CEOS facilitated training of the Child Exploitation Coordinators in the United States Attorney Offices (USAOs), and finalized the "toolkit" project to provide the Coordinators with a laptop computer and software to assist them with their investigations and prosecutions of child exploitation crimes.

CEOS worked to increase the number of investigations and prosecutions of sexual exploitation offenses against children through training of law enforcement to improve investigations and prosecutions in child pornography and trafficking of women and children for sexual purposes; increased participation in international meetings; and developed a network of international resources to assist in working these cases. In addition, the Section worked on a major legislative package to create new offenses, amendments, and other miscellaneous provisions related to child exploitation crimes.

CEOS worked closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on the establishment of the Internet Crimes Against Children (ICAC)Task Forces to ensure that state and local law enforcement can acquire the necessary knowledge, equipment and personnel resources to prevent, interdict and investigate ICAC offenses. The Section provides legal technical assistance to the task forces as well as training for the law enforcement personnel.

CEOS worked to facilitate cooperation between domestic and international law enforcement agencies to enhance capabilities in conducting international investigations through participation in international meetings and development of a network of investigative resources. Specifically, CEOS worked with the United States Customs Service, the USAOs and international law enforcement agencies on the Cheshire Cat project, an international investigation into online child pornography.

CEOS worked within the Child Support Task Force to develop a webpage on the Internet to provide information on child support and post the "most wanted" list of parents delinquent in payment of child support obligations. The Section also worked closely with the Office of Child Support Enforcement in the Department of Health and Human Services on the establishment of

regional task forces to address child support enforcement and developed a brief bank of child support cases on Westlaw for the United States Attorney Offices.

The Computer Crime and Intellectual Property Section

Program Changes	Perm. Pos.	FTE	Amount
	7	4	$586

Base Program Description: The **Computer Crime and Intellectual Property Section** (CCIPS) is responsible for implementing the Department's Computer Crime Initiative, a comprehensive program designed to address the growing global computer crime problem, including cyberattacks on critical information systems. CCIPS' employees work with other government officials, the private sector, academic institutions, and foreign representatives to prevent, investigate, and prosecute computer crimes. At the same time, Section attorneys are working in many ways to improve the domestic and international infrastructure--legal, technological, and operational--to pursue network criminals most effectively. In pursuing these goals, CCIPS lawyers regularly resolve unique legal and investigative issues raised by emerging computer and telecommunications technologies; litigate cases; provide litigation support to other prosecutors; train federal, state, and local law enforcement personnel; comment on and propose legislation; and initiate and participate in international efforts to combat computer crime. The Section's responsibilities in the area of crimes against intellectual property rights are similarly multi-faceted. With the exponential increase in the number and importance of information systems in modern society, it has become increasingly clear that intellectual property (IP) has fast become one of the principal economic engines of the era. As a world leader in intellectual products, the United States has become a--or even the--target of choice for thieves of material protected by copyright, trademark, or trade-secret designation (under the new Economic Espionage Act in the U.S.). In this area, CCIPS is also prosecuting, supporting prosecutions by other AUSAs, training, reviewing legislation, and working internationally to improve the effectiveness of our legal sanctions.

1999 Accomplishments: CCIPS provided expert legal and technical instruction and advice for exercises and seminars to senior personnel on information warfare, infrastructure protection, and other topics for the Department of Defense, the National Security Agency, the Central Intelligence Agency, and others. At the personal request of the DOD General Counsel, CCIPS answered numerous difficult legal questions regarding the roles, responsibilities, and powers of the many different actors within DOD who protect and defend DOD networks. Further, the Naval War College invited CCIPS to give a featured presentation at a high-level, invitation-only conference on cyberwarfare and international law.

CCIPS led the Department's efforts to counter cyberterrorism through our work on PDD-63, the Five-Year Counterterrorism Strategy, our support to the National Infrastructure Protection Center, and our extensive international work (including chairmanship of

the G-8 Subgroup on High-tech Crime, a leadership role in the Council of Europe Experts' Committee on Cybercrime, and a new cybercrime project at the Organization of American States).

As law enforcement matures into the Information Age, CCIPS is a central point of contact for investigators and prosecutors who confront investigative problems with emerging technologies. This year, CCIPS assisted with wiretaps over computer networks, as well as traps and traces that require agents to segregate Internet headers from the content of the packet. CCIPS has also coordinated an interagency working group consisting of all the federal law enforcement agencies, which developed the "Online Investigative Principles for Federal Law Enforcement Agencies." That document gives guidance to agents and prosecutors on the many problems of law, jurisdiction, and policy that arise in the online environment.

The Attorney General launched the Cybercitizen Partnership, created by CCIPS in cooperation with high-tech industries, to accomplish three large missions: to teach responsible computing so that children will learn not only how to use computers, but how NOT to use them; to create a program that will support and foster personnel exchanges between law enforcement and industry to improve expertise and awareness on both sides; and to create a directory of expertise in industry which law enforcement may use to find the precise skills they need in an investigation.

In countless sensitive meetings with industry representatives and other members of the administration on the issue of encryption, CCIPS continues to search for balanced solutions to the conflict between individual privacy and public safety. The Section plays a leading role in law enforcement's efforts to ensure our continued ability to decrypt data or otherwise obtain plaintext.

CCIPS has also developed the "Intellectual Property Rights Initiative," a comprehensive plan to better enforce the criminal laws protecting copyrights, trademarks, and trade secrets both domestically and internationally. The Initiative is expected to be the centerpiece of an elevated effort to combat this type of crime, and coordinate our approach with other agencies and within the United States Government and with other countries.

CCIPS is also a key component in enforcing the "Economic Espionage Act," enacted in 1996 to deter and punish the theft of valuable trade secrets. CCIPS coordinates approval for all the charges under the theft of trade secret provision of this Act, and CCIPS attorneys successfully tried the first jury case ever under the Act, culminating in guilty verdicts against a company, its Chief Executive Officer, and another employee.

The Public Integrity Section

Base Program Description: **Public Integrity** (PI) oversees the federal effort to combat abuses of the public trust by government officials. The Section investigates, and, when warranted, prosecutes, corruption offenses involving public officials at all

levels of government. The Section has primary jurisdiction over allegations of criminal misconduct involving federal judges and also oversees the investigation and prosecution of election crimes and spearheads the federal effort to address conflict of interest crimes. In addition to prosecuting selected cases against federal, state, and local officials, Section attorneys handle corruption cases in which a United States Attorney's Office is recused. Section attorneys also participate in public corruption training events for federal prosecutors and investigators, provide advice and assistance on the handling of corruption cases, and participate in international conferences addressing public corruption. From 1978 through June 1999, the Section also handled the administration of the Independent Counsel Act. In July 1999, the Act expired and was replaced by Attorney General regulations, the administration of which will be overseen by the Section.

FY 1999 Accomplishments: A scheme to attack the integrity of the federal court system by leveling false allegations against a federal judge to disqualify the judge from presiding over a pending criminal case resulted in the conviction of all parties and a prison term of ten years for the lead defendant. A paralegal and two investigators were convicted of obstruction of justice and related charges arising from their false accusation that the judge had engaged in improper contacts with a prosecutor on a pending case in Fort Meyers, Florida.

A successful eight-year fight to defeat defense allegations of prosecutorial misconduct concluded with the convictions of three former South Carolina legislators originally convicted in connection with a public corruption investigation called Operation Lost Trust. The Lost Trust cases were prosecuted by the U.S. Attorney's Office for the District of South Carolina in the early 1990s. In 1994, following reversals of five convictions obtained by the USAO and upon allegations of misconduct against the USAO, the Lost Trust cases were reassigned to the Public Integrity Section. After five years of litigation, including several appeals to the Fourth Circuit, convictions have now been obtained against all surviving defendants in the Lost Trust cases.

A senior official of the Federal Highway Administration (FHWA) in charge of contracts involving millions of dollars in FHWA funds was convicted, along with a subordinate FHWA employee, and a FHWA contractor, for concocting a scheme to steal over $200,000 from the FHWA through the use of unlawful gratuities and bogus invoices. The defendants pled guilty to multiple charges arising from the scheme, including conspiracy to defraud the U.S., bribery, and money-laundering.

After a three-month trial, a former Houston City Councilman and a lobbyist were convicted on all charges relating to a bribery and kickback scheme involving the Houston City Council. The Councilman was convicted of bribery relating to the receipt of federal funds, conspiracy, and mail fraud and was sentenced to 108 months in prison. The lobbyist was convicted of bribery relating to receipt of federal funds and conspiracy and was sentenced to 51 months in prison.

An Ohio State Senator was convicted by a jury of extortion and was sentenced to prison for 15 months for demanding personal loans and campaign contributions from Cleveland-area grocery store owners in exchange for helping the store owners obtain various

state and county contracts and permits.

The Fraud Section

Base Program Description: The **Fraud Section** conducts on-site investigations and prosecutions of national significance. This litigating section handles complex investigations throughout the country and coordinates the federal effort against fraud and white-collar crime. Fraud Section investigations often involve business crimes such as financial institution fraud; Internet fraud; fraud in the insurance industry; international criminal activities in violation of the Foreign Corrupt Practices Act; and multi-district schemes that victimize consumers, such as telemarketing scams and fraudulent bankruptcy mills. The Section's prosecutions also focus on fraud involving government programs and procurement, including health care, HUD, and government regulatory activity in the securities and commodities markets. In addition, the Fraud Section develops white-collar crime policy for the Department through the staffing of the Attorney General's Council on White-Collar Crime. It also chairs a variety of inter-agency working groups to better coordinate these activities, provides training to agents and prosecutors in this country and abroad, and represents the United States in international organizations.

FY 1999 Accomplishments: As of September 30, 1999, the Fraud Section opened 112 investigations, indicted 26 new cases and obtained convictions of 50 defendants. Court ordered fines, restitution, etc. to date were more than $243 million.

In the health care fraud area, the Fraud Section continues to coordinate several multi-district health care provider cases throughout the country. The Section coordinated the Department's global criminal plea agreement which was part of an overall $61 million criminal and civil settlement agreement with Olsten Corporation and it's subsidiary, Kimberly Home Health Care, Inc. In a significant kickback and false claims case, the Section participated in a closely watched trial against a health care provider that resulted in the conviction of physician/nursing home owners who had obtained kickbacks from hospitals for referrals of patients.

The Section began the investigation of bribery allegations in connection with Salt Lake City's bid for the Winter Olympics with a team of four Section attorneys and an FBI squad. In this continuing investigation, one conviction was obtained in July 1999, and the son of a member of the International Olympic Committee was indicted in September 1999.

An attorney from the Section was part of the "Freemen" trial team, which obtained 22 convictions in three jury trials over the past two years. In the procurement area, the Section concluded its coordination of a successful two-year undercover operation that focused on aircraft parts vendors in four states. The operation resulted in 21 convictions by U.S. Attorneys from several districts and more than $2.5 million in monetary recoveries.

The Section has worked closely with OSHA to investigate and prosecute cases involving violations of OSHA standards that

have resulted in deaths or serious injuries. A construction company and its officials were convicted in Illinois in connection with a workplace accidental death.

The Section assisted in obtaining the conviction after a jury trial of a British citizen who was a former executive of a Dutch company and of two American subsidiaries of charges of violating the Foreign Corrupt Practices Act and the Travel Act. Guilty pleas were entered by the two Americans on related changes.

Section attorneys obtained the conviction of two organizers of a new international investment scheme that used fictitious "prime bank" offerings to defraud domestic and foreign investors of more than $5 million. The Section is seeking the extradition of a co-defendant, a British citizen residing in the United Kingdom.

The New England Regional Bank Fraud Task Force is winding down its operation at the end of FY 1999 after successfully completing its mission. It opened in May 1991 and obtained 141 convictions in major bank frauds.

PERFORMANCE INDICATOR TABLES

The activities of the White Collar Crime Decision Unit directly support the following goals from the Department of Justice's Strategic Plan FY 1997-2002.

Department of Justice Core Function 1: **Investigation and Prosecution of Criminal Offenses.**

Strategic Goal 1.1: **Reduce violent crime, including organized crime and drug and gang-related violence.**

Strategic Goal 1.4: **Reduce white-collar Crime.**

Strategic Goal 1.5: **Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal agencies that are critically linked to improved operation of the Nation's justice system.**

Name of Decision Unit: ***WHITE COLLAR CRIME*** This Decision Unit includes four Sections: the Child Exploitation and Obscenity Section (CEOS), the Computer Crime and Intellectual Property Section (CCIPS), the Fraud Section, and the Public Integrity Section (PI)

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998 Actual**	**FY 1999 Actual**	**FY 2000 Estimate**	**FY 2001 Planned**
Input	1. White Collar Crime Cases Pending [and Received]	ACTS	186 [111]	197 [150]	197 [159]	209 [181]
	2. White Collar Crime Matters Pending [and Received]	ACTS	1,157 [1,819]	1,168 [2,293]	1,401 [2,618]	1,426 [3,170]
Output	3. White Collar Crime Cases Closed	ACTS	100	150	147	150
	4. White Collar Crime Matters Resolved	ACTS	1,804	2,060	2,593	3,000
	5. Computer Crime Training Sessions Held:					
	a. Computer/Telecommunications Coordinator Sessions	Manual	0	1	2	2
	b. Assistant United State Attorneys	Manual	35	40	40	40
	c. Federal agencies	Manual	40	55	60	65
	d. State and local agencies	Manual	28	28	30	30
	e. Private (Universities, Industries, etc.)	Manual	30	60	60	65
	6. Number of AUSA CTCs Designated (Total in Place)	Manual	125	130	130	130
	7. Number of State CTCs Designated (Total in Place)	Manual	2	2	5	10
	8. Training Sessions Held on the Ethics in Government Act	Manual	4	5	5	5
	9. Number of Public Corruption Cases Closed	Manual	33	27	27	27

Name of Decision Unit: ***WHITE COLLAR CRIME*** This Decision Unit includes four Sections: the Child Exploitation and Obscenity Section (CEOS), the Computer Crime and Intellectual Property Section (CCIPS), the Fraud Section, and the Public Integrity Section (PI)

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998 Actual**	**FY 1999 Actual**	**FY 2000 Estimate**	**FY 2001 Planned**
End Outcomes	10. Conviction Rate of Defendants in Fraud Cases	Manual	91%	78%	N/A	N/A
	11. Court Ordered Fine, Restitution, Forfeitures in Fraud Cases	ACTS	$75 Million	$243 Million	N/A	N/A
	12. Conviction Rate in Child Exploitation and Obscenity Cases	Manual	65%	N/A	N/A	N/A
	13. Number of Agents and Prosecutors Trained to Conduct Investigations Relating to On-line Pornography	Manual	N/A	1,000	1,200	1,400
	14. Civil Settlements of Conflict of Interest Matters Pursuant to 18 U.S.C.§ 216	Manual	4	3	N/A	N/A
	15. Number of Public Corruption Convictions	Manual	34	21	N/A	N/A
	16. Conviction Rate in Public Integrity Cases	Manual	97%	95%	N/A	N/A
	17. Coordination & Participation in International Meetings Related to Combating Crimes Against Children	Manual	8	12	12	15
	18. Participation in drafting process of international agreements and protocols to trafficking of women and children	Manual	0	2	2	2
	19. Number of lectures to Federal, State, or Local prosecutors and law enforcement agents	Manual	19	15	15	15
	20. Number of addresses to visiting foreign officials on U.S. laws addressing public corruption	Manual	18	23	23	23
	21. Participation in international conferences, proceedings, and related meetings and negotiations addressing public corruption issues	Manual	3	10	10	10

A. Definitions of Terms or Explanations for Indicators: General Note: "NA" denotes that data is not available or that targets have not been established.

Items 1 and 2: These items refer to cases or matters pending at the beginning of the fiscal year; and cases or matters received over the course of the fiscal year.

Items 3 and 4: Cases closed and matters resolved over the course of the fiscal year.

Item 16 Figures include civil resolutions pursuant to 18 U.S.C. Section 216

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	106	107	$14,116
2001 Base	106	107	14,970
2001 Estimate	106	107	14,970
Increase/Decrease	0	0	0

Narcotics and Dangerous Drug Section

Base Program Description: Since its formation in April 1968, the **Narcotics and Dangerous Drug Section (NDDS)** has exercised supervisory jurisdiction of those statutes pertaining to controlled substances. The Section's current responsibilities include the development and implementation of domestic and international narcotics law enforcement programs and policies, and the provision of direct litigation support to the Organized Crime Drug Enforcement Task Force (OCDETF) and High Intensity Drug Trafficking Area (HIDTA) programs, to the Southern Frontier and other multi-agency initiatives, and to U.S. Attorneys nationally in recusal matters or in cases where the Section's expertise is requested. NDDS attorneys represent the Department in developing and administering other cooperative drug enforcement strategies, initiatives, and projects conducted by the law enforcement and intelligence communities, including the National and International Drug Control, Crack Cocaine, Methamphetamine, Heroin, Marijuana and Hemispheric Anti-Drug Strategies. The Section Chief and the Section's supervisory attorneys serve as the Department's designated representatives on several senior-level committees of the intelligence and law enforcement communities that plan and coordinate joint international counter-narcotics initiatives and other sensitive law enforcement activities. Additionally, the Chief acts as the designated representative of the U.S. Government in the implementation of the joint U.S.-Republic of Colombia evidence sharing initiative, intended to facilitate the successful investigation and prosecution of major narcotics traffickers in Colombia. NDDS plays a central coordinating role in a number of multi-district, multi-agency initiatives and prosecutions, including the Southwest Border Initiative (SWBI), the Department's priority narcotics enforcement program targeting major Mexican trafficking organizations.

FY 1999 Accomplishments: NDDS attorneys continue to support the Southwest Border initiative by successfully prosecuting major drug trafficking cases along the Southwest Border. In an ongoing OCDETF case in the Southern District of California, 16 defendants were charged with conspiracy to import and distribute more than 1000 kilograms of marijuana and multiple kilograms of cocaine. The lead defendant is a helicopter pilot and former Mexican police official. The property subject to forfeiture includes a 1965 Bell helicopter, a 38-foot yacht, and residential property valued in excess of $400,000.

In another OCDETF case in the Central District of California, two defendants were charged with various offenses related to the manufacture and distribution of methamphetamine. This case is the result of a year-long wiretap investigation that led to the seizure of several large methamphetamine and precursor chemical manufacturing labs in the Santa Ana, CA area.

In an OCDETF capital-eligible case in the District of Puerto Rico, an NDDS trial attorney successfully prosecuted two defendants pursuant to a 17-count indictment in a case involving conspiracy to distribute cocaine, cocaine base, heroin, money laundering, eight murders, several attempted murders, weapons offenses, and obstruction of justice. The two defendants were the last of the 53 defendants in the "KIDS" cases who were prosecuted for various crimes in a series of five trials. Both defendants await sentencing, which is scheduled for August 1999.

In an ongoing OCDETF case in the District of Columbia, 11 defendants are charged with conspiracy to distribute multi-kilogram quantities of heroin imported from Nepal, via Bangkok and New York, to Washington, D.C.

The United States and Colombia are developing improved procedures for transfer of evidence in maritime interdiction cases, which will improve prosecution of maritime drug smuggling suspects where United States forces have participated in their apprehension. Meetings were held in Bogota and the U.S. with Section attorneys, representatives of the United States Coast Guard, and JIATF East and their Fiscalia and Colombian Navy counterparts. The purpose of the meetings was to present the Coast Guard's evidence gathering and prosecution support guidelines that were revised to include the evidence requirements cited by their Colombia counterparts.

NDDS, coordinating closely with other components in the Criminal Division, DEA and Colombian law enforcement have begun an unprecedented Bilateral Case Initiative to investigate and prosecute the most significant narcotics traffickers in Colombia, including extraditing such individuals to the United States.

Organized Crime and Racketeering Section

Base Program Description: The **Organized Crime and Racketeering Section** (OCRS) coordinates the Department's program to combat organized crime and labor racketeering. The principal enforcement efforts are currently directed against traditional groups such as La Cosa Nostra (LCN) families, Asian Organized Crime Groups (AOC) such as Chinese Triads, ethnic Asian gangs, Russian Organized Crime (ROC), and Italian Organized Crime (IOC) groups, including the Sicilian Mafia. The Section supervises the investigation and prosecution of these cases by Strike Force Units within United States Attorney's Offices in 21 federal districts having a significant organized crime presence. These cases involve a broad spectrum of criminal offenses, including RICO, extortion, murder, bribery, robbery, kidnaping, credit card and other fraud, counterfeiting, narcotics, and labor racketeering. The Section is involved in setting national priorities for the organized crime program by coordinating with investigative agencies such as the Federal

Bureau of Investigation (FBI), Drug Enforcement Administration, and others, and by working with the Attorney General's Organized Crime Council, which is ultimately responsible for the federal government's policy in this area. In addition to its close supervision of all federal organized crime cases, the Section maintains close control over all government uses of the Racketeer Influenced and Corrupt Organizations (RICO) statute, which must be approved by OCRS, and provides extensive advice to prosecutors about the use of this powerful tool for cases involving patterns of serious criminal conduct.

FY 1999 Accomplishments: La Cosa Nostra: Eleven individuals, including the acting boss of the Luchese LCN, pled guilty to Hobbs Act extortion charges relating to extortion in the garment industry. John A. Gotti pled guilty to RICO charges involving gambling, extortion, loansharking, bribery, fraud, and tax offenses. Twenty of Gotti's indicted co-conspirators have pled RICO charges and tax violations. Sixteen defendants have been convicted in a prosecution targeting the LCN's involvement in the securities industry. The charges included RICO, securities fraud, extortion, and wire fraud.

The acting boss of the Colombo family, an associate, and others pled guilty to RICO extortion relating to the carting industry and in a separate prosecution also pled guilty to witness tampering obstruction of justice charges. The plea includes $7 million in forfeiture. The acting boss of the Persico faction of the Colombo LCN family was convicted on § 1959 murder charges and two Colombo capos were convicted on RICO murder, loansharking, and gambling charges.

The self-described boss of the Youngstown faction of the Pittsburgh LCN family and a number of members and associates pled guilty to various charges, including RICO murder, extortion, gambling, and bribery charges. Three additional defendants were convicted after a lengthy trial. To date, this investigation into organized crime in the Youngstown area has resulted in the conviction of 49 people, including law enforcement personnel, attorneys, and a Congressional aide.

Russian Organized Crime: A leader of the organized crime group, Nizhny-Novgorad, based in Russia's third largest city was convicted after trial on charges including RICO, visa fraud, narcotics offenses, extortion, and money laundering. This group is considered by law enforcement to be a very significant Russian Organized Crime group.

Asian Organized Crime: The Los Angeles and San Francisco Organized Crime Strike Force Units have brought 12 indictments charging over 120 defendants with offenses arising from the robberies of over 100 computer chip companies resulting in the loss of over $40 million. Over 70 defendants have been convicted, and charges against other defendants are pending. In a related computer chip robbery indictment brought in Seattle, Washington, six of eight defendants have been convicted.

In January 1999, the Department of Justice extended its agreement with Laborers' International Union of North America (LIUNA) to conduct a program of internal reform directed at the removal of La Cosa Nostra (LCN) from within LIUNA. OCRS continues to closely monitor the program. During the three-year period since the original agreement was entered into in January 1995,

LIUNA has achieved numerous reforms, including removal of over 100 persons from LIUNA for barred conduct, the adoption of an ethical practice code for union officers, and the establishment of a permanent internal union disciplinary structure. Thus far, 13 members and 29 associates of the LCN have been removed from LIUNA.

Pension Abuse: OCRS also continues to oversee the activities of the Attorney General's Initiative Against Fraud Abuse. In the Northern District of Illinois the final two individual defendants pleaded guilty to false statement and obstruction charges in connection with a racketeering prosecution involving pension abuse. Employers were charged with defrauding employees of $10 million in wages and benefits owed under collective bargaining agreements over a 20-year period and the submission of $6.5 million in fraudulent bills to state, local and federal governments for Chicago area road construction projects.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

The activities of the Organized Crime and Narcotics Decision Unit directly support the following goals from the Department of Justice's Strategic Plan FY 1997-2002.

Department of Justice Core Function 1: **Investigation and Prosecution of Criminal Offenses.**

Strategic Goal 1.1: **Reduce violent crime, including organized crime and gang-related violence.**

Strategic Goal 1.2: **Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.**

Strategic Goal 1.5: **Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, State and local agencies that are critically linked to improved operation of the Nation's justice system.**

Name of Decision Unit: ***ORGANIZED CRIME AND NARCOTICS*** This Decision Unit includes two Sections: the Organized Crime and Racketeering Section (OCRS) and the Narcotic and Dangerous Drug Section (NDDS).

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**FY 1998 Actual**	**FY 1999 Actual**	**FY 2000 Estimate**	**FY 2001 Planned**
Input	1. Cases Pending [and Received]	LTS	133 [51]	121 [47]	126 [57]	133 [65]
	2. Matters Pending [and Received]	LTS	985 [348]	1,070 [285]	1,125 [304]	1,154 [323]
	3. Organized Crime Strike Force Cases Pending, start-of-year [and Received]	LTS	782 [91]	684 [100]	593 [105]	508 [105]
	4. Shared Organized Crime Cases Opened	LTS	9	12	14	15
Output	5. Cases Closed	LTS	63	42	50	57
	6. Matters Resolved	LTS	263	230	275	293
	7. Organized Crime Strike Force Cases Closed	LTS	189	191	190	190
	8. Narcotic Legal Advisory Matters Handled	ACTS	2,700	2,689	3,200	3,700
	9. International Maritime Law Enforcement Matters Reviewed	Access DB	101	145	175	200
	10. Number of Multi-District Narcotic Investigations Coordinated	Access DB	25	16	20	20
	11. Number of Foreign Counterdrug Investigators, Prosecutors, Judges and Legislators Trained	Manual	5	0	10	15
	12. Indictments Obtained in OCDETF Cases	ACTS	27	42	44	46
	13. Convictions Obtained in OCDETF Cases	ACTS	10	21	23	25
	14. Number of Wiretap Reviews Completed, NDDS & OCRS	Access DB	484	457	490	523
	15. Number of Task Force Cases:					
	A. Southwest Border	ACTS	57	40	50	60
	B. Caribbean Basin	ACTS	1	8	12	16
	C. Cross-Borders	ACTS	10	18	27	36

Name of Decision Unit: ***ORGANIZED CRIME AND NARCOTICS*** This Decision Unit includes two Sections: the Organized Crime and Racketeering Section (OCRS) and the Narcotic and Dangerous Drug Section (NDDS).

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Actual	FY 2000 Estimate	FY 2001 Planned
Output	16. Sensitive Investigative Applications Reviewed by NDDS	Access DB	300	183	188	193
	17. Number of Drug Trafficking Organizations Identified by SOD	Manual	N/A	38	40	42
	18. OCRS Labor Cases Reviewed	HTS	5	11	12	12
	19. Section 1959 Case Submissions Reviewed	HTS	76	53	63	68
	20. RICO Submissions Reviewed	HTS	150	110	120	125
End Outcomes	21. Organized Crime "Bosses" Indicted *	F.B.I.	2			
	22. Organized Crime "Bosses" Convicted*	F.B.I.	2			
	23. Organized Crime "Family Members" Indicted*	F.B.I.	26			
	24. Organized Crime "Family Members" Convicted*	F.B.I.	34			
	25. LCN "Bosses" & "Family Members" Removed from Hierarchy *	F.B.I.	16			
	26. Asset Forfeitures Achieved Against Organized Crime Defendants/ Enterprises	F.B.I.	155	155	155	155
	27. Number of Foreign Governments Assisted with Drafting Counterdrug Legislation	Manual	15	6	20	30

A. Definitions of Terms or Explanations for Indicators: General Note: "NA" denotes that data is not available or that targets have not been established.

Items 1 thru 4: These items refer to cases or matters pending at the beginning of the fiscal year; and cases or matters received over the course of the fiscal year. OCRS approves and oversees Strike Force cases; U.S. Attorney's Offices handle Strike Force cases.

Items 5 thru7: Cases closed, matters resolved, and matters monitored over the course of the fiscal year. OCRS approves and oversees Strike Force cases; U.S. Attorney's Offices handle Strike Force cases.

Items 12 thru 13: The Organized Crime Drug Enforcement Task Forces (OCDETF) Program has been the principal coordinating mechanism for federal, state and local law enforcement investigations and prosecutions aimed at high-level drug trafficking and related enterprises. The OCDETF goal is to dismantle and/or significantly disrupt the operations of those enterprises by investigating, prosecuting, and convicting the organizational leadership.

Items 21 thru 25: * As of December 1998 this is no longer a Criminal Division activity.

B. Factors Affecting FY 1998 and FY 1999 Program Performance and Factors Influencing the Selection of FY 2000 and FY 2001 Targets.

Measuring outcomes is difficult in any context, but particularly so in law enforcement. The Criminal Division is guided principally by "doing what is just" and in some cases this means not pursuing an unfounded indictment or baseless claim. "Success" for us is when justice is served fairly and impartially; it is not reducible to simple numerical counts of arrests or convictions. "Success" for us is also when crime or wrong-doing is deterred through effective law enforcement; yet quantitative measurement of the benefits of this deterrence is a complex challenge. In addition, it is extremely difficult to isolate the particular effects of the Criminal Division's efforts from other factors that affect outcomes and over which the Division has little control, including: the strength and vitality of our social, economic and political institutions; the effectiveness and capacity of our law enforcement partners both domestically and internationally; the effects of cultural attitudes and practices; changing statutory responsibilities; developments overseas; and changing technology.

In a number of areas we do not establish numerical targets. The Criminal Division is deeply concerned that estimated levels of performance (e.g., targets for conviction rates, indictments and convictions) not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. Recent revelations of abuses within the Internal Revenue Service underscore this concern. As a result, although we will report after the fact, we will not set quantified targets for convictions, drug seizures and the like. In some goal areas, problems in estimating levels of performance reflect the paucity of available baseline information. Without such a baseline, it is impossible to predict with any confidence the marginal changes that are likely to occur. For example, there are no generally accepted data on, or means of measuring, the amount of illegal drugs entering the United States or the availability of specific drugs.

Decision Unit: INTERNATIONAL

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	191	193	$26,617
2001 Base	191	193	28,227
2001 Estimate	207	202	29,760
Increase/Decrease	16	9	1,533

The Terrorism and Violent Crime Section

Program Changes	Pos.	Perm. FTE	Amount
	1	1	$92

Base Program Description: The mission of the **Terrorism and Violent Crime Section** (TVCS) is to design, implement, and support law enforcement efforts, legislative initiatives, policies and strategies relating to international terrorism, domestic terrorism and domestic violent crime in coordination with other federal, state, and local law enforcement agencies, as well as appropriate foreign counterparts. This includes direct participation in the investigation and prosecution of virtually all international terrorism cases, particularly critical domestic terrorism cases, as well as in selected domestic violent crime cases.

In the international arena, TVCS, working in partnership with the U.S. Attorney's Office for the District of Columbia and with other U.S. Attorneys' Offices as appropriate, investigates and prosecutes extraterritorial acts of terrorism, occurring anywhere in the world, that impact significant U.S. interests. TVCS plays a critical role in the investigation and prosecution of material support of designated terrorist organizations, coordinating its efforts with the Civil Division, the Departments of State and the Treasury, the CIA and the FBI. TVCS is also involved in immigration enforcement efforts relating to alien terrorists.

TVCS develops, coordinates, and implements the federal enforcement program to address domestic terrorism. Components of this program include oversight of FBI full field investigations pursuant to the Attorney General's guidelines, systematic collection and analysis of data related to the investigation and prosecution of domestic terrorism; prosecution of major cases; and chairing the Domestic Terrorism Working Group, comprised of representatives from the Criminal, Civil Rights, Environment, and Tax Divisions, EOUSA, the AGAC, and the FBI, which addresses cross-cutting issues related to domestic terrorism. TVCS, in conjunction with the FBI, continues to enhance efforts to anticipate and prevent terrorist acts within the U.S. by upgrading procedures, consistent with constitutional standards, for early detection, investigation, and prosecution of terrorist conspiracies.

TVCS is involved in the development, implementation, and administration of nationwide programs, consistent with the Anti-Violent Crime Initiative, designed to upgrade violent crime enforcement efforts generally and to address evolving violent crime problems. It undertakes the investigation and prosecution of selected domestic violent crime cases where appropriate due to the importance of the particular case, its multidistrict nature, or the inability of the pertinent U.S. Attorney's Office to handle the case because of a lack of expertise or recusal. Additionally, TVCS supports the efforts of field prosecutors through the provision of a broad range of legal and policy advice and assistance.

Pursuant to the Department of Justice Crisis Response Plan, TVCS serves as a central coordinator for the receipt and dissemination of information pertinent to ongoing critical law enforcement incidents. In this capacity, the Section is involved directly in responding to such crises and in coordinating the involvement of other appropriate investigative and prosecutorial components. Additionally, TVCS develops and coordinates crisis response preparation and training, concerning, for example, weapons of mass destruction, in coordination with other federal agencies.

FY 1999 Accomplishments: Terrorism and Violent Crime Section (TVCS) attorneys have continued to coordinate the Anti-Violent Crime Initiative, the Department's primary strategy for reducing violent crime in the U.S. With its focus on gang violence, gun violence, and juvenile crime, the Section has provided guidance and training to AUSAs and helped to forge new initiatives and legislation. Since the inception of the AVCI in 1994, violent crimes have declined as follows: 3% in 1995; 6% in 1996; 3% in 1997; and 7% in 1998 (preliminary).

Following a request for assistance from the Central District of California, a TVCS attorney joined the prosecution of a major Los Angeles gang involved in drug distribution in a number of U.S. cities. Fifty-two defendants were indicted on CCE charges. All defendants but one either pled guilty or were convicted after trial; the lead defendant received a life sentence.

TVCS has played a leading role in the U.S. effort to disrupt terrorist financing. Efforts in the international arena included engaging member-nations of the European Union in debate on the issue of terrorist financing at their October 1998 Vienna meeting; and assisting the State Department in guiding the Organization of American States (OAS) through its Second Inter-American Specialized Conference on Terrorism in Argentina. The OAS conference culminated in the Commitment of Mar del Plata, which created a new Inter-American Committee for Combating Terrorism within the OAS and endorsed numerous TVCS-drafted measures designed to impede the financing of terrorist organizations. TVCS continues to play a pivotal role in drafting and advocating a G-8 Terrorist Financing Convention initiative introduced in the United Nations in FY 1999. TVCS has joined with the State Department, the FBI and others to create and staff an international terrorist financing training curriculum that is scheduled to be ready for presentation to prosecutors and investigators who will be asked to assist in bringing to justice terrorist financiers.

TVCS has continued the pretrial preparations in United States v. Mohammed Rashed, CR. No. 87-0308, (D.D.C), a major

international terrorism case pending in the District of Columbia. This case stems from the August 11, 1982, bombing of Pan Am Flight 830, flying from Tokyo, Japan, to Honolulu, Hawaii, which resulted in the death of a Japanese teenager on board and injured a number of passengers.

TVCS provided critical support to the Southern District of New York's (SDNY) prosecutions growing out of its investigation of terrorist Usama Bin Laden and his role in the August 1998 bombings of the U.S. embassies in Nairobi and Dar es Salaam. These efforts involved the review and approval of the proposed indictments, as well as obtaining the necessary certifications as required by 18 U.S.C.§2332, that the offense was intended to coerce, intimidate, or retaliate against a government or a civilian population. Considerable effort was also expended by TVCS, on SDNY's behalf, in order to avoid possible prejudice to the criminal prosecution by the parallel investigation being conducted by the Department of State's Accountability Review Board.

Following a nine-week trial, a verdict of guilty was obtained on all counts against Chevie Kehoe and Daniel Lewis Lee in a domestic terrorism RICO prosecution. Defendant Lee received the death penalty. This prosecution resulted from the activities of the Aryan People's Republic, a white supremacist gang created by Chevie Kehoe, that committed murders and armored car robberies in furtherance of their plan to initiate a racial civil war in the United States.

TVCS has made significant efforts to improve federal laws relating to weapons of mass destruction and has recently developed legislation to strengthen criminal statutes in the area of biological agents and toxins to maximize the ability of law enforcement to intervene early in the chain of events that could lead to the use of such weapons.

TVCS played a leading role in developing the Administration's Five-Year Interagency Counterterrorism and Technology Crime Plan, coordinating input from 24 federal agencies as well as state and local law enforcement and academia.

TVCS worked closely in 1999 with the newly formed National Alliance of Gang Investigators Associations, a group representing 12,000 investigators across the country which is dedicated to the promotion and coordination of anti-gang strategies. TVCS played a key role in improving relationships among law enforcement agents at all levels who are addressing the gang problem. A *National Gang Threat Assessment* will be produced this year as a result of these efforts.

The Office of International Affairs

Program Changes	Pos.	Perm. FTE	Amount
	11	6	$1,072

Base Program Description: The **Office of International Affairs** (OIA) supports the Department, including U.S. Attorney's offices, and state and local prosecutors, by coordinating international legal matters and policy and by acting as the U.S. central authority for making all requests for international extradition and mutual legal assistance, both to and from the U.S. OIA also serves as the Department's liaison to foreign law enforcement and prosecutorial entities including foreign ministries of justice, police offices and embassies.

In concert with the Department of State, the Office is responsible for the negotiation of bilateral extradition and mutual legal assistance treaties, and the formulation of country specific and regional law enforcement strategies. OIA also participates in international organizations, such as the United Nations and the G8 Group, and provides assistance to the development of multilateral treaties, studies, and similar efforts regarding international law enforcement issues. The Office maintains a permanent office in Rome, Mexico City, and Brussels, has detailed attorneys to London and Paris; and has received approval to establish an office in Latin America.

FY 1999 Accomplishments: OIA, in cooperation with the State Department, is working to bring into force 38 extradition treaties and mutual legal assistance treaties, which were approved by the Senate in late 1998 and signed by the President in early 1999. OIA is also participating in the negotiation of several multilateral agreements, such as the UN Organized Crime Convention, and the G-8 Cybercrime initiative.

OIA is involved in several prominent mutual legal assistance matters, including those relating to Augusto Pinochet.

An OIA appellate attorney argued in the U.S. Court of Appeals for the 5th Circuit and prevailed against a constitutional challenge to the ability of the U.S. to surrender a person to the Rwanda war crimes tribunal. This is the first case in which U.S. courts (district and circuit) have ordered the surrender of a fugitive to one of the war crimes tribunals.

OIA worked closely with the Government of Mexico in securing the extradition of Jose Luis Del Toro, Jr., charged in the State of Florida with murdering the mother of five children, including infant quadruplets.

The International Criminal Investigative Training Assistance Program

Program Changes	Pos.	Perm. FTE	Amount
	4	2	$369

Base Program Description: The **International Criminal Investigative Training Assistance Program** (ICITAP) was created by Congress in 1986 to provide training in conducting criminal investigations to police forces in Latin America. Since then ICITAP has grown into a global, law enforcement development program that works in more than 20 countries providing $35 million worth of training. Today ICITAP provides police technical assistance and training for "failed states" within international peace operations and for established law enforcement agencies in emerging democracies. ICITAP's mission is to support US foreign policy by providing law enforcement development assistance that is consistent with internationally recognized principles of human rights, the rule of law and modern police practices. ICITAP is located in the Criminal Division of the Department of Justice, but receives all of its funding on a project specific basis from the Department of State and USAID. ICITAP programs are harmonized with those of the Justice Department's Overseas Prosecutorial Development, Assistance and Training Program to insure comprehensive development of the entire justice system in recipient countries.

FY 1999 Accomplishments: Countries receiving ICITAP training reached an all time high of 58; funding grew to $34,982,364.

In the Balkans, ICITAP worked with the Organization for Security and Cooperation in Europe to establish a police academy and begin training 3,000 members of a new Kosovo Police Service. In Bosnia, ICITAP expanded its successful community policing program. In Albania, ICITAP began training 1,000 National Police in Civil Disorder Management.

Under the Wye River Peace Accords, ICITAP provided technical assistance to the Palestinian Authority Civil Police in the West Bank and Gaza in the collection of illegal weapons. In Indonesia, ICITAP trained senior police officials in Civil Disorder Management and Community Relations prior to the country's peaceful national elections.

Under the State Department, ICITAP delivered 42 police training courses in 23 countries and a police academy development program and forensic training in five former Soviet republics.

ICITAP provided a Civil Disorder Management program and other types of police training, fulfilling the President's commitment to provide a police assistance program for Ghana.

ICITAP implemented a technical assistance and training program that significantly reduced street crime in El Salvador, trained criminal investigators in Guatemala and developed a comprehensive curriculum to unify all three law enforcement academies in Columbia. ICITAP continued its successful program of developing the Haitian National Police.

Internal Security Section

Base Program Description: **Internal Security Section** (ISS) supervises the investigation and prosecution of cases affecting national security, foreign relations, and the export of military and strategic commodities and technology. The Section has exclusive responsibility for authorizing the prosecution of cases under criminal statutes relating to espionage, sabotage, neutrality, and atomic energy. It provides legal advice to U.S. Attorney's Offices and investigative agencies on all matters within its area of responsibility, which includes 88 federal statutes affecting national security. It also coordinates criminal cases involving the application of the Classified Information Procedures Act. The Section also administers and enforces the Foreign Agents Registration Act of 1938 and related disclosure statutes.

FY 1999 Accomplishments: On January 22, 1999, a former Defense department employee and a labor union official were sentenced to 262 months and 210 months, respectively, for espionage and related offenses. The defendants were convicted in October following an eight-day jury trial. A co-defendant earlier pleaded guilty to conspiring to commit espionage on behalf of East Germany, the Soviet Union, Russia, and South Africa, from 1972 to 1997 and was sentenced to 151 months.

On February 12, 1999 a former clerk typist was sentenced to 25 years in prison for committing espionage in violation of 18 U.S.C. § 794(a). The defendant who was recruited to participate in espionage on behalf of Hungary and Czechoslovakia by convicted spy Clyde Conrad in early 1987, pled guilty in November 1998, following exhaustive plea negotiations. This guilty plea signaled the end of the investigation and prosecution surrounding the espionage activities of Clyde Conrad. As a result of this investigation, four individuals have pled guilty to espionage in the United States.

A former U.S. Army sergeant was sentenced to 292 months imprisonment following his plea of guilty to conspiring to commit espionage on behalf of the Soviet Union and the Russian Federation in violation of 18 U.S.C. § 794(c).

A New Jersey aircraft parts broker pled guilty to ten felony counts charging: a) conspiracy to sell Phoenix Air-to-Air Missile parts to Iran through Singapore; b) completed shipments of F-5, F-14, and Hawk Surface-to-Air Missile parts to Iran; and c) false statements to U.S. Customs. Pursuant to a plea agreement with the government, the defendant stipulated to a guideline offense level of 25 (57-71 months) and agreed to pay in excess of $2.6 million in fines and forfeitures. Sentencing was set for December 13, 1999.

The Office of Special Investigations

Base Program Description: The **Office of Special Investigations'** (OSI) primary mission is to detect and identify persons who participated in the persecution sponsored by the Nazis or their allies during World War II. OSI is solely responsible for originating, investigating and prosecuting all denaturalization and deportation cases against such persons. In the denaturalization

cases, U.S. Attorneys customarily assign AUSAs to serve as local counsel, but they rely on OSI to handle all of the investigative work and virtually all of the litigative work. OSI is also responsible for the investigation of would-be immigrants or naturalization applicants suspected of involvement with the Nazis or their allies.

Although the Office's workload has been expected to decrease with the aging of its targeted criminal population, a number of factors have combined to expand workload over what was previously anticipated. These factors include: 1) the fall of Communism in Europe, which has generated scores of new investigations and numerous new prosecutions by permitting direct investigative access for the first time to archives that collectively house the largest group of captured Nazi war documents extant; 2) OSI development of the expertise to investigate persons who participated in Japanese persecution during World War II; and 3) OSI assumption of responsibility in major Administration and Congressional initiatives, such as the massive inter-agency investigation into assets looted from victims of Nazi persecution, in which OSI took principal investigative responsibility (and lead DOJ responsibility) and Executive branch compliance with the Nazi War Crimes Disclosure Act, to which OSI has provided major logistical, historical and financial support as well as DOJ representation. The Division anticipates that each of these factors, as well as the fact that OSI is virtually certain to continue to be drawn into every significant WWII-related matter that arises within the Executive Branch, will continue to expand the Office's workload.

FY 1999 Accomplishments: OSI was undefeated in litigation during the FY 1999, winning court decisions and other victories in a total of twelve cases and losing none. During the past year, OSI won four denaturalization cases in federal district courts and three deportation cases in U.S. immigration courts. OSI also won its subpoena enforcement cases in New York and Florida and prevailed in an important declaratory judgment action in Pennsylvania. In addition, OSI won both appellate matters that went to decision. Moreover, OSI succeeded in actually removing four Nazi criminals from the United States during this period.

During the review period, OSI also commenced four new prosecutions. This reflects OSI's continued success on the investigative front, particularly as it exploits its recently obtained access to archives in the former Warsaw Pact nations.

OSI's director is serving as the Department's representative to the Nazi War Crimes Disclosure Act Interagency Working Group that must oversee and report to Congress on the Federal Government's compliance with the Act, which requires the Government to identify, locate, and make public all classified records pertaining to suspected Nazi war criminals and persecutors or to the misappropriated assets of victims of Nazi persecution. To assist agencies in identifying relevant records, OSI has compiled a database containing the names and birth dates of individuals who may meet the definition of suspected Nazi war criminal under the Nazi War Crimes Disclosure Act. That database currently contains approximately 57,000 records and is estimated to be 70% to 80% complete. In addition, although its own records are exempt from the requirements of the Act, OSI is coordinating the efforts of the Department's offices, boards and divisions to identify and review records that may be relevant under the Act. OSI has also provided funds to the Interagency Working Group to cover the three public members of the Group and to finance contractor support to the Group in tracking compliance with the Act by individual agencies and compiling the results of the agencies' actions.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

The activities of the International Decision Unit directly support the following goals from the Department of Justice's Strategic Plan FY 1997-2002.
Department of Justice Core Function 1: **Investigation and Prosecution of Criminal Offenses.**

- Strategic Goal 1.1: **Reduce violent crime, including organized crime and gang-related violence.**
- Strategic Goal 1.3: **Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions).**
- Strategic Goal 1.4: **Reduce white-collar crime, including public corruption and fraud.**
- Strategic Goal 1.5: **Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal agencies that are critically linked to improve operation of the nation's justice system.**

Name of Decision Unit: ***INTERNATIONAL*** This Decision Unit includes four Sections: the Office of International Affairs (OIA), the Terrorism and Violent Crime Section (TVCS), the Internal Security Section (ISS), and the Office of Special Investigations (OSI).

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Actual	FY 2000 Initial Plan	FY 2001 Planned
Input	1. Cases Pending [and Received]	Manual	89 [41]	88 [53]	94 [61]	105 [61]
	2. Matters Pending [and Received]	Manual	7,150 [2,326]	8,001 [2,663]	9,026 [2,875]	10,204 [2,960]
	3. Federal/State Extradition Requests Pending [and Received]	AS-400	2,701 [631]	2,929 [700]	3,204 [770]	3,524 [825]
	4. Incoming (Foreign) Extradition Requests Pending [and Received]	AS-400	905 [329]	1,078 [415]	1,268 [475]	1,493 [480]
	5. Federal/State Mutual Assistance Requests Pending [and Received]	AS-400	1,346 [514]	1,535 [580]	1,675 [640]	1,870 [640]
	6. Incoming (Foreign) Mutual Assistance Requests Pending [Received]	AS-400	1,805 [794]	2,101 [883]	2,544 [900]	2,999 [925]
Output	7. Cases Closed	Tracking	42	47	50	50
	8. Matters Closed	system	1,475	1,638	1,697	1,747
	9. Federal/State Extradition Requests Closed	AS-400	403	425	450	470
	10. Incoming (Foreign) Extradition Requests Closed	AS-400	156	225	250	260
	11. Federal/State Mutual Assistance Requests Closed	AS-400	325	440	445	450
	12. Incoming (Foreign) Mutual Assistance Requests Closed	AS-400	498	440	445	450
	13. New Registrants under the Foreign Agents Registration Act (FARA)	Manual	74	80	80	75
Output	14. Total Registrants under FARA at End of Year	Manual	575	600	605	595
	15. Domestic Training Sessions on National Security Investigations/Prosecutions	Manual	15	10	12	10
	16. Number of Violent Crime Cases Closed	Manual	6	12	6	6
	17. Number of Domestic Terrorist Investigations/Prosecutions	Manual	6	9	10	10
	18. Number of Prosecutions Initiated Against Nazi War Criminals in U.S.	Manual	3	2	5	5
Output	19. Total Number of USAOs with Crisis Response Plan	Manual	10	20	60	75

Name of Decision Unit: ***INTERNATIONAL*** This Decision Unit includes four Sections: the Office of International Affairs (OIA), the Terrorism and Violent Crime Section (TVCS), the Internal Security Section (ISS), and the Office of Special Investigations (OSI).

Performance Indicator Information			Performance Report and Performance Plans			
			Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Actual	FY 2000 Initial Plan	FY 2001 Planned
Outcomes	20. Number of New Extradition Treaties with Other Countries, with a View towards the Extradition of Nationals	AS-400	1	4	8	4
	21. Number of New Mutual Legal Assistance Treaties with other Countries	AS-400	1	8	10	4
	22. Number of Cases in which the Classified Information Procedures Act was Successfully Employed	Manual	18	20	25	25
	23. Conviction Rate in Export Cases Handled by ISS)	Manual	90%	100%	N/A	95%
	24. Conviction Rate in Espionage Cases	Manual	100%	100%	N/A	100%
	25. Customer Satisfaction with Services Provided by the Foreign Agents Registration Act (FARA) Public Office	Manual	95%	95%	96%	96%
	26. Number of Persons Excluded from the U.S. based on Previous Involvement in the Perpetration of War Crimes	Manual	30	8	20	20
	27. Number of persons removed from the US based on previous involvement in the perpetration of War Crimes	Manual	1	4	4	4
	28. Number of persons denaturalized based on previous involvement in the perpetration of War Crimes	Manual	2	4	4	4
	29. Number of Persons Identified for Inclusion on the Japanese War Crimes Watch List (Cumulative)	Manual	35	35	35	35
	27. Number of Terrorist Fundraising Investigations & Prosecutions	Manual	N/A	60	60	60
	28. Number of violent crime investigations in which TVCS participates	Manual	N/A	7	8	9
	29. Number of training seminars and topics taught by TVCS attorneys	Manual	N/A	20	20	20
	30. Number of foreign terrorist act investigations and prosecutions conducted	Manual	N/A	60	60	60
	31. Number of exercises TVCS participated in	Manual	N/A	6	6	6

A. Definitions of Terms or Explanations for Indicators: General Note: "NA" denotes that data is not available or that targets have not been established.

Items 1 thru 6: These items refer to cases or matters pending at the beginning of the fiscal year, and cases or matters received over the course of the fiscal year.

Items 7 thru12: Cases closed and matters resolved over the course of the fiscal year.

B. Factors Affecting FY 1998 and FY 1999 Program Performance and Factors Influencing the Selection of FY 2000 and FY 2001 Targets.

Measuring outcomes is difficult in any context, but particularly so in law enforcement. The Criminal Division is guided principally by "doing what is just" and in some cases this means not pursuing an unfounded indictment or baseless claim. "Success" for us is when justice is served fairly and impartially; it is not reducible to simple numerical counts of arrests or convictions. "Success" for us is also when crime or wrong-doing is deterred through effective law enforcement; yet quantitative measurement of the benefits of this deterrence is a complex challenge. In addition, it is extremely difficult to isolate the particular effects of the Criminal Division's efforts from other factors that affect outcomes and over which the Division has little control, including: the strength and vitality of our social, economic and political institutions; the effectiveness and capacity of our law enforcement partners both domestically and internationally; the effects of cultural attitudes and practices; changing statutory responsibilities; developments overseas; and changing technology.

In a number of areas we do not establish numerical targets. The Criminal Division is deeply concerned that estimated levels of performance (e.g., targets for conviction rates, indictments and convictions) not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. Recent revelations of abuses within the Internal Revenue Service underscore this concern. As a result, although we will report after the fact, we will not set quantified targets for convictions, drug seizures and the like. In some goal areas, problems in estimating levels of performance reflect the paucity of available baseline information. Without such a baseline, it is impossible to predict with any confidence the marginal changes that are likely to occur. For example, there are no generally accepted data on, or means of measuring, the amount of illegal drugs entering the United States or the availability of specific drugs.

Decision Unit: LITIGATION SUPPORT

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	178	182	$22,993
2001 Base	178	182	24,384
2001 Estimate	189	189	25,178
Increase/Decrease	11	7	794

The Appellate Section

Base Program Description: The **Appellate Section** (APP) prepares draft briefs and certiorari petitions for the Solicitor General for filing in the U.S. Supreme Court; makes recommendations to the Solicitor General as to whether further review is warranted on adverse decisions in the district courts and courts of appeals; prepares briefs and argues cases in the courts of appeals; and briefs and argues motions in district courts in cases of national importance. Section attorneys assist U.S. Attorneys in preparing briefs for the courts of appeals and provide advice on the Antiterrorism and Effective Death Penalty Act, the Commerce Clause, the recent adverse Supreme Court decisions in Bailey, Gaudin, and Staples, and a variety of other legal issues. In addition, the Appellate Section acts as counsel to the Division's Assistant Attorney General and Deputy Assistant Attorneys General, providing legal advice on a wide range of issues and cases.

FY 1999 Accomplishments: The Appellate Section garnered many wins in the courts of appeals this year, including the following:

- United States v. Hsia, 1999 WL 306862 (D.C. Cir. 1999) (reversing, in this campaign finance prosecution, the dismissal of an indictment charging false statement violations);
- United States v. Derrick, et al., 163 F.3d 799 (4th Cir. 1998) (reversing order dismissing indictment for prosecutorial misconduct);
- United States v. Nichols, 169 F.3d 1255 (10th Cir. 1999) (affirming the convictions of one of the two men responsible for the Oklahoma City bombing);
- United States v. McVeigh, 153 F.3d 1166 (10th Cir. 1998) (affirming the conviction and capital sentence of the man who set off the truck bomb in front of the federal building in Oklahoma City, killing 168 people);
- United States v. Torres, 162 F.3d 6 (1st Cir. 1998) (affirming the RICO convictions of two gang members who conducted drive by shootings of an innocent non-gang member);
- United States v. McLaughlin, 170 F.3d 889 (9th Cir. 1999) (reversing the suppression of evidence seized from an automobile

incident to a lawful arrest);

- United States v. Scrivner, 1999 WL 311392 (9th Cir. 1999) (on panel rehearing, the panel unanimously reversed course and overturned its prior decision, in which it had vacated the defendant's firearm convictions on collateral attack for a violation of the Fifth Amendment);
- United States v. Singleton, 165 F.3d 1297 (10th Cir. 1999) (en banc) (upholding prosecution practice of offering leniency to cooperating witnesses);
- Ross v. U.S. Marshal, 168 F.3d 1190 (10th 1999);
- United States v. Owens, 167 F.3d 739 (1st Cir. 1999) (upholding RICO, murder, drug, firearms, and money laundering convictions of defendant who from 1988 to 1995 ran a large scale drug enterprise in Massachusetts);
- United States v. Cardales., 168 F.3d 548 (1st cir. 1999) affirming convictions of three defendants for possessing marijuana with intent to distribute it on board a vessel subject to the jurisdiction of the United States).

The Appellate Section drafted many successful merits briefs in the Supreme Court this term. Those efforts included:

- Holloway v. United States, 119 S. Ct. 966 (1999) (carjacking statute does not require proof of an unconditional intent to kill);
- Minnesota v. Carter, 119 S. Ct. 469 (1998) (an invitee who was present in an apartment to bag cocaine did not have a legitimate expectation of privacy in the premises and therefore could not challenge the search of the premises);
- City of West Covina v. Hopkins, 119 S. Ct. 678 (1999) (when the police seize evidence pursuant to a search warrant, they need not advise the owner of the procedure for seeking the return of the property);
- Wyoming v. Houghton, 119 S. Ct. 1297 (1999) (police officers with probable cause to search an automobile may search passenger's belongings found in the car that are capable of concealing the object of the search);
- United States v. Rodriguez-Moreno, 119 S. Ct. 1239 (1999) (venue in a prosecution under 18 U.S.C. 924(c) for using or carrying a firearm during and in relation to any crime of violence is proper in any district where the defendant committed the crime of violence, even if the firearm was used or carried only in a single district);
- Peguero v. United States, 119 S. Ct. 961 (1999) (a defendant who was aware of his right to appeal his sentence and elected not to appeal may not have his sentence set aside under 28 U.S.C. 2255 because the sentencing court failed to advise him of his appellate rights as required by Federal Rule of Criminal Procedure 32).

The Asset Forfeiture and Money Laundering Section

Program Changes	Perm. Pos.	FTE	Amount
	3	2	$254

Base Program Description: In late 1995 the **Asset Forfeiture Office and the Money Laundering Section** (AFMLS) of the Criminal Division were merged to provide centralized policy and program oversight, and to maximize the law enforcement potential of laws designed to dismantle and destroy criminal enterprises; to prosecute and incarcerate the leadership of such organizations; to seize and forfeit the profits, proceeds and instrumentalities of crime; to destroy the economic foundation of criminal organizations; to restore forfeited property to owners or to those victimized by crime; to use forfeited property to enhance law enforcement priorities; and to share with cooperating state and local enforcement agencies. While these laws have been used most often in drug trafficking and financial crimes, they are applicable to many federal crimes, serving as both deterrent and punishment. Through program and policy oversight, litigation and liaison assistance (domestic and international), AFMLS serves as the primary Department component to initiate, coordinate and review litigation, legislation, policies, and procedures in association with other agencies and governments in money laundering and forfeiture law enforcement.

Those responsibilities include (1) prosecuting and coordinating complex, sensitive and multi-district money laundering and asset forfeiture investigations and cases; (2) ensuring uniform application of the laws, regulations, and policy directives through litigation assistance and advice on laws and policy to other government attorneys; (3) developing legislative, regulatory, and policy initiatives to maintain the highest standards of integrity and to sustain an effective and equitable program; (4) providing publications and training; (5) adjudicating petitions for remission or mitigation of forfeited assets; and (6) distributing forfeited funds and properties to appropriate domestic and foreign law enforcement agencies and to community groups within the United States.

FY 1999 Accomplishments: Litigation - In May 1998, the Secretary of the Treasury and the Attorney General of the United States announced the culmination of "Operation Casablanca," the largest, most comprehensive and significant drug money laundering case in the history of U.S. law enforcement. In March and April of 1999, three indicted Mexican banks entered into criminal pleas and/or civil settlements resulting in: $1 million in criminal fines; $25.7 million in civil forfeitures; and the implementation of anti-money laundering programs and controls at each bank. Overall, the government initiated civil forfeiture proceedings against approximately $66.7 million of drug proceeds wired into U.S. bank accounts. In addition to assisting the Central District of California in every stage of the civil and criminal cases, AFMLS filed two civil forfeiture complaints against approximately $24.1 million that was sent from undercover accounts to bank accounts in 16 countries.

In May 1999, William S. Pegg, Vice President of Chaparral Boats, Incorporated, a subsidiary of RPC Energy Services,

Incorporated, Atlanta, Georgia, was sentenced to forfeit his interest in $46,463,460.20, that he previously surrendered to the Internal Revenue Service, and whatever proceeds are derived from the sale of certain real property located in the State of Florida. Mr. Pegg pleaded guilty in July 1997, in the Middle District of Georgia (MDGA), to an information charging conspiracy to commit various offenses, a money laundering conspiracy, and a forfeiture count. The plea was entered pursuant to a plea agreement with the United States Attorney's Office, MDGA, but AFMLS assumed responsibility for the case at the direction of the Office of the Deputy Attorney General soon after Mr. Pegg pleaded guilty.

In March 1997, former Drug Enforcement Administration (DEA) employee David S. Bowman was indicted on numerous counts of mail fraud, theft of government funds and money laundering for embezzling over $6 million from the DEA. Because of Bowman's failing health, the United States likely will never be able to bring him to trial. Without a conviction, criminal forfeiture of property purchased with stolen funds is not possible; accordingly, the United States filed a civil forfeiture case against property still in the hands of Bowman and other family members, which was litigated by AFMLS. In December 1998, the United States obtained summary judgment in that action and forfeited all of the property sought, which is valued at approximately $650,000. The IRS is currently in the process of auctioning the real estate and other property forfeited. AFMLS also assisted the Civil Division, Commercial Litigation Branch, in prosecuting a False Claims Act and unjust enrichment case against the Bowman family. In May 1999, the United States obtained an $18 million judgment against family members in that action, and is pursuing Bowman's government pension, life insurance policy and a family trust to satisfy the judgment.

Money Laundering Strategy - On September 23, 1999, the Departments of Justice and Treasury publicly released the first National Money Laundering Strategy. This Strategy marks the first time that the federal government has developed a blueprint for a coordinated attack on money laundering and related financial crime. It establishes a Steering Committee, led by the Deputy Attorney General and the Deputy Secretary of the Treasury, to oversee implementation. The Criminal Division will be leading the Department's efforts to implement the new Money Laundering Strategy.

In December 1998, Claude Duboc, a major drug trafficker, received a life imprisonment sentence, $5 million fine, and a preliminary forfeiture judgment was entered in the amount of $100 million, as a result of his conviction on marijuana importation and money laundering conspiracy charges. A final order of forfeiture was entered on September 23, 1999. To date, the government has realized approximately $49 million in forfeitures and anticipates additional forfeitures of real property and foreign bank accounts in order to satisfy the $100 million dollar judgment. AFMLS will continue to pursue actions against foreign based assets to satisfy the uncollected portion of the judgment. The case was prosecuted by the United States Attorney's Office in the Northern District of Florida with AFMLS handling the international forfeiture aspects of the case.

International Forfeiture - December 18, 1998, the Attorney General and the Swiss Ambassador to the United States signed a Memorandum of Understanding authorizing the transfer of approximately $89 million in forfeited drug proceeds to the Government of

Switzerland. The funds represent 50 percent of the approximate $178 million forfeited in connection with the 1995 prosecution of Sheila Arana de Nasser in the Southern District of Florida. In 1994, at the request of the United States and as a result of its own investigation, Switzerland froze funds and other property belonging to Sheila Arana de Nasser and her former husband, the notorious Colombian drug trafficker Julio Nasser-David. The funds were forfeited in the United States and the U.S. share was repatriated by Swiss officials. Working with OIA, AFMLS negotiated the terms for the repatriation of the funds with the Government of Switzerland. This marks the largest single forfeited assets amount shared with a foreign country.

In addition to the above transfer, the DOJ has shared approximately $11 million with 6 foreign governments during the past year. One of these cases involved the sharing of more than $5 million with the Government of Colombia, stemming from the forfeiture of assets belonging to Jose Gonzalo Rodriguez Gacha. Protracted negotiations took place between U.S. and Colombian officials regarding the law enforcement purposes for which those fund should be used.

A bilateral committee developed a list of projects which was approved by the Colombian Vice Minister of Justice and Deputy Assistant Attorney General Mary Lee Warren on September 29, 1999. AFMLS has made further progress in its efforts to have more international asset sharing and/or forfeiture cooperation agreements in place. Negotiations are currently underway in the U.K., Jamaica, Mexico, Singapore and Italy.

Training - AFMLS organized 17 asset forfeiture, money laundering and financial investigations training conferences for federal agents and prosecutors, including a May 1999, "Forfeiting the Proceeds of Crime" seminar for the G-8 nations in Rome, Italy. More than 760 federal prosecutors, 540 federal agents, 110 forfeiture legal support staff and 60 prosecutors from the G-8 Nations attended the seminar and conferences.

The AFMLS State and Local Unit has trained over 1600 participants in 28 seminars and workshops. In addition, the *Basic Asset Forfeiture Curriculum* has been revised, the new *Asset Forfeiture Financial Investigations Curriculum* has been test piloted, and 2 sets of training videotapes have been completed.

Equitable Sharing - AFMLS provides policy and operational oversight for the Department's Equitable Sharing Program. This program encourages federal, state and local law enforcement cooperation by sharing the proceeds of a forfeiture with the state or local law enforcement agency that participated in the investigation that resulted in the forfeiture. The Department shared $228.9 million with 2,367 state and local law enforcement agencies during FY 1999. Pursuant to memoranda of understanding with the U.S. Postal Inspection Service and the U.S. Department of Treasury investigative agencies, the Department transferred approximately $6.3 million to the Treasury Forfeiture Fund and approximately $5.0 million to the Postal Forfeiture Fund. AFMLS reviews all sharing involving forfeitures valued at $1 million or more. In FY 1999 AFMLS processed 26 such cases involving approximately $29.4 million.

The Office of Enforcement Operations

Program Changes	Perm. Pos.	FTE	Amount
	6	3	$400

Base Program Description: The **Office of Enforcement Operations** (OEO) provides prosecutorial support, legal advice, and statutorily required review/approval in almost 40 distinct subject areas. OEO oversees the use of the most sophisticated investigative tools at the Federal Government's disposal, including electronic surveillance and the Federal Witness Security Program (WSP). Among the investigative and prosecutorial support services that OEO provides to the United States Attorneys' Offices and the various Criminal Division components are: (1) reviewing all federal requests to intercept wire, oral, and most types of electronic communications; (2) authorizing or denying the entry of all applicants into the WSP, including the short-term witness security program; (3) reviewing and authorizing requests to apply for court orders permitting the use of video surveillance; (4) coordinating and administering among all components matters relating to all aspects of the WSP; (5) reviewing and deciding applications for transfer made through the International Prisoner Transfer Program and serving as liaison between all government agencies with an interest in international prisoner transfer; (6) supervising the mechanism by which federal law enforcement officers or agents employed by the Inspectors General may become Special Deputy U.S. Marshals; (7) coordinating requests involving the use of prisoners in certain investigative activities; (8) coordinating requests to immunize witnesses, subpoena attorneys or the media, or search the offices of attorneys who are suspects or targets of an investigation; (9) reviewing requests to engage in federal prosecutions following state action; (10) serving as Victim-Witness Assistance Coordinator for the Criminal Division; (11) facilitating the imposition of special administrative measures on inmate confinement conditions to prevent the inmates from continuing to engage in particularly violent or terrorism-related crimes; (12) overseeing the operation of the FBI Laboratory Oversight Task Force; and (13) processing all requests for registration under the Gambling Devices Act of 1962, as well as assisting federal, state, local, and tribal agencies on the implementation of the Act. In addition, OEO provides legal advice, including lecturers, to federal, state, and local law enforcement agencies on the above programs and investigative techniques, and assists in developing Department policy on emerging technologies and telecommunications issues and in handling criminal aliens in the United States. Other areas include: reviewing all applications for S Visa immigrant status; reviewing proposed legislation and Administration proposals to expand police powers of federal agencies; providing legal advice concerning the exercise of federal jurisdiction in Indian country, on the high seas, and at U.S. military bases in foreign countries, and with respect to crimes affecting government operations; and providing legal advice concerning the insanity defense. OEO also responds to requests made to the Criminal Division for disclosure of information under the Freedom of Information Act and Privacy Act, and assists, upon request, in the drafting of reply briefs involving any of OEO's myriad functions, especially those briefs addressing novel electronic surveillance issues.

FY 1999 Accomplishments: In support of law enforcement investigative efforts, OEO processes requests from the Offices of

the Inspectors General for agent deputations and "S-Visa" requests from United States Attorneys and law enforcement agencies to adjust the immigration status of cooperating alien witnesses. Recently, OEO briefed congressional staff on the S-Visa program, and set forth the Criminal Division's support of legislation that would prevent the program's imminent demise by repealing the legislative "sunset" provision soon to take effect.

OEO has assisted many United States Attorneys by processing requests for permission to move for courtroom closures to protect the identities of cooperating witnesses, requests to obtain tax information, and requests for permission to issue subpoenas to the media. These included a novel request for a press subpoena by a foreign government, two relating to a major international terrorist on the FBI's most wanted list, and one involving the interplay of the press subpoena regulations with the Department's policies on immunity and the use of close family relations as witnesses.

OEO has been actively engaged in projects of federal and local law enforcement and industry to combat cargo and auto theft, such as Operation Sudden Stop, and one of its attorneys has lectured industry organizations on those subjects.

OEO, together with The Consular Corps of Washington, D.C., sponsored a seminar for consular officials on the International Prisoner Transfer Program, including the operation of the various bilateral treaties and multinational agreements that govern the transfer of prisoners between the U.S. and other countries. The seminar was conceived as a means of explaining the mechanics of the prisoner transfer program to foreign countries that already participate in the program, to expand awareness of the program to countries not presently involved in a treaty relationship with the United States for prisoner transfer purposes, to relay information about the guidelines used by DOJ in evaluating transfer applicants, and to provide specific suggestions regarding ways that consular officials could assist nationals from their own country who might be interested in requesting a prisoner transfer.

Recently, the Department of Justice joined the Department of State and others to discuss establishing a prisoner transfer relationship with the Government of Japan. The Government of Japan, which has never conducted international prisoner transfers, asked for technical discussions with OEO and others involved in the prisoner transfer process; the Department of State has a keen interest in establishing a prisoner transfer relationship with Japan because of the number of Americans who are incarcerated in Japan who might benefit from such a transfer arrangement.

During FY 1999, OEO has performed its Title-III review function and provided other assistance to the United States Attorneys' Offices and federal law enforcement agencies in their investigation of well over 700 major criminal organizations. In one investigation, involving a criminal organization that was continuing its crimes even while within prison walls, the government was able to solve one murder and prevent several others. In the second matter involving the investigation of a multi-district drug trafficking organization, the government has, to date, been able to seize thousands of pounds of cocaine, as well as millions of dollars in U.S. currency.

The Office of Policy and Legislation

Program Changes	Perm. Pos.	FTE	Amount
	2	2	$140

Base Program Description: The **Office of Policy and Legislation** (OPL) analyzes policy and management issues relating to the criminal justice system; identifies problems and emerging trends; develops options and recommendations; and provides research, technical, and management support to senior managers in the Division and the Department. The Office develops legislative proposals, legal memoranda, and Congressional testimony; and prepares comments on pending and proposed legislation affecting the federal criminal justice system. The Office is involved in projects that require contact with U.S. Attorneys' Offices, the Office of Justice Programs, and federal investigators, as well as other law enforcement officials. It works closely with the U.S. Sentencing Commission and provides legal support to the Advisory Committee on Criminal Rules and Evidence of the Judicial Conference regarding the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.

FY 1999 Accomplishments: OPL conducted a variety of analyses to help to inform Department policies and develop the most effective federal role in violence reduction. On an ongoing basis, OPL collected and analyzed criminal justice-related data from a wide variety of sources, in particular, monitored data on federal offenders, federal and local violent crime and prosecution trends, and emerging developments in crime, arrest, and sentencing patterns. The office conducted a special analysis of violent crime and homicide trends that identified cities with aberrant patterns and also prepared an analysis of various aspects of Project Exile, an anti-gun initiative in the U.S. Attorney's office in Richmond, Virginia. In addition, the office completed an examination of federal gun prosecution trends and their relationship to state and local prosecution efforts that has become the core of the Administration's explanation of its gun prosecution practices.

OPL provided analytic support to inform a variety of policy and legislative decisions and played a significant role in the Department's efforts to refine its Drug Control Strategic Plan and to develop appropriate performance measures. In addition, the office monitored federal prosecution trends for drug offenders, as well as a wide variety of data on drug abuse trends (particularly, the recent growth of methamphetamine use) and supported efforts to assess recent trends in the use of asset forfeiture against drug trafficking organizations, as well as other types of offenders.

OPL participated in the design and implementation of the Strategic Approaches to Community Safety Initiative (SACSI), an interagency demonstration project that builds on Boston's success in addressing its juvenile homicide problem. This initiative is focused on increasing the capacity of U.S. Attorneys — working in partnership with federal, state and local agencies and a research entity — to collaborate on data collection and analysis and to design targeted strategies and interventions to prevent and reduce

crime. Five cities have been participating in the SACSI process, and we are working to expand it to additional sites.

In the past, federal law enforcement efforts in Puerto Rico have been fragmented and ineffective. OPL provided staff support and guidance to a new inter-agency, inter-departmental Puerto Rico Executive Working Group, established to coordinate limited enforcement resources and to help increase the stability of the federal workforce there. There is now full federal participation in the all-source Information and Coordination Center (which was established in 1997 to coordinate the federal and Commonwealth of Puerto Rico intelligence and investigative activities).

OPL actively participated in the Department's expanding efforts to combat transnational crime. The office continued to work with other Department components and outside agencies to implement the Post-Soviet Bloc Organized Crime Strategy and also broadened its participation in the Department's international training and development assistance programs.

In partnership with tribal, federal, state and local governments, OPL is helping to coordinate an effort to consolidate BIA law enforcement programs and to provide Indian Tribes with police officers, criminal investigators, training, equipment, tribal court assistance, juvenile programs, and correctional grants. Upgrading public safety to acceptable standards in Indian Country is projected to take about four years.

OPL played a major role in developing the Administration's omnibus crime legislative package. The package addresses, among other things, federal prosecution of juvenile crime, gang violence, drug crime, and firearms regulation. OPL conceived of, reviewed, researched, and drafted many provisions of the package, and had the lead role in developing the Criminal Division's contribution to the proposed legislation.

OPL participated in numerous other Department legislative and crime policy initiatives and provided conceptual, drafting, and research assistance to these initiatives. For example, OPL played a significant role in a Department working group focusing on the use, availability, and law enforcement response to emerging encryption technology. This initiative resulted in a significant legislative proposal that OPL had a major hand in drafting. In addition, OPL participated in Department initiatives addressing children exposed to violence, crime policy for the 21st century, campaign finance, and race and the criminal justice system.

OPL responded to numerous inquiries from Assistant United States Attorneys and Department prosecutors regarding the application of the federal sentencing guidelines and provided training on the use of the sentencing guidelines within various components of the Department and at the National Advocacy Center in Columbia, South Carolina.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

The activities of the Litigation Support Decision Unit directly support the following goals from the Department of Justice's Strategic Plan FY 1997 -- 2002.

The Department of Justice Core Function 1: **Investigation and Prosecution of Criminal Offenses.**

Strategic Goal 1.1: **Reduce violent crime, including organized crime and drug and gang-related violence.**

Strategic Goal 1.2: **Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.**

Strategic Goal 1.3: **Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens or institutions.**

Strategic Goal 1.4: **Reduce white-collar crime.**

Strategic Goal 1.5: **Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal agencies that are critically linked to improved operation of the Nation's justice system.**

The Department of Justice Core Function 6: **Protection of the Federal Judiciary and Improvement of the Justice System.**

Strategic Goal 6.2: **Promote participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings at the federal, state and local levels and in Indian country.**

Name of Decision Unit: ***LITIGATION SUPPORT*** This Decision Unit includes four Sections: the Asset Forfeiture and Money Laundering Section (AFMLS), the Appellate Section (APP), the Office of Enforcement Operations (OEO), and the Office of Policy and Legislation (OPL)

Performance Indicator Information			Performance Report and Performance Plans			
			FY 1998 Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Actual	FY 2000 Estimate	FY 2001 Planned
Input	1. Cases Pending and Received	Manual	45 [355]	34 [309]	46 [311]	53 [313]
Output	2. Electronic Surveillance Originals (Title IIIs) Reviewed	Manual	911	950	1,000	1,100
	3. *Electronic Surveillance Extensions* (Title IIIs) Reviewed	Manual	615	641	680	750
	4. Narcotics Title III Originals Reviewed	Manual	759	850	950	TBD
	5. Narcotics Title III Extensions Reviewed	Manual	499	400	400	TBD
	6. OCDETF Title III Originals Reviewed	Manual	412	481	550	650
	7. OCDETF Title III Extensions Reviewed	Manual	285	337	400	500
	8. Witness Security Applications (Full & Limited Services)	Manual	276	172	181	190
	9. Witness Security Applications (Short Term Only)	Manual	30	31	32	33
	10. Witness Immunities Issued	Manual	2,300	2,059	2,500	2,750

Name of Decision Unit: ***LITIGATION SUPPORT*** This Decision Unit includes four Sections: the Asset Forfeiture and Money Laundering Section (AFMLS), the Appellate Section (APP), the Office of Enforcement Operations (OEO), and the Office of Policy and Legislation (OPL)

Performance Indicator Information			Performance Report and Performance Plans			
			FY 1998 Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Actual	FY 2000 Estimate	FY 2001 Planned
Output	11. Number of Deputations in White-collar Investigations	Manual	45	36	35	35
	12. Number of S Visa Requests Processed	Manual	100	80	100	100
	13. Prisoner Transfer Requests Reviewed	Manual	1,423	1,355	1,490	1,639
	14. Prisoner Transfers Authorized	Manual	644	580	650	650
	15. APP & AFMLS Cases Closed	Manual	366	297	304	308
	16. Equitable Sharing Matters Reviewed	CATS	N/A	N/A	27	28
	17. Petitions for Remission Closed	Manual	137	155	140	140
	18. Int'l Asset Forfeiture and Money Laundering Training Held	Manual	41	80	83	83
	19. Domestic Asset Forfeiture Training Held	Manual	103	117	126	126
	20. APP Briefs in Opposition (Supreme Court)	Manual	209	250	250	250
	21. APP Waiver of Responses (Supreme Court)	CATS	1,974	2,000	2,000	2,000
	22. APP Merit Briefs and Certiorari Petitions (Supreme Court)	Manual	30	30	30	30
	23. APP Adverse Decision Memoranda Prepared	Manual	801	950	950	950
	24. Short-term Projects Completed	Manual	55	50	55	55
	25. Long-term Projects Completed	Manual	12	14	16	27
	26. Major Studies/Initiatives/Projects	Manual	8	8	9	10
	27. Administrative/Management Projects Completed	Manual	65	75	80	80
	28. Information & Review Projects Completed	Manual	125	125	130	130
End Outcomes	29 Witnesses placed in WSP (cumulative)	USMS	6,903	7,037	7,389	7,758
	30. Witnesses and Family Members Placed in WSP (cumulative)	USMS	15,177	15,397	16,147	16,954
	31. Witnesses Authorized into Full-Services WSP	Manual	129	132	139	146
	32. Witnesses Authorized into Short-Term WSP	Manual	30	31	32	33
	33. Prisoners Transferred	Manual	547	492	550	550
End Outcomes	34 Equitable Sharing Cases Successfully Distributed (over $1 million)	Manual	24	26	27	30

A. Definition of Terms or Explanations for Indicators: General Note: "NA" denotes that data is not available or that targets have not been established.

Item 1: This item refers to cases pending at the beginning of the fiscal year; and cases received over the course of the fiscal year.

Items 21 thru 23: These items refer to workload of the Appellate Staff which, supports many of the goals and strategies in the DOJ Strategic Plan.

Items 29 thru 32 Witnesses authorized for placement & witnesses placed into the Witness Security Program (WSP). Items 29 & 30 provide totals that are cumulative since 1970, not including the short-term program.

A. Definition of Terms or Explanations for Indicators: General Note: "NA" denotes that data is not available or that targets have not been established.

Item 34 Pertains to equitable sharing matters in excess of $1,000,000. Numbers expected to decline substantially in future years.

B. Factors Affecting FY 1998 and FY 1999 Program Performance and Factors Influencing the Selection of FY 2000 and FY 2001 Targets.

Measuring outcomes is difficult in any context, but particularly so in law enforcement. The Criminal Division is guided principally by "doing what is just" and in some cases this means not pursuing an unfounded indictment or baseless claim. "Success" for us is when justice is served fairly and impartially; it is not reducible to simple numerical counts of arrests or convictions. "Success" for us is also when crime or wrong-doing is deterred through effective law enforcement; yet quantitative measurement of the benefits of this deterrence is a complex challenge. In addition, it is extremely difficult to isolate the particular effects of the Criminal Division's efforts from other factors that affect outcomes and over which the Division has little control, including: the strength and vitality of our social, economic and political institutions; the effectiveness and capacity of our law enforcement partners both domestically and internationally; the effects of cultural attitudes and practices; changing statutory responsibilities; developments overseas; and changing technology.

In a number of areas we do not establish numerical targets. The Criminal Division is deeply concerned that estimated levels of performance (e.g., targets for conviction rates, indictments and convictions) not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. Recent revelations of abuses within the Internal Revenue Service underscore this concern. As a result, although we will report after the fact, we will not set quantified targets for convictions, drug seizures and the like. In some goal areas, problems in estimating levels of performance reflect the paucity of available baseline information. Without such a baseline, it is impossible to predict with any confidence the marginal changes that are likely to occur. For example, there are no generally accepted data on, or means of measuring, the amount of illegal drugs entering the United States or the availability of specific drugs.

Decision Unit: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount
Criminal Division			
2000 Enacted	98	108	$13,071
2001 Base	98	108	13,863
2001 Estimate	98	108	13,863
Increase/Decrease	0	0	0

Office of Administration

Base Program Description: The **Office of Administration** (ADMIN) is responsible for providing overall support to the Criminal Division's Sections/Offices in the following areas: management support services and the execution of management requests in all areas of personnel management; facilities and security program which includes classified information, physical security, emergency procedures, personnel security, computer security, security awareness, contractor security , watch officers, and operational security; telecommunications; budget planning and preparation and the Government Performance Results Act implementation; budget execution and fiscal and procurement services; automated litigation and records management; geographic information systems which provide ongoing mapping support to the Division, the Department, and other Federal, state and local law enforcement entities; and the management information system which provides support to the Criminal Division's litigative efforts in field offices domestically and abroad; correspondence management; and training which focuses on automated attorney training in an innovative Internet laboratory.

FY 1999 Accomplishments: ADMIN continues to enhance communications Division-wide through the development of the Intranet. ADMIN developed a Division home page in addition to developing pages for the Criminal Division's Sections and Offices.

To increase the Division's awareness and understanding of the Internet, ADMIN has initiated a training curriculum which offers hands-on experience and learning of the Internet. This course enables Division employees to learn the basics and expand on previous knowledge of the Internet and assists in staying on the forefront of technology.

ADMIN developed a Regional Crime Analysis Geographic Information System (RCAGIS) application and distributed it amongst several police departments in the Washington, DC area. RCAGIS is a crime analysis application that is designed to meet the crime analysis, mapping, and reporting needs of police officers, crime analysts, and police managers. RCAGIS uses regional crime incident, arrest, and release data to identify potential hot spots of crime, identify potential suspects, improve resource allocation, and identify and utilize indicators of crime.

Salaries and Expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Organized Crime and Narcotics		White Collar Crime		International		Litigation Support		Management & Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-15	...	...	7	$612	14	$1,225	3	$263	...	...	24	$2,100
GS-14	...	...	...	...	...	...	...	...	...	...	0	0
GS-13	...	...	...	...	1	63	4	252	...	...	5	315
GS-12	...	...	...	...	...	...	...	...	...	...	0	0
GS-11	...	...	1	44	...	...	3	132	...	...	4	176
GS-09	...	...	...	...	...	...	...	...	...	...	0	0
GS-07	...	...	1	30	1	30	1	30	...	...	3	90
Total Positions and Annual rate	0	0	9	686	16	1,318	11	714	0	0	36	2,718
Lapse (-)	0	0	-4	-343	-7	-659	-4	-357	0	0	-15	-1,359
Other Personnel Compensation												0
Total Workyears and Personnel Compensation	0	0	5	343	9	659	7	357	0	0	21	1,359
Personnel Benefits	...	...	...	93	...	179	...	96	...	...	...	368
Travel and Transportation	...	...	...	98	...	126	...	59	...	...	...	283
Transportation of Things	...	...	...	4	...	7	...	6	...	...	...	17
GSA Rent	...	...	...	0	...	0	...	0	...	...	...	0
Other Rent, Communications and Utilities	...	...	...	17	...	30	...	20	...	...	...	67
Printing and Reproduction	...	...	...	1	...	4	...	2	...	...	...	7
Other Services (25.2)	...	...	...	79	...	250	...	57	...	...	...	386
Other Services (25.3)	...	...	...	10	...	18	...	13	...	...	...	41
Other Services (25.6)	...	...	...	1	...	1	...	2	...	...	...	4
Supplies and Materials	...	...	...	8	...	16	...	11	...	...	...	35
Equipment	...	...	...	165	...	221	...	157	...	...	...	543
Buildout	...	...	...	13	...	22	...	14	...	...	...	49
Total, Program workyears and obligations changes requested, 2001	0	0	5	$832	9	$1,533	7	$794	0	$0	21	$3,159

Criminal Division
Salaries and Expenses, General Legal Activities
Priority Ranking

BASE PROGRAM	
Program	Ranking
Organized Crime & Narcotics	1
International	2
White Collar Crime	3
Litigation Support	4
Management & Administration	5

PROGRAM INCREASES				
Program	Initiative	Ranking	Item	Ranking
Litigation Support	Drug Enforcement	1	Money Laundering	3
Litigation Support			Title III	4
International	International Crime	2	Bilateral/Multilateral	2
International			International Training	5
International			International Analysis	7
Litigation Support			International Analysis	8
White Collar	Counter Terrorism	3	Cyber-crime	1
International			C-T and Technology Crime Plan	6
Litigation Support			Victim Witness Assistance	11
White Collar	Communities	4	Child Pornography & Trafficking	9
International			Child Pornography & Parental Kidnapping	10
Litigation Support			Indian Country	13
Litigation Support			Short Term Protection Program	12

Criminal Division
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999-2001

Category	1999 Enacted		2000 Enacted		2001-Request Total		
	Authorized	Reimbursable	Authorized	Reimbursable	Program Increases	Authorized	Reimbursable
Attorneys (905)	485	24	485	24	20	499	24
Paralegal Specialists (950)	60	5	60	5	1	60	5
Gen. Admin, Clerical & Office Services (300-399)	192	61	192	61	15	204	51
Criminal Investigating Series (1811)	2	...	2	...	...	2	...
Accounting and Budget (500-599)	5	6	5	6	...	5	6
Other Legal and Kindred (986)	14	...	14	...	...	14	...
Witness Security Specialists (080)	14	...	14	...	...	14	...
Information and Arts Group (1000-1099)	2	...	2	...	...	2	...
Library and Archives Group (1400-1499)	1	...	1	...	...	1	...
Social Sciences, Economics & Kindred (100-199)	17	...	17	...	...	17	...
Information Management Specialist (3013)	0	...	0	...	...	0	...
Total	**792**	**96**	**792**	**96**	**36**	**818**	**86**
Washington	770	36	770	36	36	796	31
U.S. Field	17	...	17	...	...	17	...
Foreign Field	5	60	5	60	0	5	55
Total	**792**	**96**	**792**	**96**	**36**	**818**	**86**

Criminal Division
Salaries and Expenses, General Legal Activities
Summary of Attorney and Support Positions/Workyears

Appropriated Positions

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Organized Crime & Narcotics	84	85	22	22	106	107	0	0	0	0	0	0	84	85	22	22	106	107
White Collar Crime	152	155	67	67	219	222	1	-2	-2	-3	-1	-5	153	153	65	64	218	217
International	124	126	67	67	191	193	10	6	6	3	16	9	134	132	73	70	207	202
Litigation Support	109	111	69	71	178	182	3	2	8	5	11	7	112	113	77	76	189	189
Management & Administration	16	21	82	87	98	108	0	0	0	0	0	0	16	21	82	87	98	108
Total	**485**	**498**	**307**	**314**	**792**	**812**	**14**	**6**	**12**	**5**	**26**	**11**	**499**	**504**	**319**	**319**	**818**	**823**

Reimbursable Positions

Decision Unit	2000 Appropriation Enacted						2001 Decreases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Organized Crime & Narcotics	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
White Collar Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
International	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Litigation Support	0	23	0	9	0	32	0	0	0	0	0	0	0	23	0	9	0	32
Management & Administration	0	1	0	63	0	64	0	0	0	-10	0	-10	0	1	0	53	0	54
Total	**0**	**24**	**0**	**72**	**0**	**96**	**0**	**0**	**0**	**-10**	**0**	**-10**	**0**	**24**	**0**	**62**	**0**	**86**

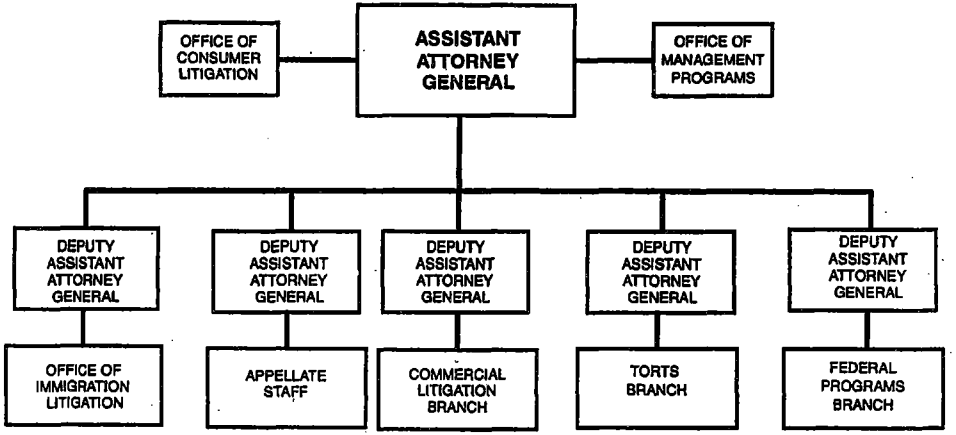
Criminal Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Grades and salary ranges	1999 Actual		2000 Enacted		2001 Request		Increase/Decrease	
	Pos/WY	Amount	Pos/WY	Amount	Pos/WY	Amount	Pos/WY	Amount
Executive Level IV, $118,400	1		1		1		...	
ES-5, $125,900	6		6		6		...	
ES-4, $125,900	14		14		14		...	
ES-3, $120,814	8		8		8		...	
ES-2, $115,529	3		3		3		...	
ES-1, $110,351	1		1		1		...	
GS-15, $80,658-$104,851	398		398		417		19	
GS-14, $68,570-$89,142	78		78		77		(1)	
GS-13, $58,027-$75,433	59		59		64		5	
GS-12, $48,796-$63,436	32		32		31		(1)	
GS-11, $40,714-$52,927	60		60		62		2	
GS-10, $37,057-$48,173	1		1		1		0	
GS-09, $33,650-$43,747	27		27		27		0	
GS-08, $30,465-$39,600	37		37		37		0	
GS-07, $27,508-$35,760	57		57		59		2	
GS-06, $24,754-$32,181	5		5		5		0	
GS-05, $22,208-$28,868	5		5		5		0	
Total Appropraiated Positions	**792**		**792**		**818**		**26**	
Average ES Salary		**123,170**		**128,069**		**133,064**		
Average GS Salary		**64,234**		**67,404**		**70,271**		
Average GS Grade		**13.01**		**13.01**		**13.04**		

Criminal Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Object Class	1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Request WY	2001 Request Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1 Full-Time Permanent	632	$49,211	707	$53,096	723	$57,523	16	$4,427
11.3 Other than FTP	103	4,196	103	4,508	103	4,607	0	99
11.5 Other Personnel Compensation	2	657	2	569	2	600	0	31
Overtime		*180*		*187*		*194*	*0*	*7*
11.8 Special Personal Services Payments	0	1,346	0	349	0	232	0	(117)
Total Object Class 11.0	**737**	**55,410**	**812**	**58,522**	**828**	**62,962**	**16**	**4,440**
Reimbursable workyears:								
Full-Time Permanent	[96]		[96]		[86]		[(10)]	
Other Object Classes								
12.0 Personnel Benefits		11,337		12,443		13,786		1,343
13.0 Benefits to Former Personnel		16		7		7		0
21.0 Travel and Transportation of Persons		3,566		4,349		3,999		(350)
22.0 Transportation of Things		543		388		403		15
23.1 GSA Rent		12,449		11,703		12,654		951
23.2 Rental Payments to Others		530		426		391		(35)
23.3 Comm., Util., & Other Misc. Charges		2,333		2,777		2,693		(84)
24.0 Printing and Reproduction		160		148		155		7
25.1 Consulting Services		0		0		0		0
25.2 Other Services		12,716		13,054		11,745		(1,309)
25.3 Purchase of Goods/Svcs from Gov't Accts		1,223		1,461		1,502		41
25.4 Operation & Maintenance of Facilities		151		178		178		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		47		59		63		4
25.7 Operation and Maintenance of Equipment		0		13		13		0
25.8 Subsistence and Support of Persons		0		0		0		0
26.0 Supplies and Materials		1,404		1,418		1,403		(15)
31.0 Equipment		1,424		1,513		1,925		412
42.0 Court Awards		39		31		80		49
Total Obligations		**$103,348**		**$108,490**		**$113,959**	**16**	**$5,469**

CIVIL DIVISION



Approved by: Janet Reno Date: 2/3/97

Janet Reno
Attorney General

Civil Division
Summary Statement and Performance Plan
2001

Mission

The Civil Division represents the United States in any civil or criminal matter within its scope of responsibility — protecting the public fisc, ensuring that the federal government speaks with one voice in its view of the law, preserving the intent of Congress and advancing the credibility of the government before the courts.

Most Civil Division cases involve monetary claims. Plaintiffs advancing contract claims, allegations of negligence, claims of patent infringement and the like seek to assign liability to the government in lawsuits where huge sums are at risk. It is our job to ensure that only those claims with merit under the law are paid. In successfully fulfilling this mission, the Civil Division has saved the public fisc billions of dollars — $7 billion in unwarranted claims were defeated in 1999 alone. As huge as these savings are, the Civil Division's impact is understated because that figure does not reflect the consequences of the Division's successful defense of limiting provisions in entitlement programs. Court challenges to such limitations involve billions of dollars of public funds annually.

The Civil Division also recoups money owed to the government. Hundreds of millions of dollars are recovered each year as a result of the Civil Division's successes in prosecuting fraud and representing the government's interest in suits involving bankruptcy, loan defaults and other commercial transactions. In 1999, judgments and settlements totaled $529 million. While some awards call for long-term payment plans, collections in 1999 yielded more than $458 million. Affirmative litigation comprised just 16 percent of the Civil Division's cases, yet yielded awards equal to nearly four times the Civil Division's direct appropriation. Few entities can cite such a remarkable rate of return.

In addition to being one of the government's top fiscal bulwarks and top money-makers, the Civil Division serves an equally vital role in litigation where the targets are the laws, programs and policies of the United States. New statutes, typically enacted only after a very painstaking legislative process, are often attacked in court. Our docket includes challenges to anti-terrorism and immigration statutes, telecommunications laws, and regulations governing the administration of the health care system. Beyond litigation, we serve in an advisory role to other government organizations on potential litigation. For example, in this capacity, we advise the Department of State, Central Intelligence Agency, Criminal Division of the Justice Department and others on matters arising under the Mid-East Terrorism Order and the Antiterrorism and Effective Death Penalty Act.

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While trial and appellate litigation constitute a major share of the workload, the enactment of two compensation programs — the National Childhood Vaccine Injury Compensation Act and the Radiation Exposure Compensation Act — expanded the scope of the Civil Division's responsibilities. The Vaccine Program offers plaintiffs a streamlined, expeditious mechanism for reviewing actions alleging vaccine-related injuries. The Radiation Program provides for administrative review of claims arising from atmospheric testing of nuclear weapons and underground uranium mining.

Long-Range Goals and Strategies

The Civil Division's primary goal is to represent the United States in all civil matters in support of the Legal Representation Core Function set forth in the Department's Strategic Plan. The strategies employed by the Civil Division to achieve its long-range goal are summarized below.

Represent the United States in all civil matters.

- Protect the U.S. Treasury against unwarranted monetary claims; assure that the government pays meritorious claims; and assert the federal government's commercial interest in defensive litigation.
- Recover money owed to the United States as the result of fraud, loan and contract defaults, injury and damages to federal property and unsatisfied judgments; combat health care fraud through the vigorous implementation of the False Claims Act and the Health Insurance Portability and Accountability Act.
- Defend against challenges to federal statutes, programs and policy initiatives; enforce remedies for violations of statutory-based federal program requirements.
- Protect consumers against dangerous products, adulterated or mislabeled food and drugs, and unfair or fraudulent practices; defend federal regulations restricting the sale and distribution of tobacco products to protect children and adolescents. Continue to concentrate consumer litigation resources on those cases involving the greatest potential impact on public health and safety.
- Resolve disputes where appropriate by using negotiations and Alternate Dispute Resolution (ADR) and by administering compensation programs enacted by Congress which offer non-litigation solutions to specific classes of claims. Actively explore the use of ADR in conjunction with the private sector for major air disaster claims.

- Organize resources to meet priorities — ensuring wherever feasible that cases involving the highest stakes, greatest potential impacts and most important precedents have sufficient staffing.
- Recruit and retain a high-caliber legal staff with the expertise that will best promote successful litigation. Upgrade and structure support staff to take full advantage of the new technologies to promote efficiency and productivity.
- Invest in new technologies and support services to keep apace of court mandates and to ensure parity with opposing counsel.
- Handle those trial and appellate cases requiring the specialized expertise possessed by Civil Division attorneys.
- Improve information dissemination between the Civil Division and the U.S. Attorneys to promote and maintain uniform litigation positions.
- Collaborate with client agencies in training, legislation, policy development and programmatic operations.
- Enhance cooperation with foreign governments to identify and prosecute international white-collar criminals and to seek the forfeiture and repatriation of proceeds of their resources.
- Enforce the nation's immigration laws and policies by successfully defending statutes, administrative decisions and INS programs and policies.
- Fight terrorism through aggressive efforts to extradite or remove international terrorists; represent the government before the Alien Terrorist Removal Court; handle appeals and litigation that may result from the designation of terrorist organizations.
- Support federal, state and local law enforcement initiatives by providing specialized expertise and a national perspective.
- Provide information to the public and to stakeholders in an open, timely and complete manner, as appropriate.

Highlights of Mission-Critical Results

In conjunction with the Department's Summary Performance Plan, the Civil Division tracks six key performance indicators for Legal Representation. We coordinated with the Executive Office of U.S. Attorneys to develop these indicators. The collaborative effort resulted in indicators with outcomes common across both components, for which the data was readily available. Moreover, the outcome indicators reflect jointly established criteria. For instance, favorable resolutions were defined to include court judgments in favor of the government and all settlements.

The table which follows displays results and projections for cases personally handled by the Civil Division.

Summary Performance Indicators: Legal Representation	**1998 Actuals**	**1999 Actuals**	**2000 Proj.**	**2001 Proj.**
1. Percent of favorable resolutions in civil cases.	94%	92%	90%	90%
2. Percent of favorable resolutions in defensive monetary cases.	94%	93%	90%	90%
3. Percent of favorable resolutions in immigration cases.	94%	90%	90%	90%
4. Percent of favorable resolutions in health care fraud cases.[1/]	100%	100%	90%	90%
5. Dollar amount collected from affirmative civil cases.[2/]	$579 mil.	$458 mil.	NA	NA
6. Alternative Dispute Resolution cases — completed.[3/]	94	116	285	170
Alternative Dispute Resolution cases — ongoing.[3/]	56	206	98	104

[1/] Results for 1998 and 1999 were all settlements.

[2/] The Department of Justice has established a policy not to identify future estimates that may be construed as establishing "targets" for investigative, litigative or other law enforcement activities.

[3/] Surge in 1999 and 2000 reflects the increase in arbitrations arising from the Department of Agriculture's settlement with black farmers.

In addition to the common performance indicators for Legal Representation, the Civil Division tracks summary performance indicators that are directly linked to the goals in its Performance Plan. The first two indicators incorporate the fact that most of our litigation involves monetary claims. Specifically, we measure progress toward our primary goal to protect the public fisc through affirmative and defensive litigation as follows:

- At least 85 percent of monetary claims sought will likely be recovered in 60 percent or more of affirmative cases closed.
- An estimated 85 percent of monetary claims sought will likely be defeated in 80 percent or more of defensive cases closed.

Hundreds of cases handled by the Civil Division involve challenges to the laws, policies and programs of the federal government. With respect to these cases, our goals are as follows:

- Achieve favorable resolution in 80 percent of non-monetary trial cases.
- Achieve favorable resolution in 85 percent of non-monetary appellate cases.

The following table displays actual results for 1998 and 1999. Anticipated performance for 2000 and 2001 is based on historical trends over the past five years.

Summary Performance Indicators: Civil Division	**1998 Actuals**	**1999 Actuals**	**2000 Proj.**	**2001 Proj.**
1. Percent of affirmative cases closed in which 85 percent or more of the claim is recovered.	71%	68%	60%	60%
2. Percent of defensive cases closed in which 85 percent or more of the claim is defeated.[1/]	81%	78%	80%	80%
3. Percent of favorable resolutions in non-monetary trial cases.[2/]	88%	82%	80%	80%
4, Percent of favorable resolutions in non-monetary appellate cases.	93%	89%	85%	85%

[1/] A handful of claims with highly exaggerated amounts sought are adjusted downward to reflect the lead attorney's assessment of the government's exposure.

[2/] Favorable resolutions include all court judgments in favor of the government. Settlements are excluded.

Highlights of major achievements are given below.

- In the *Winstar* litigation, seven trials have been completed to date: *Glendale* ($909 million awarded out of $2.1 billion sought), *Calfed* ($23 million awarded out of $1.5 billion sought), *LaSalle* ($5 million awarded out of $1.2 billion sought); damages have not yet been determined in *Suess*, *Landmark*, *Bluebonnet* or *Bank United*. Our defeat of claims for alleged lost profits in *Glendale*, *Calfed* and *LaSalle* sets an important precedent, as a substantial portion of the damages sought by other plaintiffs stem from lost profit claims. Glendale is not appealing the lost profits ruling. Also defeated were claims of restitution in *Calfed* and *LaSalle*. The *Calfed* appeal may resolve the outstanding liability issue of whether regulatory documents alone, without an admitted contract containing an integration clause, form a contract. While similar restitution and reliance claims were awarded in *Glendale*, those rulings are vulnerable to the government's appeal. The appellate decisions may promote the resolution of liability, lost profits, restitution and reliance issues for the remaining *Winstar* cases.

  Six favorable settlements have been reached in the *Winstar* litigation, due in good part to the government's painstaking preparation and ability to press its damage theories. These efforts were exemplified by the favorable settlement obtained in *Statesman* during the fifth week of a six-week trial. The combined awards in the original *Winstar* case, *Statesman*, *Dollar*, *Union Federal*, *Maco* and *Vermont Federal* were held to $104 million, a fraction of the $1.5 billion in damages claimed. Significantly, plaintiffs abandoned claims for lost profits.

- The Civil Division secured a momentous victory in the A-12 stealth fighter case when the Federal Circuit overturned a $1.2 billion judgment and remanded the case to trial. The lawsuit arose from the termination of a contract between the Navy and McDonnell Douglas and General Dynamics to build the A-12 stealth fighter. After the contractors failed to build the aircraft and insisted that the contract be restructured, then-Secretary of Defense Richard Cheney terminated the program and the contracting officer terminated the contract for default. The contractors brought suit in 1991, seeking $1.7 billion, in addition to the $2.7 billion already paid on the contract. The government countered with a demand for the return of approximately half of the progress payments made.

  A unanimous three-judge panel ruled that the trial judge had erroneously converted the termination for default to a "termination for convenience" of the government — an action which potentially entitled the contractors to all of their costs plus a reasonable profit. The appellate court also rejected plaintiffs' contention that the A-12 contract did not permit a termination for default if the contractors failed to make progress. The trial court will conduct a complete trial of all outstanding issues.

- *Columbia/HCA* is the largest health care fraud case ever undertaken by the government. Federal investigations cover the nationwide operations of the country's largest for-profit hospital chain. In the first courtroom test, two Columbia executives were found guilty of six criminal counts of defrauding Medicare and other federally-funded health insurance programs; each has received a substantial prison sentence and was ordered to pay criminal fines and restitution. As further indication of the government's progress, Columbia obtained letters of credit totaling $1 billion in the event of the company's inability to satisfy a settlement or judgment in the government's favor.

- The privacy of driver's license information was successfully defended in *Condon*. Congress passed the Drivers Privacy Protection Act after finding that many states were selling personal information about drivers contained in motor vehicle department records to marketers and others. Subject to specified exceptions, the Act prohibits states from disclosing personal information such as drivers' names, addresses, social security numbers and medical information, without the drivers' consent. The Supreme Court held that the Act is a proper exercise of Congress' authority.

- In the first court of appeals decision to consider the validity of the assault weapons ban, the District of Columbia Circuit upheld the statute in all respects, including its restriction on simple possession, and held that Congress could regulate possession of firearms even when there is no evidence that the guns have traveled in interstate commerce. The Court concluded that the statutory ban was not a form of historically recognized punishment; rather, it serves a legitimate, nonpunitive purpose.

- In the largest health care fraud recovery in history, Fresenius Medical Care North America agreed to pay $486 million to resolve a sweeping, five-year investigation. Fresenius, the world's largest provider of kidney dialysis products and services, agreed to pay a landmark $385 million civil settlement, including $66 million for whistleblowers and nearly $8 million for Medicaid programs in all 50 states, the District of Columbia and Puerto Rico. Fresenius also agreed to pay a record-setting $101 million in criminal fines.

  The settlement resolves allegations of kickbacks and fraudulent claims against Medicare and other federal health care programs by National Medical Care, which was acquired by Fresenius in 1996. The recovery demonstrates the effectiveness of vigorous federal enforcement and close coordination of multiple Department of Justice components; the Departments of Health and Human Services, Defense and Labor; and the Office of Personnel Management.

- Abbott Laboratories, a drug and medical device manufacturer, will pay $100 million to resolve allegations that the company's methods and facilities for manufacturing in vitro diagnostic devices are not in compliance with FDA requirements. These devices are used to diagnose diseases and other conditions, including pregnancy, heart conditions and drug overdoses. Abbott will be required to cease manufacturing and distributing almost 300 devices at two of its facilities and cannot resume marketing until FDA is satisfied that Abbott is in compliance with the regulations. Medically necessary devices, including tests for cancer, AIDS and hepatitis will remain on the market.

- The Civil Division has established a pilot web site that includes case summaries of immigration cases, with links to case law and immigration regulations, as well as the Office of Immigration Litigation's monthly bulletins. The site, which provides users with quick and easy access to numerous documents, became available to other government agencies at the end of 1999.

2001 Performance Plan

The Civil Division projects the attainment of results within the requested level of resources. These projections will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA). The 2001 indicators support the long-range goal of "Representing the United States in all civil matters" which appears in the Department of Justice Strategic Plan.

- Protect the public fisc through defensive and affirmative litigation. For all Civil Division cases involving monetary claims, at least 85 percent of monetary claims sought will likely be recovered in 60 percent or more of affirmative cases closed. An estimated 85 percent of monetary claims sought will likely be defeated in 80 percent or more of defensive cases closed. (Summary-Level)

- For all Civil Division cases involving challenges to federal programs, policy initiatives and congressional enactments (for example, Immigration, Consumer or Federal Programs litigation), achieve favorable resolution in at least 80 percent of non-monetary trial cases and at least 85 percent of non-monetary appellate cases. (Summary-Level)

- Progress successfully in the *Winstar* litigation, avoiding excessive damage awards. In 2001, the Civil Division expects to complete discovery in approximately 30 *Winstar* cases and obtain decisions in or otherwise resolve up to 20 cases, provided that prompt appellate decisions in *Glendale*, *CalFed* and *LaSalle* are forthcoming.

- Progress successfully in tobacco litigation. Establish an imaging system for the tobacco litigation team to include the Bliley and Minnesota Select collections. Locate and load into the database all available transcripts and depositions from tobacco litigation spanning the prior 30 years. Establish effective and coordinated tobacco litigation teams at all affected federal agencies.

- Initiate investigations and prosecutions involving consumer fraud on the Internet, especially the illegal sale of prescription drugs, unapproved medical devices and illegal fireworks.

- Continue to combat terrorism, seek to remove criminal aliens and enforce the nation's immigration laws by defending administrative decisions and INS programs and policies.

- Expand efforts to combat health care fraud, including heightened emphasis on extraordinarily large cases.
- Increase participation in Alternative Dispute Resolution programs.
- Continue to resolve cases favorably at various levels of judicial review.
- Implement changes to the Vaccine Program without developing backlogs. Maintain a 25 percent termination rate.
- Work with federal, state and local law enforcement to combat civil fraud by sponsoring or otherwise participating in training conferences.
- Represent federal law enforcement programs in foreign courts to recover money lost to perpetrators of telemarketing and Internet fraud.
- Assist state law enforcement agencies with respect to prosecuting odometer fraud cases.

External Factors

To a large extent, the Civil Division's ability to achieve its performance targets will depend on several key factors:

- The Civil Division has limited control over the composition and size of its caseload because, on average, over 80 percent of its cases are defensive.
- In affirmative litigation, the defendant's ability to pay can have a profound impact on success. Although the government's loss can be proved and quantified, the recovery is limited by the monies available, which can fall considerably short of the amount sought.
- The court determines the pace of the litigation when it sets trial dates and discovery schedules. Absent the Civil Division's timely and effective response, the government may face sanctions and default judgments. Alternatively, bottlenecks in the court may result in protracted litigation, higher costs and delayed resolution of disputes.
- The majority of cases the Civil Division retains — cases filed in national courts (Court of Federal Claims, Court of Appeals for the Federal Circuit, Court of International Trade), cases filed in foreign courts and claims filed in connection with the Radiation Exposure Compensation Act or the National Childhood Vaccine Injury Act — fall within its exclusive jurisdiction.

Data Validation and Verification

The primary source of data for measurement of the Civil Division's GPRA goals is the automated case management system (CASES). CASES was implemented in 1987, enhanced extensively over the years and fully upgraded to year-2000 compliance. Because the Civil Division relies so heavily on CASES for its management and planning, data accuracy is an important goal of the system. To achieve data base integrity, the following steps have been taken:

- All data input screens have been programmed with numerous safeguards to preclude the entry of incorrect data.
- Contractor staff regularly review case listings and interview attorneys concerning the status of each case.
- Exception reports, listing data that is questionable or inconsistent, are generated and reviewed. In addition, attorney managers review numerous monthly reports for data completeness and accuracy.
- The contractor executes a comprehensive quality control plan in which representative samples of data are verified. Another independent contractor is used to verify various aspects of the work of the case management contractor.

Despite these measures, some data limitations do exist. Most significantly, incomplete data on case terminations and attorney time can cause the system to under-report case closures and attorney time. Missing data is most often retrieved as a result of the contractor interviews and the review of monthly reports. To minimize the extent of missing data, the Civil Division has made adherence to the reporting requirements of CASES a performance element in all attorney work plans.

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Crosscut of Resources by Strategic Plan Core Function and Goal

	1999			2000			2001		
	Perm Pos.	FTE	Amount ($000)	Perm Pos.	FTE	Amount ($000)	Perm Pos.	FTE	Amount ($000)
Core Function 3: Legal Representation Goal 5: Represent the United States in all civil matters.	1,054	1,082	$146,692	1,034	1,062	$147,616	1,034	1,055	$157,092

Civil Division
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Estimates by Program	1999 Enacted			Reprogrammings			Transfers			Unobligated Balances Brought Forward			1999 Availability		
	Perm. Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Federal Appellate Activity	76	77	$9,830	...	...	...	...	...	...	...	...	...	76	77	$9,830
Torts Litigation	205	207	27,416	...	...	...	...	...	...	...	...	$3,636	205	207	31,052
Commercial Litigation	364	374	54,127	...	...	$1,600	...	...	...	...	...	...	364	374	55,727
Federal Programs	150	144	18,055	...	...	...	...	...	...	...	...	...	150	144	18,055
Consumer Litigation	35	39	5,091	...	...	...	...	...	...	...	...	...	35	39	5,091
Immigration Litigation	125	133	15,675	...	...	(800)	...	...	...	...	...	261	125	133	15,136
Management and Administration	99	108	11,566	...	...	(771)	...	...	$970	...	...	36	99	108	11,801
Total	1,054	1,082	141,760	...	...	29	...	...	970	...	...	3,933	1,054	1,082	146,692
Reimbursable Workyears		36			...			...			...			36	
Total, Workyears		1,118			...			...			...			1,118	
Other Workyears:															
Overtime		8			...			...			...			8	
Total Compensable:															
Workyears		1,126			...			...			...			1,126	

Reprogrammings. This reprogramming of budget authority reflects the September 14, 1999 reprogramming notification to the Appropriations Subcommittee on the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies.

Transfers. This Y2K transfer was provided on a one-time basis.

Civil Division
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Estimates by Program	2000 President's Budget Request			Congressional Appropriation Actions on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Federal Appellate Activity	76	77	$10,342	...	...	...	...	...	...	76	77	$10,342
Torts Litigation	247	230	43,714	(48)	(29)	(15,075)	...	...	...	199	201	28,639
Commercial Litigation	364	374	61,833	...	...	(5,000)	...	...	...	364	374	56,833
Federal Programs	146	140	19,005	...	...	(357)	...	...	...	146	140	18,648
Consumer Litigation	35	39	5,367	...	...	(300)	...	...	...	35	39	5,067
Immigration Litigation	122	130	16,458	...	...	(300)	...	...	...	122	130	16,158
Management and Administration	94	102	12,454	(2)	(1)	(525)	...	...	...	92	101	11,929
Total	1,084	1,092	169,173	(50)	(30)	(21,557)	...	...	...	1,034	1,062	147,616

Congressional Appropriation Actions on 2000 Request. Congress denied an increase of 50 positions, 30 workyears, $15,000,000 to recover Federal health care costs arising from tobacco, and $5,000,000 for the Columbia/HCA health care fraud investigation. In addition, it denied $1,557,000 in adjustment-to-base increases.

Civil Division
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	1,034	1,062	147,616
Adjustment-to-Base Increases:			
2001 pay raise	...	...	3,052
Annualization of 2000 pay raise	...	...	1,433
Within-grade increases	...	...	686
Increased FERS Cost	...	...	32
Federal Health Insurance Premiums	...	...	317
GSA Rent	...	...	358
National Archives and Records projections	...	...	12
Travel Management Centers Contract Fees	...	...	119
General Pricing Level Adjustments	...	...	540
Base Restoration	...	...	3,000
GSA blue pages	...	...	1
Total, increases	...	...	9,550
Adjustment-to-Base Decreases:			
Position/FTE Realignment	...	(7)	...
Accident compensation	...	...	(74)
Total, decreases	...	(7)	(74)
2001 Base	1,034	1,055	157,092
2001 Estimate	1,034	1,055	157,092

Estimates by budget activity	1999 Availability Perm Pos.	WY	Amount	1999 Actual Perm Pos.	WY	Amount	2000 Appropriation Enacted Perm. Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
4. Claims, customs, and general civil matters:																		
Subtotal, Direct	983	1,011	$138,271	983	943	$131,866	...	...	...	1,034	1,055	$157,092	1,034	1,055	$157,092	...	...	...
Subtotal, VCRP	71	71	8,421	71	61	7,860	1,034	1,062	$147,616	...	...	...	...	...	...	...	...	...
Total	1,054	1,082	146,692	1,054	1,004	139,726	1,034	1,062	147,616	1,034	1,055	157,092	1,034	1,055	157,092	...	...	...

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Civil Division
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1999 Availability Perm Pos.	WY	Amount	1999 Actual Perm Pos.	WY	Amount	2000 Appropriation Enacted Perm Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount
Federal Appellate Activity	76	77	$9,830	76	81	10,251	76	77	$10,342	76	77	$11,207	76	77	$11,207
Torts Litigation	205	207	31,052	205	184	27,382	199	201	28,639	199	201	31,828	199	201	31,828
Commercial Litigation	364	374	55,727	364	361	53,226	364	374	56,833	364	374	60,445	364	374	60,445
Federal Programs	150	144	18,055	150	135	17,547	146	140	18,648	146	140	19,337	146	140	19,337
Consumer Litigation	35	39	5,091	35	39	4,902	35	39	5,067	35	39	5,175	35	39	5,175
Immigration Litigation	125	133	15,136	125	111	14,669	122	130	16,158	122	123	16,677	122	123	16,677
Management and Administration	99	108	11,801	99	93	11,749	92	101	11,929	92	101	12,423	92	101	12,423
Subtotal, Direct	983	1,011	138,271	983	943	131,866	...	...	...						
Subtotal, VCRP	71	71	8,421	71	61	7,860	1,034	1,062	147,616						
Total	1,054	1,082	146,692	1,054	1,004	139,726	1,034	1,062	147,616	1,034	1,055	157,092	1,034	1,055	157,092
Reimbursable Workyears (Direct)		36			54			36			36			36	
Reimbursable Workyears (VCRP)		...			...			...			...			...	
Total, Workyears		1,118			1,058			1,098			1,091			1,091	
Other Workyears: Overtime		8			3			8			8			8	
Total Compensable: Workyears		1,126			1,061			1,106			1,099			1,099	

Civil Division
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Office of Debt Collection	...	...	8,129	...	...	9,020	...	...	11,556	...	...	2,536
Office of Independent Counsel	...	...	685	...	...	300	...	...	...	...	...	(300)
Office of Policy and Review	...	...	10	...	...	...	...	...	...	...	...	...
Office of Legislative Review	...	...	20	...	...	...	...	...	...	...	...	...
Immigration and Naturalization Service	...	...	...	...	...	50	...	...	...	...	...	(50)
U.S. Marshall Service	...	...	210	...	...	...	...	...	...	...	...	...
Bureau of Prisons	...	...	975	...	...	350	...	...	350	...	...	...
Justice Management Division	...	...	100	...	...	...	...	...	...	...	...	...
Information Resources Management	...	...	37	...	...	...	...	...	...	...	...	...
Antitrust Division	...	...	16	...	...	...	...	...	...	...	...	...
Federal Bureau of Investigation	...	...	200	...	...	847	...	...	...	...	...	(847)
White House Personnel	...	...	24	...	...	...	...	...	...	...	...	...
Department of the Navy	...	...	9,795	...	...	11,490	...	...	5,000	...	...	(6,490)
Department of the Air Force	...	...	3,759	...	...	3,561	...	...	2,261			(1,300)
Department of Treasury, Vaccine Trust Fund	...	15	3,528	...	24	4,028	...	24	4,028	...	...	...
Radiation Administration Expenses Account	...	11	1,600	...	12	2,000	...	12	2,000	...	...	...
Department of Defense	...	...	...	...	...	2,650	...	...	...	...	...	(2,650)
Department of Health and Human Services	...	...	...	...	...	2,650	...	...	...	...	...	(2,650)
Department of Interior	...	...	601	...	...	500	...	...	500	...	...	...
Department of Energy	...	...	2,381	...	...	...	...	...	1,000	...	...	1,000
Food and Drug Administration	...	...	2	...	...	...	...	...	...	...	...	...
Department of Veterans Affairs	...	...	...	...	...	2,650	...	...	11,995	...	...	9,345
NASA	...	...	54	...	...	...	...	...	...	...	...	...
FSLIC Resolution Fund	...	...	51,192	...	...	80,421	...	...	82,123	...	...	1,702
Defense Logistics Agency	...	...	...	...	...	1,000	...	...	1,000	...	...	...
Panama Canal Commission	...	...	...	...	...	1,530	...	...	1,079	...	...	(451)
Department of Transportation	...	...	20	...	...	...	...	...	...	...	...	...
Department of Agriculture	...	...	1,069	...	...	1,660	...	...	300	...	...	(1,360)
Health Care Fraud and Abuse Account	...	...	365	...	...	400	...	...	415	...	...	15
Violent Crime Reduction Account	...	...	600	...	...	...	...	...	...	...	...	...
Budgetary Resources	...	26	85,372	...	36	125,107	...	36	123,607	...	...	(1,500)

Attor. Work Product

Civil Division
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)
(Continued)

Obligations by Program	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Automated Litigation Support	...	...	40,479	...	...	58,112	...	...	56,397	...	...	(1,715)
Childhood Vaccine	...	15	3,528	...	24	4,028	...	24	4,028	...	...	...
Radiation Administrative Expenses	...	11	1,600	...	12	2,000	...	12	2,000	...	...	...
Debt Collection Activity	...	...	8,129	...	...	9,020	...	...	11,556	...	...	2,536
Miscellaneous	...	...	31,636	...	...	51,947	...	...	49,626	...	...	(2,321)
Total	...	26	85,372	...	36	125,107	...	36	123,607	...	...	(1,500)

Justification of Increase/Decrease, Automated Litigation Support:

The net decrease is primarily due to the anticipated decreased Automated Litigation Support costs that are expected to be incurred in defense of the A12 litigation in 2001.

Justication of Increase/Decrease, Debt Collection Activity:

The net increase is primarily due to anticipated increases in the Civil Division's debt collection activities.

Justification of Increase/Decrease, Miscellaneous:

The net decrease is primarily due to the anticipated decrease in support in 2000 for litigation such as WACO and Panama Canal claims.

Civil Division
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Federal Appellate Activity			
2000 Appropriation Enacted	76	77	$10,342
2001 Base	76	77	$11,207
2001 Estimate	76	77	$11,207
Increase/Decrease	...	...	...

Base Program Description

The Appellate Staff represents the interests of the United States at the highest levels of judicial review. The Staff's broad and varied litigation includes constitutional issues of individual liberties, issues of societal and collective rights exercised by the government and issues affecting national security and executive authority. The Staff handles appeals on behalf of all Civil Division components and the U.S. Attorneys Offices, as well as cases appealed directly from administrative agencies; however, the responsibility may be delegated to other litigating components. The Staff also is a key part of the government's litigating team in the Supreme Court under the supervision of the Solicitor General. This arrangement provides centralized jurisdiction over appellate litigation and ensures uniform treatment of issues affecting the government. The Staff helps shape the Department of Justice's litigating positions by participating in working groups with the Offices of the Deputy Attorney General, Associate Attorney General and Solicitor General.

The Staff protects the financial interests of the United States by defending against unwarranted claims involving huge financial stakes — most notably, the successful appeal of the $1.2 billion judgment in the A-12 stealth fighter case — and by preserving judgments in favor of the government. Cases involving new laws, major initiatives or controversial issues are often appealed. Consequently, the Staff handles appellate challenges to executive decisions and administrative policies that direct government programs. For example, the Staff is currently handling an appeal brought by domestic utility companies challenging annual assessments levied by the Energy Policy Act of 1992. The value of such future assessments is approximately $1.1 billion. Suits also include constitutional challenges to major legislation such as the Telecommunications Act, the Prison Litigation Reform Act and the Violence Against Women Act.

In 1999, 57 percent of the caseload was affirmative, involving government appeals of adverse judgments at the trial court or administrative level. In defensive cases, the Staff represents the government in appeals initiated by opponents who were unsuccessful in lower courts. Attorneys routinely draft memoranda to the Solicitor General on appeals of adverse judgments, prepare briefs on the merits of cases and present oral arguments in the various federal courts of appeals. In addition, attorneys draft documents for the Supreme Court such as certiorari petitions, briefs in opposition to certiorari and merits briefs. In 1999, Supreme Court cases and certiorari petitions comprised 42 percent of the workload.

In addition to its role as the government's expert in court of appeals litigation, the Staff also devotes significant time to advising and assisting Civil Division litigating branches, the U.S. Attorneys Offices and client agency counsel in drafting appellate briefs and preparing oral arguments. The Staff participates in special projects like the bi-annual redesignation of Foreign Terrorist Organizations under section 219 of the Immigration and Nationality Act.

In 1999, the Appellate Staff handled 2,110 cases. Attorneys spent about 76 percent of their time litigating cases. Case receipts grew nine percent from 1998 to 1999, led by defensive Supreme Court cases and petitions. Significant litigation is expected as a result of anti-terrorism legislation, the Food and Drug Administration's tobacco regulations and the government's continuing efforts to administer the health care system more successfully.

Program Performance and Accomplishments

The Appellate Staff measures its performance by tracking its success at the various levels of judicial review. The chart which follows shows historical performance data, as well as projections based on past trends. In 2001, the Staff plans to increase participation in Alternative Dispute Resolution programs with the aim of resolving more cases outside of litigation. In the 1999 Performance Plan, the Staff set the following goal: "Working as a friend-of-the-court, support states' statutes ("Megan's Laws") which require registration and public notification of released sex offenders living in the community." The Staff successfully defended the constitutionality of Megan's Law as a friend-of-the-court in eight appeals: two in the Federal Court of Appeals for the Second Circuit (Connecticut and New York laws), three in the Third Circuit (various aspects of the New Jersey law), one in the Ninth Circuit (Washington State law) and one each in the highest state courts of New Jersey and Massachusetts. Other notable accomplishments include:

The Staff played a key role in securing a major victory in the A-12 stealth fighter case. The Federal Circuit overturned a $1.2 billion judgment against the government and remanded the case to trial. The lawsuit arose from the termination of a contract between the Navy and McDonnell Douglas (now part of Boeing) and General Dynamics to build the aircraft. A unanimous three-judge panel ruled that the trial judge had erroneously found that the contract was "terminated for convenience" by the government — a finding which potentially entitled the contractors to all of their costs plus a reasonable profit. The appellate court also rejected plaintiff's contention that the contract did not permit a termination for default if the contractors failed to make sufficient progress.

In addition to obtaining the favorable decision upholding the assault weapons ban, the Staff also defeated a constitutional challenge to federal laws prohibiting felons from possessing firearms. In a related issue, the D.C., Seventh and Eleventh Circuits have upheld the constitutionality of the Lautenburg Amendment to the Gun Control Act of 1986 which bars persons convicted of a domestic violence misdemeanor from possessing a firearm that has traveled in interstate commerce.

The Telecommunications Act of 1996, which opened local telecommunications markets to competition, was successfully defended in two appeals. State public utilities commissions challenged the jurisdiction of the federal courts to review interconnection agreements between previously existing and new carriers. The Sixth Circuit in *Michigan Bell* and the Seventh Circuit in *MCI* upheld the judicial review provision. Similar cases are pending in several other circuit courts.

The ability of federal, state and local law enforcement agencies to detect, prevent and prosecute criminal activity was successfully defended in a Federal Communications Commission (FCC) rulemaking proceeding. The FCC granted the Department of Justice's petition to adopt new technical standards requiring telecommunications carriers to assist in authorized electronic surveillance. The Staff is defending this favorable decision in the Court of Appeals.

The power of local government to regulate the location of tobacco advertising was preserved in *Federation of Advertising Industry Representatives v. City of Chicago.* Chicago, like many cities, adopted an ordinance which severely restricts outdoor advertising of tobacco products. Advertisers have challenged these city ordinances, claiming that they are preempted by federal law and are prohibited by the First Amendment. The Second and Seventh Circuits have accepted the Staff's argument that even though the federal Cigarette Labeling Act preempts state and local restrictions on the content of tobacco product advertising, it does not stop these entities from regulating the location of such advertising. Similar cases are pending involving restrictions imposed by Massachusetts and other localities.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Appellate Staff

STRATEGIC GOALS:
- **Represent the United States in all civil matters.**

2001 PERFORMANCE PLAN:
- **Continue to resolve cases favorably at various levels of judicial review.**
- **Continue and increase participation in Alternative Dispute Resolution programs with the aim of resolving more cases outside of litigation.**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	634	584	668	637	763	858
	2. Number of cases received during year	CASES	1,517	1,351	1,406	1,473	1,456	1,485
Output/ Activity	3. Number of cases terminated during year	CASES	1,506	1,298	1,396	1,347	1,361	1,392
Intermediate Outcome	4. Percent of memoranda to which Solicitor General agreed	CASES	90%	88%	90%	90%	90%	90%
	5. Number of petitions for certiorari filed by the Staff	CASES	10	19	10	17	13	15
	6. Percent of opponents' petitions for certiorari defeated	CASES	95%	99%	95%	98%	95%	95%
End Outcome	7. Percent of closed Court of Appeals cases resolved favorably	CASES	70%	79%	70%	77%	70%	70%
	8. Percent of closed Supreme Court cases resolved favorably	CASES	65%	63%	65%	63%	65%	65%
	9. Alternative Dispute Resolution cases — completed	CASES	...	33	...	48	53	59
	Alternative Dispute Resolution cases — ongoing	CASES	...	17	...	28	33	37
DOJ Summary Indicators	10. Percent of favorable resolutions in defensive monetary cases	CASES	...	93%	...	88%	...	85%
	11. Percent of favorable resolutions in all civil cases	CASES	...	89%	...	89%	...	85%

A. Definitions of Terms or Explanations for Indicators:

- **All Indicators:** The data source for all indicators is CASES, the Civil Division's fully automated case management system.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicator 4:** These percentages are based on the number of memoranda recommending for or against appeal to which the Solicitor General agreed with the recommendations of the Appellate Staff.
- **Indicators 5 and 6:** Refer to petitions for certiorari filed with the Supreme Court.
- **Indicators 10 and 11:** DOJ summary indicators include only personally handled cases to avoid double counting cases jointly handled with the USAO's. Settlements are counted as favorable resolutions.

B. Issues Affecting FY 1999 Program Performance:

- **Indicators 4-8:** The Appellate Staff continued its outstanding performance in representing the government at the various levels of appellate review.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **All Indicators:** Estimates are based on historical trends and on the assumption that the federal courts will keep pace with current trends. Any change in court output will have an impact on these estimates.

	Perm. Pos.	FTE	Amount
Torts Litigation			
2000 Appropriation Enacted	199	201	$28,639
2001 Base	199	201	$31,828
2001 Estimate	199	201	$31,828
Increase/Decrease	...	...	...

Base Program Description

Large-scale claims alleging government neglect or wrongful conduct are handled by the Torts Branch. Often, the government's involvement in the event triggering the suit is elusive. These suits frequently involve hundreds of plaintiffs, massive discovery requirements, protracted trial schedules, arcane subject matter and substantial monetary damages. In 1999, over $8 billion was at stake in a workload of 3,043 cases (exclusive of RECA claims). Traditionally, the Branch's affirmative litigation has been limited to ship foreclosures and suits against those who damage government property. The recently-filed suit to recover the federal health care costs arising from tobacco-related illness builds upon the Branch's affirmative mission. Attorneys spend the majority of their time, 83 percent, litigating cases. Most of the remaining time is spent advising client agencies and the U.S. Attorneys Offices.

Where traditional litigation has proven ineffective, Congress has required the Division to participate in novel specialized programs to resolve complex suits. The enactment of the National Childhood Vaccine Injury Act and the Radiation Exposure Compensation Act (RECA) are prime examples. The former law created a program which established an Office of Special Masters within the Court of Federal Claims to determine entitlement decisions. The latter law created a system more akin to an administrative claim program than to litigation. (For details, see the RECA Trust Fund budget.)

The Torts Branch is comprised of five sections: Aviation and Admiralty, Federal Tort Claims Act, Environmental Torts, Constitutional and Specialized Torts and the Tobacco Litigation Team.

The Aviation and Admiralty Section handles maritime and aviation accident cases, as well as various maritime tort and contract claims. National security interests are protected in cases related to military aircraft crashes, such as the "friendly fire accident" involving an errant Navy missile which damaged the Turkish vessel MAUVENET. Other cases involve challenges by vessel owners and crews to the boarding of vessels on the high seas during national security and drug interdiction activities. The Section also handled high-dollar litigation involving the Federal Aviation Administration's certification of aircraft conversions and its air traffic control when aircraft accidents occur. An important part of the Section's caseload involves affirmative actions which seek compensation for the loss of government cargo, damages to locks, dams and natural resources, and the costs associated with maritime pollution cleanups.

Receipts, which increased significantly in 1998 and 1999, are expected to peak in 2001. Filings associated with the Korean Airlines/Guam aircraft accident and a Department of Agriculture decision to pursue foreign aid cargo claims have spurred the increase.

Aviation/Admiralty Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	309	319	300	324

The Federal Tort Claims Act (FTCA) Section litigates a wide array of cases alleging government liability arising under the FTCA. The docket includes litigation involving federal law enforcement, the spread of AIDS and national security issues. Other FTCA cases involve alleged negligence in connection with agency regulatory programs and medical treatment at government medical facilities, Indian Self Determination Act facilities and community health centers. The spike in 1998 receipts resulted from filings related to the Food and Drug Administration's regulation of bone screw devices.

FTCA Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	249	44	66	76

The Environmental Torts Section defends the government against claims for monetary damages resulting from death, personal injury or property damage caused by environmental or occupational exposure to toxic substances. Many cases arise from government contractor or military activities, some dating back to the World War II era, and from environmental regulatory activity. The cases often involve hundreds of plaintiffs alleging injuries caused by air, surface water or groundwater contamination or by direct contact with hazardous substances. The spike in case receipts in 1998 was the result of an increase in asbestos-related lawsuits which, thus far, have not resulted in any significant litigation against the United States. Groundwater contamination cases arising from the operations of military installations and contractor-operated facilities, such as the Jet Propulsion Laboratory in California and the Longhorn Army Ammunition Plant in Texas, are expected to comprise the bulk of the Section's workload. The Section anticipates a possible increase in cases alleging exposure to beryllium and other contaminates from nuclear-related activities of the federal government and its contractors.

Environmental Torts Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	281	159	198	203

The Constitutional and Specialized Torts Section defends civil actions filed under the National Childhood Vaccine Injury Act, adjudicates claims filed under the Radiation Exposure Compensation Act (see separate RECA budget), handles *Bivens* suits and handles vessel accident claims transferred from the Panama Canal Commission.

The National Childhood Vaccine Injury Act created the Vaccine Injury Compensation Program to ensure the continued supply of vaccines and provide an alternative to the tort system for those claiming injury from immunizations. When a petition for vaccine compensation is filed, a Special Master makes the initial determination on entitlement. Appeals are heard in the Court of Federal Claims and the Court of Appeals for the Federal Circuit. Program staff collaborated with the Department of Health and Human Services on the "Vaccine Injury Compensation Program Amendments of 1999" transmitted to Congress in June. The draft bill proposes modifications to the program to streamline the process and better serve the interests of children and families. Vaccine receipts more than tripled in 1999 as a result of the addition of four vaccines to the Vaccine Injury Table: Hepatitis B, Varicella, Hemophilus Influenza Type B and Rotovirus Gastroenteritis. The recent addition of Streptococcus Pneumoniae vaccines and the proposed addition of the Hepatitis A vaccine could expand the program even further.

Bivens suits involve the defense of government employees who are sued as a result of their official duties. These cases are a demanding component of the Section's work and represent a critical line of litigation for the entire government. They can be extremely controversial, complex and time-consuming. The suits generally arise when plaintiffs claim that government employees have violated their constitutional rights. Because individual federal officials are defendants, *Bivens* litigation goes to the heart of the ability of public servants to carry our their mission. These cases involve a wide array of government employees including law enforcement officers and Cabinet members, as well as a great variety of subjects including personnel issues and matters of national security.

On December 31, 1999, the Section assumed responsibility for pending ship collision cases from the Panama Canal Commission when the Canal was returned to the Republic of Panama. By assuming this responsibility, Section attorneys will enable the United States to fulfill its commitment to Panama that the Canal be returned free and clear of liens. An initial group of Panama Canal cases has been transferred; a smaller number of additional filings are expected in 2001.

Constitutional/Specialized Torts Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Vaccine Receipts	126	415	211	214
Bivens	49	26	38	45
Panama Canal Receipts	0	0	13	3

The **Tobacco Litigation Team** is handling the suit filed on September 22, 1999 against nine tobacco companies and two industry organizations. *U.S. v. Philip Morris, et al.* seeks to recover billions of dollars borne by Medicare and other federally-funded health care programs for smoking-related medical costs and to restrain future misconduct by the defendants.

Tobacco Litigation Team: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	0	1	0	0

Program Performance and Accomplishments

A key Torts Branch performance measure tracks the value of claims defeated. During 1999, the Branch defeated over $909 million in defensive cases disposed. Examples of recent accomplishments follow:

Five years of litigation, collectively involving the defeat of over $1 billion in claims, ended with a $7 million final settlement *in Cincinnati Radiation Litigation.* Claimants in the suit alleged that terminally ill cancer patients were subject to radiation experiments.

The recent defeat of a $500 million aviation suit was secured through the dismissal of *GATX.* Plaintiffs alleged negligence in the issuance and later withdrawal of FAA approval for expensive aircraft modifications.

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More than $57 million in claims alleging exposure to toxic chemicals were defeated in *Redland Soccer* and *O' Neal*. In litigation spanning nine years, 171 plaintiffs sought to recover medical expenses they incurred from the alleged exposure on the site of a former Army depot. In an unprecedented decision, the trial and appellate courts have agreed that state courts lack jurisdiction to adjudicate environmental regulatory cases against the United States.

The defeat of over $55 million in claims in the grounding of the QE2 off the coast of Cape Cod was upheld on appeal. In *Management Activities,* a wake turbulence case, the favorable conclusion of over $30 million in claims was assured with the dismissal of plaintiffs' appeal.

Approximately $50 million in omnibus vaccine litigation was defeated when the Branch prevailed at the Court of Appeals for the Federal Circuit in *Hanlon.* Plaintiffs claimed that their immunizations aggravated their Tuberous Sclerosis, a genetic condition. However, based on cutting edge medical research, the Court rejected all claims and adopted the standard of proving medical causation urged by the government. This decision resulted in the favorable resolution of six similar cases.

The plaintiff in *International Advocate* claimed to represent over 100 Vietnamese survivors, heirs and successors of the victims of the 1968 My Lai Massacre and sought compensatory and punitive damages as a result of the United States' involvement. The Court agreed with the Branch and dismissed the case for lack of jurisdiction.

Nearly $32 million was recovered through the favorable resolution of a group of worldwide admiralty cases known as *Big Z.* These actions involved the foreclosure of tuna boat and fish processing plant mortgages, the recovery of fishermen wages, personal injury actions and claims for fuel and supplies.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Torts Branch

STRATEGIC GOAL:
- **Represent the United States in all civil matters.**

2001 PERFORMANCE PLAN:
- **Continue to resolve cases favorably at various levels of judicial review.**
- **Implement changes to the Vaccine Program without developing backlogs. Maintain a 25 percent termination rate.**
- **Progress successfully in tobacco litigation. Establish an imaging system for the tobacco litigation team to include the Bliley and Minnesota Select collections. Locate and load into the database all available transcripts and depositions from tobacco litigation spanning the prior 30 years.**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	2,190	1,855	2,424	2,079	2,549	2,554
	2. Number of cases received during year	CASES	1,021	1,015	973	964	826	865
Output/ Activity	3. Number of cases terminated during year	CASES	928	791	984	494	821	957
Intermediate Outcome	4. Percentage of dollar claims defeated in closed cases	CASES	90%	94%	90%	88%	90%	90%
End Outcome	5. Dollars defeated (in millions)	CASES	NA	$2,160	NA	$909	NA	NA
	6. Dollars awarded in admiralty cases (in millions)	CDJSA	NA	$5	NA	$36	NA	NA
Productivity/ Efficiency	7. Total dollars defeated per attorney work year (in millions)	CASES	NA	$17.4	NA	$8.5	NA	NA
	8. Percentage of Childhood Vaccine caseload terminated	CASES	30%	30%	30%	18%	25%	25%
	9. Number of "pre-Act" cases pending at the end of the year	HHS	...	314	155	114	0	...
	10. Establish a tobacco litigation database	NA	...	...	...	...	...	by 9/30
DOJ Summary Indicators	11. Percent of favorable resolutions in defensive monetary cases	CASES	...	94%	...	90%	...	90%
	12. Percent of favorable resolutions in all civil cases	CASES	...	93%	...	89%	...	90%

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A. Definitions of Terms or Explanations for Indicators:

- **Indicators 1-8, 11 and 12:** The data source for these indicators is CASES, the Civil Division's fully automated case management system. CDJSA refers to the Civil Division Judgment and Settlement Accounts, a database which tracks monetary awards and collections.
- **Indicator 9:** The data sources for this indicator are monthly status reports provided by the Department of Health and Human Services from their independent database which tracks workload data for both "pre-Act" and "post-Act" vaccine claims.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicators 11 and 12:** DOJ summary indicators include only personally handled cases to avoid double counting cases jointly handled with the USAO's. Settlements are counted as favorable resolutions.

B. Issues Affecting FY 1999 Program Performance:

- **Indicator 3 and 8:** Terminations are less than the "Enacted Plan" due to the slower pace at which vaccine and asbestos decisions were rendered. The vaccine termination rate was also affected by numerous cases with incomplete medical records and by a surge of receipts in the final quarter.
- **Indicators 5 and 7:** These indicators are driven by the monetary claims asserted by plaintiffs, which can vary significantly. For example, an average of $5.2 million was sought in defensive cases closed in 1998; in 1999, the case average was only $3.6 million. Another factor was the lower number of terminations in 1999.
- **Indicator 6:** Size and timing of recoveries is very erratic and numerous factors affect the level of recoveries in any given year and, as such, historic results are not a predictor of recoveries in future years. 1999 results included a $31.7 million recovery in the *Big Z* litigation.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 2:** A spike in receipts in 1998 resulted from program negligence suits targeting the Food and Drug Administration's regulation of bone screw devices and asbestos litigation arising from maritime shippers; receipts remained elevated in 1999 due to increased vaccine cases and affirmative cargo damage suits. 2000 and 2001 receipts include litigation the Branch assumed when the Panama Canal reverted to Panama on December 31, 1999.
- **Indicator 3:** 2001 terminations include increases related to the bone screw litigation.
- **Indicator 4:** Percentage is based on historical trends.
- **Indicators 5, 6 and 7:** The Department of Justice has established a policy not to identify estimates for 2000 or 2001 for a limited number of indicators that may be construed as establishing "targets" for investigative, litigative or other law enforcement activities. However, such indicators provide an important record of prior-year accomplishments and will be included in program performance reports.

	Perm. Pos.	FTE	Amount
Commercial Litigation			
2000 Appropriation Enacted	364	374	$56,833
2001 Base	364	374	$60,445
2001 Estimate	364	374	$60,445
Increase	...	...	...

Base Program Description

The Commercial Litigation Branch represents the United States in litigation arising from the government's buying, selling, lending and other financial transactions. In 1999, $58 billion was at issue in the Branch's caseload. The majority of the cases — 87 percent in 1999 — were defensive. Affirmative actions recoup for the U.S. Treasury billions of dollars lost through fraud, bankruptcies and loan defaults. Attorneys spend about 90 percent of their time litigating a workload composed of especially labor-intensive cases.

Five sections comprise the Commercial Litigation Branch: Court of Federal Claims/Court of Appeals for the Federal Circuit/Court of International Trade, Fraud, Corporate/Financial, Intellectual Property and Foreign Litigation.

The Claims Section is the largest section and handles some of the federal government's most resource-intensive, high-stakes cases brought in the Court of Federal Claims, as well as appeals to the Federal Circuit and claims brought in the Court of International Trade. For the better part of a decade, the Section has experienced notable growth in extraordinarily large Court of Federal Claims cases. Well-financed companies are willing to pursue their contract claims aggressively, since the potential awards far exceed even sizable litigation expenses. Examples of extraordinarily large contract dispute cases include:

- A-12. The Navy's termination of a contract with McDonnell Douglas (now part of Boeing) and General Dynamics for the A-12 stealth fighter has spawned nine years of highly classified litigation. Approximately $4 billion is at issue for an airplane that was never manufactured. In 1995, the trial court ruled in plaintiff's favor regarding liability. Following extensive litigation on damages, in 1998 the trial court awarded plaintiffs $1.2 billion, in addition to the $2.7 billion already received. On July 1, 1999, the Court of Appeals reversed the trial court's liability ruling, vacated the damages award and remanded the case to the trial court for a trial on all issues.

- *Winstar*. The *Winstar* litigation is unprecedented in terms of size, complexity and potential stakes. Plaintiffs' claims are in the vicinity of $30 billion, although we estimate the government's liability to be only a fraction of this amount. These 100-plus cases involve more than 400 financial institutions throughout the United States and potentially over one billion pages of government documents. The *Winstar* litigation is funded by the Department of Justice and the FSLIC Resolution Fund.

To date, seven trials have been completed and three trials are in progress. Up to 10 cases are expected to go to trial in 2000. Additionally, favorable settlements have been reached in six cases. To continue this momentum, we have pursued formal Alternative Dispute Resolution (ADR) in six cases, as well as informal settlement discussions in over 40 cases. Civil Division attorneys are working diligently to identify additional cases in which settlements would be appropriate and are developing an overall settlement strategy.

The *Winstar* team has made substantial progress in discovery and pretrial activities. Despite months of delays caused by the plaintiffs' requests for extensions and the chief judge's insistence upon personally deciding contract formation and breach issues, fact discovery has been completed for all 12 priority cases and the first 30 cases. After identifying over 293 million pages of potentially relevant materials from 122 government and plaintiff sites, we scanned more than 20 million pages. Almost 17 million pages were converted from scanned images to searchable text (OCRed) and coded into categories.

Expert discovery has been concluded in the 12 priority cases and is continuing in the first 30 cases. To assist with these cases, the Division has retained approximately 65 experts from 10 firms to provide consulting and testimonial services. These carefully selected experts have proven to be invaluable in convincing the court of the validity of our defenses and in discrediting the plaintiffs' claims.

A second group of 30 cases began fact discovery in August 1999. Under the existing court schedule, discovery proceedings will commence for a third group of 30 cases in August 2000 and for the remaining 14 cases in August 2001. Consequently, the number of cases in various phases of litigation may reach up to 95 in 2000 and nearly 100 in 2001. Substantial resources will be needed through 2001 to support the increasing workload.

Mortgage Prepayment. In the wake of *Winstar*, a multitude of breach-of-contract allegations have been made involving "War on Poverty" low-income housing projects developed with loans insured by the Department of Housing and Urban Development (HUD). Pursuant to the loan notes executed between the owners and their private lenders, owners were permitted to prepay their loans after 20 years — in effect, freeing the projects of low-income use restrictions and allowing market-based rents. HUD was not a party to the notes. In 1988, in an effort to forestall a possible low-income rental housing shortage occasioned by massive prepayments, Congress passed legislation that placed restrictions upon prepayments.

Presently, there are 25 HUD mortgage prepayment suits involving more than 800 plaintiffs and claims that exceed $600 million. In *Cienega Gardens*, after the Court of Appeals for the Federal Circuit rejected plaintiffs' arguments of a contract breach, the plaintiffs are alleging that the legislation constituted a Fifth Amendment taking of their housing projects for public use. An appellate decision in *Greenbrier Apartments* will limit this strategy: the court of appeals held that the prepayment legislation did not, by itself, amount to a taking of any property rights. The court further held that the owners' takings claims were not ripe for adjudication because the owners had admittedly failed to seek, as required by the legislation, a final decision from HUD as to whether they could prepay their notes. In addition to the HUD cases, there is a family of similar loan

prepayment cases that stem from the programs of the Farmers Home Administration (FmHA). These FmHA cases involve more than 270 plaintiffs and claims of about $150 million.

- Spent Nuclear Fuel. *Yankee Atomic Electric* and other commercial nuclear utilities have attempted to apply *Winstar*-like claims to nuclear waste storage policy. Plaintiffs argue that the government has broken its promise to begin acceptance of commercial spent nuclear fuel by January 1998. The utilities contend that they have been forced to store their own spent nuclear fuel while still contributing to the Nuclear Waste Fund set up to fund the federal storage effort. Eleven cases have been filed seeking several billion dollars in damages; up to 40 additional cases may be filed, raising total damages claims to an estimated $50 billion. If the government is unsuccessful in pending appeals involving jurisdictional issues, the first trials could begin in 2000. If 50 cases are filed, this litigation could extend for years. The government's exposure could be staggering without expert analysis from the disciplines of nuclear facilities engineering and construction, accounting and utility rate-making, as well as substantial ALS.

- *Alaska Pulp*. Alaska Pulp Corporation (APC) claims that the government breached its contract when Congress enacted, and the Forest Service implemented, the Tongas Timber Reform Act of 1990, and when the government terminated for breach APC's contract in 1994. Damage claims total $1.6 billion plus interest. The government has produced over 2.8 million pages of documents and APC has made available an estimated four million pages. Fact discovery is continuing and expert discovery is expected to begin in early spring. Trial is expected to commence in late 2000.

- *Northrop Grumman "TSSAM"*. Claims of approximately $1 billion are at stake over the Air Force's termination of a highly classified program to develop a stealth missile. The parties have engaged in discovery involving more than 15 million pages of documents; the parties will soon present the court with hundreds of proposed stipulations of fact which may serve as the basis for adjudicating a significant issue in the case. If the court concludes it cannot proceed by stipulation, a discovery phase of at least two years is likely to commence in March 2000.

In addition to the burgeoning contract dispute cases, this section handles a myriad of bid protests, fraud counterclaims and suits under the takings clause of the Constitution. The number of new bid protest cases, which are very time-intensive, has nearly quadrupled since the 1996 elimination of the General Services Board of Contract Appeals. Cases in the Court of Appeals for the Federal Circuit include appeals from district courts; appeals of decisions rendered by the Merit Systems Protection Board, the Court of Veterans Appeals and agency contract appeals boards; as well as appeals from the Court of Federal Claims and the Court of International Trade.

Attorneys in this Section also represent the United States in the Court of International Trade. The international trade caseload grew significantly from 1995 through 1998 — a result of filings protesting an increased harbor maintenance tax collected by the Customs Service. Filings declined significantly in 1999 and will cease after the first quarter of 2000 when the statute of limitations expires. Other international trade litigation involves dumping penalties, trade agreements, tariff classifications and a variety of other actions related to U.S. customs laws.

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Court of Federal Claims/Court of Appeals for the Federal Circuit/Court of International Trade: 1998 - 2001

Litigation Area	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Court of Federal Claims Receipts	457	458	500	500
Court of Appeals for the Federal Circuit Receipts	705	840	845	850
Court of International Trade Receipts	3,433	1,056	791	718
Section Subtotal	**4,595**	**2,354**	**2,136**	**2,068**

The Fraud Section handles litigation to recover losses from those who defraud the government. Cases are filed in district courts and fraud counterclaims are pursued in the Court of Federal Claims.

Health care fraud litigation is expanding rapidly, in both size and yield to the U.S. Treasury. Cases involve health care providers, carriers and fiscal intermediaries that defraud Medicare, Medicaid and other federal health care programs. The Branch has recovered nearly $2.8 billion in health care fraud cases since 1986; in 1999, judgments and settlements in health care fraud cases exceeded $237 million.

New health care fraud cases in 1999 increased 71 percent over the number received in 1996 — the year the Health Insurance Portability and Accountability Act was enacted. Another 30 percent growth in new cases is expected by 2001. Columbia/HCA, the largest for-profit hospital chain in the country, is currently the subject of one of the most significant health care fraud investigations ever launched by the government. Fraud Section attorneys are collaborating with the FBI and multiple Department of Justice components, as well as the Department of Health and Human Services, state investigative organizations and other law enforcement agencies in this nationwide effort.

Another fast-growing portion of the workload consists of cases filed on behalf of the federal government by private citizens known as "relators" under the 1986 *qui tam* amendments to the False Claims Act. In return for exposing fraud against the government, relators share in recoveries resulting from the cases. *Qui tam* cases now comprise 63 percent of the caseload. *Qui tam* receipts are expected to increase by 14 percent from 1999 to 2001. Procurement fraud cases continue to comprise a significant share of the Section's workload and accounted for recoveries topping $188 million in 1999.

Fraud Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	291	344	382	408

The Corporate/Financial Section handles a wide spectrum of lawsuits involving claims for money and property. Attorneys represent the government's financial and regulatory interests in large and complex Chapter 11 bankruptcies, including those involving defense contractors, commercial airlines, health care providers, rural electric cooperatives and other major corporations.

The Section is working with various U.S. Attorneys' Offices to protect licenses valued at $10 billion issued by the Federal Communications Commission (FCC) for wireless telecommunications services. Several licensees, who were offered favorable payment terms as required by law, have filed for bankruptcy claiming that they incurred financial difficulties because of the dramatic depreciation of their licenses during the several months between the auction and the date on which the licenses were awarded. Although two licensees obtained favorable rulings which significantly reduced their debt to the government, one judgment was recently reversed on appeal and the other is pending an appellate decision. At risk is not only the substantial value of the licenses and $1 billion in down payments, but the integrity of the Congressionally-mandated auction process the FCC uses to allocate most of its licenses.

The Department of Housing and Urban Development (HUD) is a frequent client in bankruptcy cases initiated by owners of housing projects holding HUD-insured mortgages, as well as in district court proceedings to enforce HUD's interests arising from mortgages and regulatory agreements. Other cases include suits challenging the enforceability of student loans brought against the Department of Education, schools, banks and state guarantee agencies. The Section also represents the Rural Utilities Service and other similar agencies in all of the large-dollar, large-document cases in which they are parties.

Corporate/Financial Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	88	104	123	135

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Receipts are expected to increase due to a rise in bankruptcy filings of health care providers and electric cooperatives. Increased receipts also are anticipated from HUD's enhanced enforcement initiatives and in Medicare Secondary Payer litigation, where monies are recovered from third-party payers who have primary responsibility for paying health care benefits that have been paid by Medicare.

The Intellectual Property Section handles a wide variety of litigation involving patents, trademarks, copyrights, trade secrets and other related matters. These cases are extremely complex, requiring extensive technical and legal analysis of each asserted patent and each accused system or device purchased by the government. The most significant suits are brought by major corporations seeking substantial recoveries for the government's use of patented inventions. Attorneys defend the government in the Court of Federal Claims and in subsequent appeals to the Federal Circuit, as well as in challenges to actions by the Register of Copyrights brought in the various district courts.

Affirmative litigation enforces government-owned patents, deposit requirements of the Copyright Law and patent indemnity agreements. Other affirmative cases secure government patents for inventions arising from government-sponsored research and cancel patents issued as a result of fraud. The intellectual property workload also includes a variety of administrative proceedings before the Patent and Trademark Office. In addition, the Section provides considerable advice almost daily to various agencies.

Intellectual Property Section: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	21	24	33	41

The Office of Foreign Litigation represents the interests of the United States in foreign courts — a statutory responsibility that has been delegated exclusively to the Civil Division. Foreign counsel, under the Office's supervision, represent the United States in over 1,200 lawsuits in as many as 100 nations at any given time. Supervision of European litigation is conducted from an office in London. As the sole authority to represent the United States in foreign courts, the Office must respond to all new overseas litigation in which the government is named as a defendant. In 1999, more than 80 percent of the Section's receipts were defensive and included numerous commercial and tort cases.

The international telemarketing fraud caseload is growing as the Office represents the interests of the Federal Trade Commission (FTC) and various U.S. Attorney's Offices (USAOs) in recovering illegal profits for return to defrauded consumers in the United States. The recent Canadian crackdown on domestic telemarketing fraud has resulted in the targeting of American consumers. Scams involving sweepstake prizes, foreign lotteries, credit repair and gemstones cost American victims billions of dollars annually.

Other affirmative litigation involves health care fraud, bid-rigging, student and medical school loan defaults, environmental pollution violations, landlord-tenant matters and admiralty and shipping suits. Much of the affirmative litigation has a debt collection component. These activities include asset searches in which the Office seeks to identify, track and recover foreign assets in order to satisfy United States civil and criminal judgments.

Office of Foreign Litigation: 1998 - 2001

	1998 Actuals	1999 Actuals	2000 Est.	2001 Est.
Receipts	249	177	186	194

The spike in 1998 receipts resulted from actions to recover delinquent disaster loans issued by the Small Business Administration. We expect that the increased enforcement efforts of the FTC and the USAOs will generate a steady flow of international telemarketing fraud cases through 2001.

Program Performance and Accomplishments

The Commercial Litigation Branch measures its performance by tracking its success in protecting the public fisc through defensive and affirmative litigation. In 1999, the Branch defeated nearly $6 billion in unmeritorious claims. In affirmative cases, the Branch secured $432 million. The chart on page D-37 shows historical data on the Commercial Litigation Branch's workload and outcomes, as well as projections which are based largely on historical trends. Strategic initiatives in 2001 include: protecting the public fisc, progressing successfully in the *Winstar* litigation and combating health care fraud.

The Commercial Litigation Branch protected the U.S. Treasury against unwarranted claims and recovered money owed to the United States in a variety of recent cases:

- The Branch obtained a dismissal of *Roedler*, a $250 million spent nuclear fuel case. Customers of a nuclear utility brought a class action against the Department of Energy (DOE) for its inability to begin disposal of the utility's waste. The court found that the utility customers had no contractual relationship with the United States and that they were not third party beneficiaries of the utility's contract with DOE.

- *Winstar*-like claims were rejected in a significant mortgage prepayment case. In *Franconia Associates*, the Court of Federal Claims dismissed the claims of 23 plaintiffs and the partial claims of five plaintiffs who asserted *Winstar*-type theories regarding the prepayment of mortgages obtained from the FmHA.

- The Branch obtained a $51 million civil settlement and over $10 million in criminal fines from Olsten Corporation and a subsidiary, Kimberly Home Health Care. These actions resolved allegations in connection with sales of home health agencies to Columbia/HCA and subsequent management arrangements. As part of the settlement, Olsten has agreed to cooperate fully in the government's continuing investigation.

- The U.S. Treasury is expected to receive approximately $20 million from State Farm Mutual Automobile Insurance Company in a Medicare Secondary Payer case. The settlement provides reimbursement for payments made by Medicare when State Farm refused to make primary payment on a class of plaintiffs' medical expenses incurred from automobile accidents.

- In an FCC wireless license case, *In re Pocket Communications*, the Bankruptcy Court agreed with the government's objection and rejected a proposed settlement. The settlement would have risked a $143 million down payment from Pocket, the second-largest winner of the licenses.

- The Branch defeated several significant patent infringement claims: In *Pfund*, a suit seeking over $100 million for the government's use of laser satellite communications systems, the Court of Appeals for the Federal Circuit dismissed all claims. Over $25 million in claims were dismissed in *Wicker*. Plaintiffs sought royalties for the Treasury's use of a new method of preventing the counterfeiting of $20, $50 and $100 bills.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Commercial Litigation Branch

STRATEGIC GOALS:
- Represent the United States in all civil matters.

2001 PERFORMANCE PLAN:
- Continue to resolve cases favorably at various levels of judicial review.
- In affirmative cases, continue to secure approximately 85 percent of the dollars sought in about 60 percent of the cases.
- In defensive cases, continue to defeat approximately 75 percent of the claim in about 70 percent of the cases.
- In the *Winstar* litigation, obtain decisions in or otherwise resolve up to 20 cases and complete fact and expert discovery in an additional 30 cases.
- Represent federal law enforcement programs in foreign courts to recover money lost to perpetrators of telemarketing and Internet fraud.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	11,278	10,860	13,904	13,528	14,583	15,163
	2. Number of cases received during year	CASES	4,621	5,244	5,121	3,003	2,860	2,846
Output/ Activity	3. Number of cases terminated during year	CASES	2,641	2,576	2,850	1,948	2,280	4,778
Intermediate Outcome	4. Percent of affirmative cases terminated in which 85 percent or more of the claim is recovered	CASES	...	72%	60%	76%	60%	60%
	5. Percent of defensive cases in which the Branch defeated 75 percent or more of the claim	CASES	70%	84%	70%	83%	70%	70%
	6. Number of *Winstar* cases in which damages/decisions are obtained or which are otherwise resolved	CASES	...	4	5	5	10	20
	7. Number of *Winstar* cases in which fact and expert discovery is completed	CASES	...	4	30	12	30	30
End Outcome	8. Total relief awarded (in millions)	CDJSA	NA	$787	NA	$432	NA	NA
	9. Total claims defeated (in millions)	CASES	NA	$2,381	NA	$5,877	NA	NA
DOJ Summary Indicators	11. Percent of favorable resolutions in defensive monetary cases	CASES	...	95%	...	95%	...	90%
	12. Percent of favorable resolutions in all civil cases	CASES	...	95%	...	97%	...	90%

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A. Definitions of Terms or Explanations for Indicators:

- **All Indicators:** The data source for all indicators is CASES, the Civil Division's fully automated case management system. CDJSA refers to the Civil Division Judgment and Settlement Accounts, a database which tracks monetary awards and collections.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicator 6:** "Damages/decisions" includes settlements and trial decisions.
- **Indicators 11 and 12:** DOJ summary indicators include only personally handled cases to avoid double counting cases jointly handled with the USAO's. Settlements are counted as favorable resolutions.

B. Issues Affecting FY 1999 Program Performance:

- **Indicators 1 and 2:** A large influx of cases protesting an increased harbor maintenance tax began in 1995. Because these cases were stayed pending the outcome of the lead case, the pending counts have increased significantly. The 1998 "Enacted Plan" did not anticipate a surge of filings following the Supreme Court's decision that the tax was unconstitutional. While this trend was expected to continue through 1999, filings declined significantly after the first quarter.
- **Indicator 3:** Terminations are lower than the "Enacted Plan," as resolution of a significant number of harbor cases is not expected until 2001.
- **Indicator 6:** In 1998, we obtained settlements in *Winstar*, *Statesman*, *Dollar* and *Union Federal*. In 1999, trial damages/decisions were obtained in *Glendale*, *CalFed* and *LaSalle*, and settlements were reached in *Maco* and *Vermont Federal*.
- **Indicator 7:** The "Enacted Plan" estimated that all 30 cases activated in 1999 would complete discovery proceedings. However, actual results are lower because plaintiffs' requests for extensions caused severe scheduling delays.
- **Indicator 8:** Size and timing of recoveries is very erratic and numerous factors affect the level of recoveries in any given year and, as such, historic results are not a predictor of recoveries in future years. 1999 recoveries did not replicate results in 1998.
- **Indicator 9:** This indicator is driven by the monetary claims asserted by plaintiffs, which can vary significantly. 1999 results include $1.5 billion defeated in *CalFed*, $1.2 billion in *Glendale*, $1.2 billion in A-12 and $981 million in *Tenaska*.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 3:** Terminations of the harbor cases are expected to increase significantly in 2001.
- **Indicators 4 and 5:** Percentages are based on historical trends.
- **Indicator 6:** The estimated increase in 2001 is based on the assumption that prompt appellate decisions in *Glendale*, *CalFed* and *LaSalle* will promote resolution of additional cases.
- **Indicators 6 and 7:** Projections are set according to current court mandates governing trial and discovery schedules and may change if the parties decide to appeal trial-level decisions.
- **Indicators 8 and 9:** The Department of Justice has established a policy not to identify estimates for 2000 and 2001 for a limited number of indicators that may be construed as establishing "targets" for investigative, litigative or other law enforcement activities. However, such indicators provide an important record of prior-year accomplishments and will be included in program performance reports.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Commercial Litigation Branch — Health Care Fraud

STRATEGIC GOAL:
- Represent the United States in all civil matters.

2001 PERFORMANCE PLAN:
- Vigorously pursue the increasing number of extraordinarily large health care fraud cases.
- Work with federal and state law enforcement to combat civil fraud by sponsoring or presenting at training conferences.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Intermediate Outcome	1. Number of health care fraud cases received during the year	CASES	249	142	184	180	221	232
	2. Number of training conferences sponsored or presentations given	NA	...	43	50	45	55	60
DOJ Summary Indicator	3. Percent of favorable resolutions in civil health care fraud cases	CASES	...	100%	...	100%	...	90%

A. Definitions of Terms or Explanations for Indicators:

- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1 and 3:** The data source for these indicators is CASES, the Civil Division's fully automated case management system.
- **Indicator 1:** Case counts were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicator 3:** DOJ summary indicator includes only personally handled cases to avoid double counting cases jointly handled with the USAO's.

B. Issues Affecting FY 1999 Program Performance:

- **Indicator 3:** Results reflect 12 settlements in 1998 and 11 settlements in 1999. Because of the small number of observations in this measure, small variations in outcomes may result in wide variations in this measure.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 1:** The Civil Division will continue to pursue extraordinarily large health care fraud cases in 2000 and 2001. Receipts are largely dependent on the number of agency referrals and *qui tam* cases filed.

	Perm. Pos.	FTE	Amount
Federal Programs			
2000 Appropriation Enacted	146	140	$18,648
2001 Base	146	140	$19,337
2001 Estimate	146	140	$19,337
Increase/Decrease	...	...	...

Base Program Description

The Federal Programs Branch defends the officers and agencies of the United States in a wide variety of suits challenging the constitutionality and legality of federal statutes, programs and initiatives. The Branch protects the public fisc by defending government policies and programs involving the distribution of monetary resources or benefits, while preserving the intent of congressional enactments and administration policies.

High-visibility cases that present important constitutional, statutory and regulatory issues typify the Branch's cases. Recent litigation has involved some of the most probing issues of our time — gun control, welfare reform, separation of church and state, line item veto, prison litigation reform and sexual harassment in the workplace. Currently, the Branch is defending the civil rights section of the Violence Against Women Act (VAWA) and various provisions of the Telecommunications Act of 1996. Additionally, the Branch is defending against a constitutional challenge to the Child Online Protection Act, which restricts the dissemination of harmful pornographic materials to children over the Internet.

Statutes such as the Freedom of Information Act, the Privacy Act, Title VII of the Civil Rights Act, the Rehabilitation Act, the Social Security Act, the Equal Pay Act and the Federal Advisory Committee Act are the subject of suits handled by the Branch. The defense of challenges arising under the Constitution, the Administrative Procedures Act and other statutes of general applicability comprise a significant portion of the caseload.

While most of its cases are defensive, the Branch also initiates affirmative litigation to enforce federal laws and regulations. It represents agencies in civil actions to enforce the Ethics in Government Act against present and former federal officials, seeks judicial enforcement of Inspector General subpoenas and litigates civil penalty actions under a variety of federal statutes, including the National Highway Traffic Safety Act.

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The Branch is using Alternative Dispute Resolution (ADR) to resolve approximately 138 cases resulting from a Department of Agriculture settlement of a nationwide class action brought by black farmers in *Pigford* and *Brewington*. A similar class action was filed in November 1999 on behalf of thousands of Native American farmers who allege they were wrongfully denied federal farm loans and benefits and seek $19 billion.

Federal Programs' litigation is comprised of cases involving novel questions where few precedents exist and appeals are inevitable. In 1999, over 89 percent of the Branch's 891 cases were defensive. Attorneys spend the majority of their time, over 89 percent, litigating cases. Most of the remainder of the attorneys' time is spent advising client agencies and the U.S. Attorneys Offices.

Program Performance and Accomplishments

The Branch measures its performance by tracking favorable resolutions of its cases involving challenges to federal programs, policy initiatives and congressional enactments. The chart which follows shows historical performance data, as well as projections based on past trends. Examples of recent accomplishments follow:

Concerned about the rapid rise in the cost of home health care to Medicare, Congress altered the method for calculating payments made to home health care agencies. Congress projected that these changes will save the Medicare trust fund billions of dollars. The Branch secured dismissal of two consolidated cases in Texas when the court declared the statutory and regulatory schemes valid.

The states of California, West Virginia and Maine unsuccessfully challenged the Department of Health and Human Services' efforts to recoup over $280 million for contributions to state programs that fund pensions for state employees working in joint federal-state programs. The Branch obtained summary judgments in each case.

The Lautenberg Amendment to the Gun Control Act of 1986 makes it illegal for persons convicted of certain domestic violence crimes to ship, possess, receive or transport firearms. The Branch has successfully defended the constitutionality of the Amendment in multiple challenges brought by law enforcement officers who have been terminated due to the statute's restrictions. The D.C. Circuit, the Seventh Circuit and the Eleventh Circuit have affirmed district court decisions.

An important objective of the Telecommunications Act of 1996 is to bring competition to the local telecommunications marketplace. To date, the Branch has secured over 30 favorable district court rulings upholding the constitutionality of federal district court review of local competition orders issued by state public service commissions, as provided in the Act.

Regulations requiring buses to be made fully accessible to individuals with disabilities, including those who use wheelchairs, were upheld in *American Bus Association*. The court also upheld a provision requiring companies that fail to comply with the regulations to compensate passengers who are denied service.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Federal Programs Branch

STRATEGIC GOALS:
- Represent the United States in all civil matters.

2001 PERFORMANCE PLAN:
- Achieve favorable resolution in about 80 percent of non-monetary trial cases involving challenges to federal programs, policy initiatives and congressional enactments.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	635	554	616	587	643	782
	2. Number of cases received during year	CASES	448	489	541	304	473	362
Output/ Activity	3. Number of cases terminated during year	CASES	375	456	444	248	334	340
Intermediate Outcome	4. Percentage of closed non-monetary trial cases favorably resolved	CASES	80%	91%	80%	85%	80%	80%
	5. Percent of trial challenges to recent congressional enactments and administration policies and programs which involve government expenditures (e.g., entitlement programs) favorably resolved	CASES	...	100%	75%	83%	80%	80%
Productivity/ Efficiency	6. Percentage of caseload terminated	CASES	34%	44%	38%	28%	30%	30%
DOJ Summary Indicators	7. Percent of favorable resolutions in defensive monetary cases	CASES	...	94%	...	88%	...	90%
	8. Percent of favorable resolutions in all civil cases	CASES	...	95%	...	90%	...	90%

A. Definitions of Terms or Explanations for Indicators:

- **All Indicators:** The data source for all indicators is CASES, the Civil Division's fully automated case management system.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicator 4:** Cases "favorably resolved" are those in which the Branch effectively defended against challenges to federal programs, policies and initiatives and/or enforced remedies for statutory violations of federal programs. Settlements are excluded.
- **Indicator 5:** Cases "favorably resolved" are those in which the Branch effectively defended against challenges to recent congressional enactments and administration policies and programs. Settlements are excluded. Emphasis is placed on those cases for which the outcome will substantially affect government policies, programs or outlays, including cases involving the provisions of entitlement programs.
- **Indicator 6:** Caseload refers to the sum of cases pending at the beginning of the year and the number of new cases received during the year.
- **Indicators 7 and 8:** DOJ summary indicators include only personally handled cases to avoid double counting cases jointly handled with the USAO's. Settlements are counted as favorable resolutions.

B. Issues Affecting FY 1999 Program Performance:

- **Indicators 2 and 3:** "1999 Actuals" were lower than the "1999 Enacted Plan" due to a decrease in cases resulting from the Telecommunications Act of 1996. Additionally, cases involving the Americans with Disabilities Act and Rehabilitation Act have returned to historic levels after a spike in receipts in 1998.
- **Indicators 5 and 7:** 1999 results reflect 12 resolutions for Indicator 5 and 24 resolutions for Indicator 7. Because of the small number of observations in this measure, small variations in outcomes will result in wide variations in these measures.
- **Indicators 3 and 6:** Terminations were affected by the unusually lengthy amount of time required to effectively resolve cases.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 2:** The increase in receipt estimates includes approximately 138 cases resulting from the *Pigford* litigation. No estimates have been made for additional cases related to the lawsuit filed by Native American farmers.
- **Indicators 4 and 5:** Percentages are based on historical trends.

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	Perm. Pos.	FTE	Amount
Consumer Litigation			
2000 Appropriation Enacted	35	39	$5,067
2001 Base	35	39	$5,175
2001 Estimate	35	39	$5,175
Increase/Decrease	...	...	...

Base Program Description

Litigation enforcing federal consumer protection laws, such as the Food, Drug and Cosmetic Act, the Consumer Product Safety Act, the Federal Trade Commission Act and the Motor Vehicle Information and Cost Savings Act is the responsibility of the Office of Consumer Litigation. The Office also defends policies and programs of client agencies including the Food and Drug Administration (FDA), the Federal Trade Commission (FTC) and the Consumer Product Safety Commission. Success in these cases safeguards consumers who are unable to protect themselves from dangerous or worthless products and from unfair trade practices.

Affirmative cases brought on behalf of client agencies often involve fraud perpetrated by manufacturers and distributors of misbranded, adulterated or defective consumer products. Others involve fraud that exploits billions of dollars from unsuspecting consumers through illegal conduct, including unfair credit practices and deceptive advertisements and sales. A key Office initiative involves the prosecution and prevention of consumer fraud violations perpetrated on the Internet. The illegal sale of prescription drugs, unapproved medical devices, illicit fireworks and other dangerous consumer products will be the focus of such cybercrime efforts.

Although most of the Office's litigation is affirmative, substantial time is spent on defensive litigation. Today's defensive cases tend to be broader in scope and much more labor-intensive. Well-financed opponents protest FDA's actions through the highest levels of judicial review because their potential losses far outweigh even extensive legal costs.

The Office is the only Civil Division component that litigates criminal matters. Longer sentences and increased asset forfeitures are the aim of many of today's prosecutions, resulting in even greater resistance by the defense and thus more protracted proceedings. The Office also provides guidance on consumer protection laws to state and federal agencies. For example, the Office furnishes state motor vehicle agencies and investigative bodies with training and computer software to streamline large-scale odometer tampering investigations.

In 1999, the Consumer Litigation caseload totaled 440 cases, including 130 new cases. Attorneys spent the majority of their time, about 75 percent, litigating cases. Most of the remaining time was spent advising state and federal agencies and the U.S. Attorneys Offices.

A similar level of receipts is likely through 2001. The workload is expected to be more complex, labor-intensive and long-term as a result of lengthier criminal proceedings, as well as the FDA's change in enforcement approach and challenges to its regulations.

Accomplishments

Over $55 million in criminal fines and civil penalties were obtained in 1999. The Office measures its performance by tracking the percentage of cases favorably resolved. For affirmative cases, favorable resolutions include cases in which injunctive or monetary relief is obtained. For defensive cases, success is measured by the number of cases in which an agency's policies or programs are effectively defended. In 1999, 95 percent of the cases closed were resolved favorably. Examples of recent victories follow:

The largest monetary sanction ever imposed against a pharmaceutical firm was levied against Genentech for promoting a synthetic growth hormone for uses that had not been approved by the FDA. The company pled guilty to a felony violation of the Food and Drug Act and was ordered to pay a criminal fine of $30 million plus $20 million in civil penalties.

The Office continues to coordinate investigations of numerous individuals who distribute gamma hydroxy butyrate (GHB), an unapproved and dangerous drug that can put users in a coma. Most recently, a guilty verdict was obtained against a defendant in southern California who distributed GHB to teenagers at a "rave" party, resulting in the death of a 15 year-old from GHB intoxication and hypothermia.

Aloe vera was fraudulently promoted over the Internet by a Virginia doctor and others as a treatment for cancer, AIDS, herpes and other disorders — in violation of the Food and Drug Act and the mail fraud statute. Working with the U.S. Attorney in Maryland, the Office obtained the indictment of all of the parties involved in this scam.

Several new cases resulted from ongoing investigations into the manufacture and sale of flash powder devices and illegal fireworks that caused the death of one individual in 1998 and critically injured others. Thirteen search warrants have been executed and government agents have seized more than 16,000 pounds of devices and illegal fireworks. The Office obtained five convictions in 1999, and thus far has built cases against nine other individuals in four Midwestern states.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Office of Consumer Litigation

STRATEGIC GOALS:
- **Represent the United States in all civil matters.**

2001 PERFORMANCE PLAN:
- **Continue to resolve cases favorably at various levels of judicial review.**
- **Lend assistance to state law enforcement agencies with respect to prosecuting odometer fraud cases.**
- **Initiate investigations and prosecutions involving consumer fraud on the Internet, especially the illegal sale of prescription drugs, unapproved medical devices and illegal fireworks.**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	412	328	422	310	286	296
	2. Number of cases received during year	CASES	167	122	126	130	135	135
Output/ Activity	3. Number of cases terminated during year	CASES	163	140	114	154	125	129
Intermediate Outcome	4. Number of additional state law enforcement agencies assisted by the Office with respect to prosecuting odometer fraud	OCL	...	13	...	10	12	15
	5. Number of investigations opened involving Internet fraud	CASES	...	...	...	10	20	30
End Outcome	6. Percentage of closed cases in which the government either obtained relief with respect to enforcement of federal consumer law or effectively defended an agency's consumer policies, programs or initiatives	CASES	85%	96%	85%	95%	85%	85%
Productivity/ Efficiency	7. Percentage of caseload terminated	CASES	28%	31%	21%	35%	30%	30%
DOJ Summary Indicators	8. Percent of favorable resolutions in all civil cases	CASES	...	95%	...	95%	...	90%

A. Definitions of Terms or Explanations for Indicators:

- **Indicators 1, 2, 3, 5, 6, 7 and 8:** The data source for these indicators is CASES, the Civil Division's fully automated case management system.
- **Indicator 4:** The Office of Consumer Litigation tracks and reports the number of additional state agencies assisted during the year.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.
- **Indicator 5:** The Office is investigating sales over the Internet which may constitute violations of the Food, Drug and Cosmetic Act, the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Federal Trade Commission Act, as well as the wire and mail fraud statutes.
- **Indicator 7:** Caseload refers to the sum of cases pending at the beginning of the year and the number of new cases received during the year.
- **Indicator 8:** DOJ summary indicators include only personally handled cases to avoid double counting cases jointly handled with the USAO's.

B. Issues Affecting FY 1999 Program Performance:

- **Indicator 6:** In 1999, the Office continued its exemplary performance.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 6:** Percentage is based on historical trends.
- **Indicator 7:** Based on FY 1998 and FY 1999 actuals, the percentage of caseload terminated has been raised to 30 percent.

Attorney Work Product

	Perm. Pos.	FTE	Amount
Immigration Litigation			
2000 Appropriation Enacted	122	130	$16,158
2001 Base	122	123	$16,677
2001 Estimate	122	123	$16,677
Increase/Decrease	...	...	...

Base Program Description

The Office of Immigration Litigation (OIL) is the last line of defense along an immigration enforcement continuum that involves the Immigration and Naturalization Service (INS), the immigration courts, the Board of Immigration Appeals and the federal courts. By defending the government's immigration laws and policies and administrative judgments regarding alien removal, the Office of Immigration Litigation upholds the intent of Congress and secures the combined efforts of our immigration agencies.

Immigration litigation involves both individual challenges to enforcement actions and class action suits directed against the INS, the Department of State and other immigration-interested agencies. The Office also handles cases challenging the denial of visas and passports, the imposition of employer sanctions and the government's response to applications for naturalization, political asylum and other benefits.

Antiterrorism litigation, including cases in which suspected alien terrorists challenge orders for their removal from the United States, comprises a growing aspect of the Office's mission. The 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) have expanded OIL's role in the fight against international terrorism. The Office represents the government before the alien terrorist removal court, a tool created to combat suspected alien terrorists and foreign terrorist organizations. OIL also assists the State Department and other agencies in designating foreign terrorist organizations and defending those designations in multiple lawsuits. The Office continues to collaborate with other Department of Justice components in drafting and analyzing terrorism-related legislation.

In 1999, the Office handled 5,150 cases before the United States District Courts and Circuit Courts of Appeals — a 38 percent increase over 1998 and more than double the number of cases handled in 1996. Fueling this increase was a record number of receipts— more than 3,000 in 1999. Congressional enactments, such as the Violent Crime Control and Law Enforcement Act of 1994 and the 1996 immigration reforms, have spurred the rise in receipts. Additional enforcement resources for initiatives on criminal aliens and asylum claims have increased the number of aliens facing expulsion from the United States. As the INS has brought more removal cases

before the immigration courts, and the immigration judges and Board of Immigration Appeals have increased the number of determinations rendered, more aliens have sought judicial review before the federal courts, also increasing OIL's case receipts. While most of OIL's cases involve challenges to orders of exclusion, detention and expulsion in which individual aliens contest the determinations made by immigration officials and the Board of Immigration Appeals, there was also an increase in the number of citizenship cases in 1999. This rise is attributable to an influx of cases seeking to denaturalize those who wrongfully secured United States citizenship. The Department of Justice's heightened emphasis on immigration enforcement portends a rise in the Office's caseload through 2001.

OIL attorneys spend the majority of their time, about 77 percent, litigating cases before the courts. Their remaining time is spent fulfilling the Office's mandate to provide nationwide coordination of immigration litigation. The Office has: (1) conducted training programs in Washington and Seattle for attorneys involved in litigation arising under the 1996 and 1997 reforms; (2) counseled its client agencies regarding promulgation of regulations necessary to implement these statutes; (3) published a monthly litigation newsletter to all U.S. Attorneys Offices' Civil Chiefs and INS District Counsel; and (4) conducted weekly working groups on defensive matters arising under the amended Immigration and Nationality Act (INA).

Program Performance and Accomplishments

The Office of Immigration Litigation measures its success by tracking the percentage of cases in which favorable resolutions are reached. In particular, the Office has secured the prompt removal of criminal aliens by defeating almost all of the habeas corpus petitions and other suits challenging their detention and expulsion. In the 1999 Performance Plan, the Office set the following goal: "Establish an electronic library with the most up-to-date information on statutes, regulations and case law." A pilot web site — including immigration case summaries, links to case law and immigration regulations, as well as the Office of Immigration Litigation's monthly bulletins — became available to other government agencies at the end of 1999.

The Office has achieved significant success in obtaining favorable immigration-related decisions:

The Supreme Court unanimously sustained the Attorney General's denial of asylum to a violent criminal in *Aguirre-Aguirre*. The Board of Immigration Appeals found that prior to arriving in the United States, respondent committed a "serious nonpolitical crime" as defined by the INA, and was therefore ineligible for withholding of deportation.

In *American-Arab Anti-Discrimination Committee*, the Supreme Court upheld the Attorney General's rejection of a selective prosecution defense raised by alien supporters of a foreign terrorist organization. The Supreme Court ruled that the INA restricts judicial review of the Attorney General's decision to commence deportation proceedings of aliens.

The Attorney General's authority to detain criminal aliens pending their removal from the United States was sustained in *Zadvydas*, as was her authority to denaturalize criminals who wrongfully gained citizenship in *Gorbach*. A key provision of the INA which requires that all challenges to removal be heard only in the courts of appeals was upheld in *Richardson* and *LaGuerre*.

Passport restrictions on "deadbeat" parents were upheld in *Eunique*. The Child Support Enforcement Statute prohibits issuing a passport to anyone who owes more than $5,000 in overdue child support payments. When the State Department refused to issue her a passport, plaintiff, who owed more than $25,000, claimed that her Fifth Amendment right to international travel had been violated. The court held that international travel is not a fundamental right and that such restrictions on nonpaying parents could prevent them from escaping jurisdiction and from spending money on travel rather than on child support.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Department of Justice — Civil Division — Office of Immigration Litigation

STRATEGIC GOALS:
- Represent the United States in all civil matters.

2001 PERFORMANCE PLAN:
- Continue to combat terrorism, seek to remove criminal aliens and enforce the nation's immigration laws by defending administrative decisions and INS programs and policies. An estimated 90 percent of immigration cases closed will be resolved favorably.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of cases pending beginning of year	CASES	1,511	1,435	2,064	2,018	3,169	4,373
	2. Number of cases received during year	CASES	2,247	2,307	2,479	3,132	3,331	3,448
Output/ Activity	3. Number of cases terminated during year	CASES	2,001	1,724	2,034	1,981	2,127	2,218
Productivity/ Efficiency	4. Establish an electronic immigration library	NA	...	...	By 9/30	By 9/30	...	...
End Outcome	5. Percent of favorable resolutions in cases closed (personally and jointly handled)	CASES	90%	91%	90%	86%	90%	90%
DOJ Summary Indicators	6. Percent of favorable resolutions in cases closed (personally handled only)	CASES	...	94%	...	90%	...	90%

A. Definitions of Terms or Explanations for Indicators

- **Indicators 1, 2, 3, 5 and 6:** The data source for these indicators is CASES, the Civil Division's fully automated case management system.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2 and 3:** Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Counts include cases resulting from the Violent Crime Reduction Trust Fund resources.

B. Issues Affecting FY 1999 Program Performance:

- **Indicator 2:** Increased receipts, when compared to 1998 and the "Enacted Plan" column are attributable to litigation spawned by alien challenges to orders of exclusion, detention and expulsion. Also contributing to the increase are citizen denaturalization and Mariel cases, in which long-term Cuban detainees are filing suits seeking their release from custody.

C. Issues Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicator 2:** Through 2001, receipts will continue to rise as more suits challenging alien exclusion, detention and expulsion, and citizen denaturalization are filed. However, a portion of the increase involves habeas corpus petitions, which are not expected to be especially resource-intensive.
- **Indicator 5:** Percentage is based on historical trends.

	Perm. Pos.	FTE	Amount
Management and Administration			
2000 Appropriation Enacted	92	101	$11,929
2001 Base	92	101	$12,423
2001 Estimate	92	101	$12,423
Increase/Decrease	...	...	...

Base Program Description

The workload of the Civil Division is as broad and diverse as the activities of the 200-plus federal agencies we represent. In addition to our role in defending and promoting the laws, policies and programs of the United States, we protect the public fisc. Every year, the Civil Division returns monies to the U.S. Treasury far exceeding its appropriation. In 1999, $529 million was recovered in fraud, bankruptcies, loan defaults and other judgments and settlements. While some awards call for long-term payment plans, collections in 1999 yielded over $458 million. Over $7 billion in unwarranted claims were defeated in 1999, across a wide spectrum of cases including contract claims, tort actions and patent challenges. For every $1 of its 1999 direct appropriation of $142.7 million, the Civil Division secured nearly $4 in awards and $3 in collections, while defeating over $48 in claims by the government's opponents.

Part and parcel of such success is responsive management capable of providing executive leadership and promoting performance and fiscal responsibility. The Management and Administration decision unit — comprised of the Office of the Assistant Attorney General and the Office of Management Programs (OMP) — serves this purpose.

The most direct way OMP fosters performance and efficiency is through its Automated Litigation Support (ALS) program. ALS provides a practical means of making millions of pages of evidentiary documents available to attorneys quickly and efficiently. It consists of document screening, imaging, computerization and trial preparation services that are essential to the successful handling of the Civil Division's largest, highest-stakes cases. As the majority of services are provided by contractor staff, ALS provides a flexible vehicle for responding to urgent litigation needs. ALS has provided indispensable support to the biggest defensive cases such as *Winstar* and A-12, as well as major affirmative efforts such as *Columbia* and the Tobacco Litigation Team.

Successful management of the Civil Division's burgeoning caseload is essential to ensuring efficiency in all stages of litigation. CASES, the Civil Division's automated case management system, maintains the basic data needed for management of over 470,000

open and closed cases. Attorneys can access essential case-related information directly from their individual workstations, saving them countless hours of searching through voluminous physical case files. With only a few keystrokes, managers can search and update case files, monitor caseload activity and time expenditures, trace litigation histories, analyze caseload trends and evaluate future resource requirements. In 1999, CASES' operating hardware and software were fully upgraded with a state-of-the-art, year 2000-compliant system.

Office automation is a key feature of the technical support provided by OMP. The Civil Division's transition to a new server environment called "J C O N II" has begun and is expected to be completed by the third quarter of 2000. Older Pentium PCs will be upgraded with more current technology and printers that have reached the end of their useful life will be replaced. The Civil Division's legal research program links attorneys to WESTLAW and LEXIS. These specialized data bases provide up-to-the-minute information on federal and state law, court decisions and the legislative activity of Congress. The centralized records management program assists attorneys by directly maintaining and updating more than 1,650,000 of the Civil Division's case file sections.

The provision of responsive administrative support services is just as crucial as the provision of technological support. These services include: recruitment, hiring, employee assistance and training, personnel tracking, labor relations, procurement, facilities management and provision of office equipment and furniture. OMP has made major improvements in the timeliness and quality of personnel and procurement services and significantly reduced costs over the last several years by assuming increased delegation of authority from the Justice Management Division. Through careful design of office space and support systems, OMP has also kept the Division's rent costs under control, while at the same time creating a productive, modern law office environment.

Sound fiscal management is another crucial OMP function. Each year, thousands of financial transactions are processed against a growing number of accounts under the Civil Division's purview. Ten years ago, funding sources were limited to the General Legal Activities appropriation and a handful of reimbursement agreements. Today, OMP plans, executes and controls a proliferation of reimbursement agreements, special accounts to administer the Radiation Exposure Compensation Act, a Violent Crime Reduction Trust Fund appropriation, an allotment from the Health Care Fraud and Abuse Control Account and two Fees and Expenses of Expert Witnesses allotments. As the number of accounts has grown, so have the responsibilities which encompass fiscal management.

OMP provides a service to the general public, coordinating responses to over 1,600 congressional and public inquiries each year. In accordance with the Attorney General's commitment to make the Department of Justice "more open, responsive and accountable" to the American people, OMP is committed to providing timely, accurate responses to all inquiries. The Civil Division receives and transmits congressional and high-priority mail inquiries using electronic imaging technology. This advancement unites all Department components under a central management system allowing for more efficient routing of incoming inquiries and for more timely responses.

Program Performance and Accomplishments

Management accomplishments achieved over the past year include the following:

- OMP completely redeveloped its case management system using LawPack, a state-of-the-art, year 2000-compliant software package. New server hardware was purchased. The systems and converted data were tested, user documentation and training were completed and the new system was successfully implemented in December 1999.

- The Division's delegated procurement authority has been increased to $500,000 (Federal Supply Schedules and Department of Justice contracts) and to $100,000 (open market orders) — as a result of a very positive audit. Together with the existing delegation for expert witnesses, this new authority should speed up the acquisition of consultants, experts and other support services for the Division's high-stakes litigation.

- The process of assuming full authority from the Justice Management Division for non-SES personnel management was completed. This transition has resulted in a reduction in the annual cost of providing Division personnel services and a 50 percent reduction in processing time.

- In the A-12 appeal, an ALS team was instrumental in preparing government attorneys to win their appeal of a $1.2 billion judgment. The Federal Circuit's remand to trial on all issues will allow the use of ALS' 20 million pages of fully computerized discovery documents, over 1,000 depositions, hundreds of key e-mails, videotapes and demonstrative exhibits.

- For the *Winstar* litigation in 1999, ALS provided discovery services for an active caseload which increased from 42 to 72. ALS staff also supported six trials, including the precedent-setting defeat of plaintiff's "lost profits" claim in *Calfed*. Courtroom presentation systems were provided for every trial, enhancing the introduction and discussion of evidence and shortening the length of several trials.

- The trial of two Columbia/HCA executives received extensive trial support, including complete courtroom presentation services. A jury found the executives guilty of six counts of defrauding Medicare of $3 million. ALS was also provided to a closely-related *qui tam* case, *Olsten Corporation*, which resulted in a $51 million civil settlement and $10 million in criminal fines.

- The initiative to make "Summation" available to Civil Division attorneys and paralegals has been an unqualified success. This "do-it-yourself" litigation support tool for smaller cases now has 270 users who have created 234 databases. Summation has also provided "real time" court reporting services, particularly at depositions.

Civil Division
Salaries and Expenses
2001 Priority Rankings

BASE PROGRAM	
Program	Ranking
Federal Appellate Activity	1
Commercial Litigation	2
Torts Litigation	3
Immigration Litigation	4
Federal Programs	5
Consumer Litigation	6
Management and Administration	7

PROGRAM INCREASES	
Program	Ranking

Civil Division
Salaries and Expenses
Detail of Permanent Positions by Category
FY 1999 - 2001

Category	FY 1999		2000		2001		
			Total		Program	Total	
	Auth.	Reimb.	Auth.	Reimb.	Increases	Auth.	Reimb.
Attorneys (905)	713	17	705	17	...	705	17
Paralegal Specialists (950)	64	5	63	5	...	63	5
Gen. Admin. Clerical and Office Services (300-399)	277	14	266	14	...	266	14
Total	1,054	36	1,034	36	...	1,034	36
Washington	1,014	36	994	36	...	994	36
U.S. Field	39	...	39	...	...	39	...
Foreign Field	1	...	1	...	...	1	...
Total	1,054	36	1,034	36	...	1,034	36

Civil Division
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Program Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appellate Activity	59	59	17	18	76	77	...	...	...	...	...	...	59	59	17	18	76	77
Torts Litigation	137	137	62	64	199	201	...	...	...	...	...	...	137	137	62	64	199	201
Commercial Litigation	269	274	95	100	364	374	...	...	...	...	...	...	269	274	95	100	364	374
Federal Programs	114	111	32	29	146	140	...	...	...	...	...	...	114	111	32	29	146	140
Consumer Litigation	27	31	8	8	35	39	...	...	...	...	...	...	27	31	8	8	35	39
Immigration Litigation	90	94	32	36	122	130	...	(4)	...	(3)	...	(7)	90	90	32	33	122	123
Management and Administration	9	9	83	92	92	101	...	...	...	...	...	...	9	9	83	92	92	101
Total	705	715	329	347	1,034	1,062	...	(4)	...	(3)	...	(7)	705	711	329	344	1,034	1,055

REIMBURSABLE POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Program Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appellate Activity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Torts Litigation	17	17	19	19	36	36	...	...	...	...	...	...	17	17	19	19	36	36
Commercial Litigation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Federal Programs	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consumer Litigation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Immigration Litigation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	17	17	19	19	36	36	...	...	...	...	...	...	17	17	19	19	36	36

Civil Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Estimate Pos. & Wys.	2001 Estimate Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1		...	
ES-5, $130,200	1		1		1		...	
ES-4, $130,200	30		30		30		...	
ES-3, $126,825	5		5		5		...	
ES-2, $121,264	1		2		2		...	
ES-1, $115,811	2		1		1		...	
GS-15, $84,638-110,028	532		528		528		...	
GS-14, $71,954-93,537	135		133		133		...	
GS-13, $60,890-79,155	66		65		65		...	
GS-12, $51,204-66,564	24		23		23		...	
GS-11, $42,724-55,541	45		42		42		...	
GS-10, $38,885-50,554	4		4		4		...	
GS-9, $35,310-45,900	46		44		44		...	
GS-8, $31,968-41,557	41		39		39		...	
GS-7, $28,866-37,522	85		81		81		...	
GS-6, $25,976-33,768	19		18		18		...	
GS-5, $23,304-30,292	12		12		12		...	
GS-4, $20,829-27,080	5		5		5		...	
Total, appropriated positions	1,054		1,034		1,034		...	
Average ES Salary		$124,185		$127,271		$130,200		
Average GS Salary		$73,396		$76,990		$80,483		
Average GS Grade		14.30		14.30		14.30		

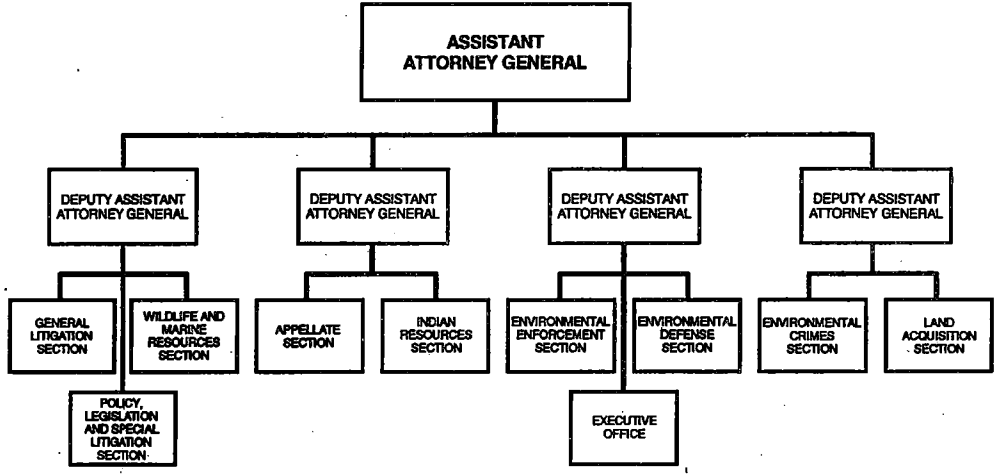
Civil Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Estimate Wys.	2001 Estimate Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Full-time permanent	919	$67,240	1,000	$78,542	993	$82,414	(7)	$3,872
11.3 Other than full-time permanent	85	5,571	62	2,372	62	2,496	...	124
11.5 Total, Other personnel compensation	3	1,211	8	1,026	8	1,061	...	35
Overtime	*3*	*186*	*8*	*207*	*8*	*214*	...	*7*
Other	...	*1,025*	...	*819*	...	*847*	...	*28*
11.8 Special personal services payments	...	1,758	...	2,180	...	2,180	...	...
Total	1,007	75,780	1,070	84,120	1,063	88,151	(7)	4,031
Reimbursable workyears:								
Other than permanent	[54]		[36]		[36]		[...]	
Other Objects Classes:								
12.0 Personnel benefits		15,835		17,943		19,358		1,415
13.0 Benefits to former personnel		30		25		25		...
21.0 Travel and transportation of persons		3,720		3,686		3,738		52
22.0 Transportation of things		512		608		620		12
23.1 GSA rent		13,899		14,945		15,303		358
23.2 Rental Payments to others		332		261		261		...
23.3 Communications, utilities, and miscellaneous charges		1,665		1,892		1,893		1
24.0 Printing and reproduction		1,210		1,632		1,646		14
25.1 Advisory & assistance services		3,039		2,362		2,362		...
25.2 Other services		18,982		21,010		18,564		(2,446)
25.3 Purchases of goods & svcs from Gov't accounts		2,654		3,272		3,272		...
25.4 Operation of GOCO's		16		16		17		1
25.6 Medical Care		62		75		75		...
25.7 Operation and maintenance of equipment		265		322		338		16
26.0 Supplies and materials		1,062		745		761		16
31.0 Equipment		663		691		708		17
Total Obligations	1,007	139,726	1,070	153,605	1,063	157,092	(7)	3,487

Environment and Natural Resources Division
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ENVIRONMENT AND NATURAL RESOURCES DIVISION



Approved by: _____ Date: 8/10/99
JANET RENO
Attorney General

Summary Statement and Performance Plan
Fiscal Year 2001

The Environment and Natural Resources Division (ENRD) is requesting a total of 478 permanent positions, 494 FTE workyears, and $70,844,000 for 2001. This is an increase of 26 positions, 15 FTE workyears and $5,635,000, including $3,494,000 for adjustments to base and a program increase of $2,141,000. Program increases are requested for two significant initiatives:

	Pos	Amount
Defending Civil Environmental Laws & the Public Fisc	14	$1,153
Enforcing and Prosecuting Environmental Laws	12	988
Total	26	$2,141

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Environment and Natural Resources Division is to enforce civil and criminal environmental laws to protect the health and environment of United States citizens. The Division defends environmental challenges to Government programs and activities and represents the United States in all matters concerning the protection, use and development of the Nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of Federal property.

In conformance with the DOJ Strategic Plan and the Attorney General's statement of Department-wide goals, the ENRD works to:

- **Protect the federal fisc**
- **Champion greater protection of the environment and the Nation's natural resources**
- **Reduce white collar crime.**

The Division also seeks to **foster comprehensive, community approaches to environmental law enforcement** and to **ensure that victims of environmental crimes can meaningfully participate in the judicial process.**
The work of the Division centers on eight core objectives:

(1) Protect the natural environment and our citizens;

(2) Enforce the law fairly and effectively;
(3) Maintain and promote a high level of statutory environmental protections;
(4) Defend government pollution abatement programs;
(5) Protect the public fiscal trust;
(6) Acquire land in a fair and efficient manner;
(7) Further the United States' trust responsibilities for Indian tribes; and
(8) Make the Division work better with available resources.

B. Highlights of Mission Critical Results

To evaluate the achievement of mission critical results, ENRD has established a number of summary level performance indicators which are outlined below and illustrated in quantitative form on the table which follows (p.6):

- Secure a substantial percentage of convictions in environmental and criminal wildlife cases.
- Achieve favorable results in the bulk of affirmative and civil defensive cases brought.
- Limit payouts in defensive and land condemnation suits brought against the government to appropriate or fair market values.
- Achieve favorable results in water rights cases and other matters brought on behalf of Indian tribes and individuals.
- Respond quickly to public queries for information.

Summary Level Performance Indicators
(Dollars in Thousands)

	1996 Actual	1997 Actual	1998 Actual	1999 Est.	2000 Est.	2001 Est.
Appellate						
Court of Appeals Win Ratio	67%	90%	81%	87%	No Est.	No Est.
Criminal						
Env. Crimes Conviction/Pleas	65	65	65	53	No Est.	No Est.
Env. Crimes Conviction Rate	91%	94%	98%	93	No Est.	No Est.
Env. Crimes Penalties	$110	$40	$57	20	No Est.	No Est.
Wildlife Conviction Rate	97%	95%	95%	93	No Est.	No Est.
Wildlife Incarceration Rate	N/A	25%	30%	32	No Est.	No Est.
Civil Affirmative						
Enforcement Cases % favorable outcome	95%	95%	95%	98%	No Est.	No Est.
CERCLA Cost Recovery	$384	$350	$312	$305	No Est.	No Est.
Non-CERCLA Cost Recovery	$1	$7	$2	$40	No Est.	No Est.
CERCLA Injunctive Relief	$406	$429	$229	$401	No Est.	No Est.
Non-CERCLA Injunctive Relief	$305	$188	$684	$2B	No Est.	No Est.
EES Natural Resources Damages	$11	$16	$4.6	$65	No Est.	No Est.
EES Civil Penalties	$61	$55	$72	$121	No Est.	No Est.
EES Supplemental Environmental Projects	$25	$57	$53	$115	No Est.	No Est.
EDS Supplemental Environmental Projects^	$6	$3	$0	$1	No Est.	No Est.
Civil Defensive						
Petitions for Review - Favorable outcome	82%	89%	93%	96%	No Est.	No Est.
Fed. Pgm. & Nat. Res. Litigation favorable outcome	94%	77%	87%	89%	No Est.	No Est.
Mineral Royalty Litigation favorable outcome	92%	92%	99%	N/A	No Est.	No Est.
Water Resource Litigation favorable outcome	N/A	N/A	N/A	N/A	No Est.	No Est.
Takings Claims - favorable outcome	95%	92%	93%	N/A	No Est.	No Est.
Land Acquisition						
Percent of Amount at Issue Saved	76%	76%	67%	56%	No Est.	No Est.
Dollar Amount Saved	$38	$32	$44	$23	No Est.	No Est.
Indian Resources						
Water Rights Decreed for the Benefit of Indian Tribes*	1	1	54	N/A	No Est.	No Est.
Public Outreach, Awareness, and Responsiveness						
FOIA Responses	184	181	240	201	220	235
Congressional Correspondence	178	175	200	107	115	130
Requests for amicus participation	45	53	56	42	45	50

Note: DOJ has established a policy wherein specific targets will not be identified for either FY 2000 or FY 2001 for a number of performance indicators that may be misconstrued as establishing a "target" level of investigative, litigative or other law enforcement activity.

^ The actual 1998 number for EDS Supplemental Environmental Projects is $15,000. SEP amounts vary greatly from year to year due to the nature of the practice.

* In 1998, Indian Resources changed its counting system. Previously, water rights decreed were counted according to case; now they are tracked individually. FY 99 N/A (Not Available) will be reported in the next budet cycle.

C. FY 2001 Performance Goals and Indicators

To meet its objectives, the Division is proposing an FY 2001 Performance Plan attainable within the requested level of resources and with demonstrable results, as shown below. This FY 2001 Plan will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA).

GOAL: **Restore and Maintain Federally Managed Lands, Waters and Renewable Resources**

- Ensure clean, safe water by restoring and protecting America's waterways. In particular, ENRD will focus on the Mississippi River.
- In conjunction with the Departments of Agriculture and the Interior, bring suit to reclaim abandoned mine sites.
- Work closely with client agencies on "ecosystem management," an approach to enhance protection of wetlands, forests, public lands, and waterways by considering ecological systems on a broad scale.
- Acquire environmentally-sensitive land for the government at the best price possible, including in and around Everglades National Park.
- Work with clients toward successful implementation of the Transportation Equity Act for the 21st Century ("T21"), especially as it pertains to National Environmental Policy Act (NEPA) considerations.
- Ensure that the Federal Government receives appropriate royalties and income due from leasing and mining activities on Federally managed lands and waters.

GOAL: **Defend and Enforce Vital Government Pollution Abatement Laws and Programs.**

- Protect human health and safeguard the natural environment – air, water, and land – upon which life depends.
- Defend the operating programs, permitting decisions and regulations of the federal agencies that protect the environment and natural resources.

- Working with EPA and the Department's Office of Justice Programs, expand the "Brownfields" initiative to promote the safe and sustainable reuse of properties that are idle or under-used due to toxic contamination.

- Keep illegal pollution ranging from raw sewage to industrial waste out of the Mississippi River and restore the River and its surrounding communities.

- Work with communities, HUD and the USAOs to enforce a new law designed to protect children from the hazards of lead paint ("Residential Lead-Based Paint Hazard Reduction Act").

- Use ADR and other litigation streamlining techniques to achieve faster and more comprehensive resolution of complex cases.

GOAL: **Improve Detection and Prosecution of Environmental and Wildlife Crimes.**

- Identify and aggressively prosecute environmental crime that threatens human health (e.g., illegal asbestos removal, methyl-parathion, CFCs), the environment (e.g., transportation of hazardous materials, vessel pollution) and species diversity (e.g., Operation Chameleon).

- Improve training of, and coordination with, other agencies that enforce environmental laws, including the Fish and Wildlife Service; National Marine and Fisheries Service; U.S. Customs Service; Internal Revenue Service; the Department of Transportation; and our international counterparts.

GOAL: ***Safeguard Tribal Trusts.***

- Litigate on behalf of tribes and individual Indians to: protect tribal regulatory, adjudicatory, and tax jurisdiction; secure tribal resources including water rights and land; establish and protect treaty-based hunting and fishing rights; and deter and remediate pollution problems on Indian lands.

- Participate as amicus or intervene on behalf of tribes and individual Indians in appropriate cases (e.g., land claims cases in New York State).

D. **New FY 2001 Initiatives**

1. **Defending Civil Environmental Laws and the Public Fisc, 14 positions & $1,152,746**

This is a broad initiative encompassing the full gamut of our non-discretionary civil defensive caseload and seeking additional litigation resources to handle the workload associated with:

- Defending EPA's National Ambient Air Quality Standards (NAAQS). Although the direct challenges to the new NAAQSs for ozone and particulate matter were briefed and argued previously, a recent adverse decision threatens to upend the program. Minimally, the new standards will generate extensive litigation and EPA is already promulgating the next generation of auto emission standards which are expected to cover sport utility vehicles and impose controversial new limitations on gasoline;
- Protecting multi-billion dollar Army and Department of Energy programs designed to store, transport and destruct hazardous materials, both chemical and nuclear, from complicated legal challenges in multiple emergency proceedings;
- Defending the largest and most complex CERCLA defensive matters (e.g., Dupont, Lockheed). At present, the Environmental Defense Section does not have sufficient resources to both adequately defend these resource-intensive cases and handle the rest of its diverse and growing caseload. Since FY 1998, the Section saved the public treasury over $270 million;
- Increasing our participation in court-mandated Alternate Dispute Resolution (ADR), which will require more time than traditional Appellate litigation;
- Handling challenges to the Endangered Species Act (e.g., salmon); increased demand for land appraisals; and Indian trust issues.

2. **Enforcing and Prosecuting Environmental Laws, 12 positions & $988,068**

This, too, is a broad initiative which encompasses both criminal and civil litigation activities and includes several of the Department's Crosscutting Budget Initiatives for FY 2001.

The Division's environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. The Division has a 90+ percent conviction rate in criminal cases to date, making real the threat that those who commit environmental and wildlife crimes will be prosecuted and punished for their deeds. However, to maintain that success rate in the face of an increasingly sophisticated defense bar and to build on this past decade's efforts to curtail

environmental and wildlife crime will require a commitment of additional resources.

Our environmental and wildlife crime programs have enjoyed tremendous success over the past two years, e.g., we secured a $27 million fine against Royal Caribbean Cruise Lines after exposing a fleet-wide conspiracy of dumping oil into the ocean and lying to cover it up and we successfully prosecuted an international endangered reptile smuggling operation. However, additional resources are needed to address the significant number of new environmental criminal matters, both national and international, as a result of these successful prosecutions. We need more resources to extend training outreach and devise new initiatives and operations.

In civil litigation, the Division urgently needs additional resources for our environmental enforcement cases, where the ***backlog of referred but unfiled cases is the highest ever.*** Environmental non-compliance problems need to be attacked on a "whole sector" basis, such as they were recently in the diesel engine sector. We also need resources to work in partnership with general counsels at various federal agencies to assert claims for response costs and natural resource damages, as we have done in Bunker Hill and Montrose. This initiative will also enable the Division to respond to the increased litigation associated with the multi-agency implementation of the Administration's Clean Water Action Plan, e.g., by reclaiming abandoned mine sites, regulating Concentrated Animal Feeding Operations (CAFOs), enforcing new Underground Storage Tank (UST) requirements, and restoring the Mississippi River. Other community-oriented enforcement actions will focus on children (lead paint) and Indians (land claims).

E. Data Validation and Verification Issues

Much of ENRD's performance data is generated from our LawPack Case Management System (CMS), implemented in March 1998. CMS provides a level of quality and accuracy not previously achievable with the twenty-year-old Lands Docket Tracking System (LDTS) that it replaced. We continue to work closely with our section case managers to identify and correct inaccuracies. Further, the Division's formal data quality assurance program ensures a quarterly review of its docket. As a result, we believe the quality of our case management and performance data is better and more reliable than ever before.

The remaining performance measurement data is generated from the Department's Financial Management and Information System (FMIS). Although we have little control over this data, ENRD feels confident that it is as accurate as possible. Any inaccuracies in the FMIS system most likely stem from minor delays in the filing of paperwork (e.g., delays in deobligating funds for scheduled travel which was canceled).

Attorney personnel numbers (reported as Full-Time Equivalents (FTE)) are calculated based on attorney timekeeping system data. Non-attorney personnel numbers are calculated from reports generated by the Division's personnel system. We consider both of these sources to be reliable.

F. Resources

Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

3.2 Safeguard America's Environmental and Natural Resources

Goal	FY 1999			FY 2000			FY 2001		
	Pos	FTE	Amt.	Pos	FTE	Amt	Pos	FTE	Amt.
Enforcement of Natural Resources Laws	452	479	$62,621	452	479	$65,209	478	494	$70,844

The Environment and Natural Resources Division supports Core Function 3 and goal 3.2.1 of the Department of Justice Summary Performance Plan. All resources within the Division are dedicated to this goal.

- Skills: The breadth of ENRD's legal practice is vast, requiring a workforce with a wide range of skills. Not only do our lawyers practice civil, criminal, administrative and appellate law but some must argue before various state tribunals in water rights cases and others are versed in the nuances of Tribal law. We handle many cutting-edge legal issues, variously involving complex sciences, billions of dollars in cleanup and remediation costs, international trade agreements, acquisition and valuation of vast tracts of land, public health and biological diversity. We work with numerous client agencies, many of which have competing interests. Much of the law we practice is still evolving, with precedents being set then reshaped. To cope with this ever-hanging landscape, our litigators must not only know the law, but competently master other skills as well, such as drafting or reviewing legislation, counseling client agencies, negotiating multi-party settlements, devising alternative resolutions to disputes, strategizing with investigators to detect and prosecute crimes, spearheading multi-agency workgroups, and training our counterparts at the state, local and even international levels.

- Resources: We have a recurring need for additional personnel. As discussed separately in the initiative portion of this document, the ENRD is seeking a program increase of 26 positions to address the full range of litigation activities in which the Division is involved.

G. DOJ ...mmary Performance Plan, Performance Goals, Targets : Actuals

Performance Goal #3.2: Enforcement of Environment and Natural Resource Laws
In FY 2001, through the Environment and Natural Resources Division (ENRD), USAOs and FBI, DOJ will protect the environment and natural resources, vigorously pursue violators of the Nations's environmental laws, and defend federal agency environmental regulations and vital government pollution abatement laws and programs. In addition ENRD and the USAOs will work to protect tribal sovereignty, lands, and natural resources.

Dollars in Millions		TOTALS[1] FY97	FY98	FY99
1	a) Number and percent of defendants convicted in ENRD criminal environmental cases.	60 97%	65 98%	53 93%
	b) Number and percent of defendants convicted in ENRD criminal wildlife cases.	53 95%	55 95%	28 93%
	c) Total number and percent of defendants convicted in ENRD criminal cases.	113 95%	120 97%	81 93%
	d) Number and percent of defendants convicted in USAO criminal cases.	270 80%	311 83%	351 84%
	e) Total number and percent of defendants convicted in all criminal cases.	383 84%	431 86%	432 86%
2	a) Number and percent of ENRD affirmative environmental civil cases resolved successfully.	548 98%	519 98%	538 97%
	b) Number and percent of USAO affirmative environmental civil cases resolved successfully.	150 97%	172 98%	157 99%
	c) Total number and percent of affirmative environmental civil cases resolved successfully.	698 98%	691 98%	695 98%
3	a) Number and percent of ENRD defensive environmental civil cases, Petitions for Review and condemnation cases resolved successfully.	1,381 97%	1,037 96%	1,000 97%
	b) Number and percent of USAO defensive environmental civil cases resolved successfully.	54 76%	34 79%	41 77%
	c) Total number and percent of defensive environmental civil cases resolved successfully.	1,435 96%	1,071 96%	1,041 96%
	d) Amount of money saved by the Government in ENRD defensive environmental civil cases.	$2,456	$1,495	$2,386
4	a) Number and percent of ENRD environmental appellate cases resolved successfully.	265 87%	100 86%	124 87%
	b) Number and percent of USAO environmental appellate cases resolved successfully.	2 100%	0 -	1 100%
	c) Total number and percent of environmental appellate cases resolved successfully.	267 87%	100 86%	125 87%
5[2]	a) Penalties, cost recoveries, natural resource damages and other monies awarded in civil environmental cases.	$ 507	$ 386	$ 596
	b) Estimated value of environmental injunctive relief and supplemental environmental projects.			
	c) Fines, restitution, special assessments and court costs awarded in criminal environmental cases.	$1,292	$1,745	$3,186
		$ 18	$ 57	$ 19

[1] ENRD statistics exclude cases assigned to the U.S. Attorneys on which ENRD staff worked three or fewer hours.

FBI did not provide data. ENRD statistics include cases referred by or shared with the FBI.

[2] Only ENRD statistics are included. U.S. Attorneys financial statistics are not available at this time.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 Enacted			Approved Reprogrammings			Unobligated Carryover funding			Transfers			Final 1999 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos	WY	Amt.	Pos	WY	Amt.
1. Appellate and Policy	37	40	$4,530	10	10	...	...	...	...	...	...	...	47	50	4,530
2. Environmental Protection	221	230	33,392	-9	-9	...	...	...	...	...	...	...	212	221	33,392
3. Natural Resources	154	161	19,880	-5	-5	...	...	...	...	...	...	...	149	156	19,880
4. Management and Administration	37	45	4,820	7	7	-101	...	...	1,496	...	...	30	44	52	6,245
Total	449	476	62,622	3	3	-101	...	...	1,496	...	...	30	452	479	64,047
Reimbursable Workyears		242			-3			...			...			239	
Total Workyears		718			...			...			...			718	
Other Workyears:															
Overtime		6			...			...			...			6	
Total Compensable:															
Workyears		724			...			...			...			724	

Approved Reprogrammings The FY 2000 President's Budget Request and the FY 2000 Appropriation Enacted reflects the FY 1999 reprogramming, which increased totals by 3 positions and 3 workyears and reduced the reimbursable workyears by 3.
A reporgramming decrease of $101,000 for Patrick Henry building security costs reflects an employee relocation from 601 Pennsylvania to Patrick Henry that did not occur in FY 1999.
ENRD anticipates the move will take place in FY 2000.

Unobligated Carryover funding $1,000 was carried over in FY 1999.
$745,000 was carried over to fund Automated Litigation Support requirements of the Cobell v. Babbitt case along with $750,000 for Cobell consultants.

Transfers Between Accounts A transfer of $30,000 was make for Y2K verification compliance and Y2K compliant hardware and software.

Env.. ..nent and Natural Resources Division
Salaries and Expenses, General Legal Activities
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriation Actions on 2000 Request			Reprogramming			2000 Appropriation Enacted		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos	WY	Amt.
1. Appellate and Policy	47	50	$4,791	...	...	912	...	...	...	47	50	$5,703
2. Environmental Protection	212	221	35,320	...	...	(1,631)	...	...	...	212	221	33,689
3. Natural Resources	149	156	21,028	...	...	(897)	...	...	...	149	156	20,131
4. Management and Administration	44	52	5,131	...	...	555	...	...	...	44	52	5,686
Total	452	479	66,270	...	...	(1,061)	...	...	...	452	479	65,209

Reprogramming The FY 2000 President's Budget Request and the FY 2000 Appropriation Enacted reflects the FY 1999 reprogramming, which increased totals by 3 positions and 3 workyears.

Congressional Appropriation Action on 2000 Request Congress did not provide $791,000 included in the President's request.

Environment and Natural Resources Division
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm Pos	WY	Amount
2000 Appropriation Availability	452	479	$65,209
Increases:			
2001 Pay Raise	...	...	1,237
Annualization of 2000 Increases	...	...	609
Within-Grade Increases	...	...	418
Increased FERS Cost	...	...	18
Federal Health Insurance Premiums	...	...	178
Lease Expirations	...	...	160
GSA Rent	...	...	557
GSA Blue Pages	...	...	1
National Archives & Record Projections	...	...	6
Travel Management Centers Contract Fees	...	...	109
General Pricing Level Adjustment	...	...	223
Total Increases	...	...	3,533
Decreases			
Accident Compensation	...	...	-39
2001 Base	452	479	68,703
Program Increases (See Program Narrative for Details)	26	15	2,141
2001 Estimate	478	494	70,844

	1999 as Availability			1999 Actual			2000 Appropriation Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Appellate and Policy	37	40	$4,530	47	50	$5,534	47	50	$5,703	47	50	$6,008	49	51	$6,173	2	1	$165
Environmental Protection	221	230	33,392	212	224	32,310	212	221	33,689	212	221	35,494	228	230	36,811	16	9	1,317
Natural Resources	154	161	19,880	149	157	19,311	149	156	20,131	149	156	21,210	157	161	21,869	8	5	659
Management and Administration	37	45	6,245	44	52	5,501	44	52	5,686	44	52	5,991	44	52	5,991	...	...	...
Total	449	476	64,047	452	483	62,656	452	479	65,209	452	479	68,703	478	494	70,844	26	15	2,141
Reimbursable Workyears		242			187			239			224			224			...	
Total Workyears		718			670			718			703			718			15	
Other Workyears																		
Overtime		6			6			6			6			6			...	
Total Compensable Workyears		724			678			724			709			724			15	

The FY 1999 Planned includes a FY 1999 reprogramming, which increases totals by 3 positions and 3 workyears.

Our FTE ceiling was reduced by 15 reimbursable FTE in FY 2001.

Environment and natural Resources Division
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source

	1999 Actual			2000 Appropriation Availability			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Asset Forfeiture Fund	...	...	$171	...	...	$419	...	...	...	...	...	($419)
Department of Agriculture	...	...	657	...	...	500	...	...	500	...	...	...
Department of Commerce	...	...	156	...	...	106	...	...	106	...	...	...
Department of Defense	...	...	351	...	...	500	...	...	500	...	...	...
Department of the Interior	...	...	4,266	...	...	4,200	...	...	4,200	...	...	...
Department of Justice	...	...	8,145	...	...	9,000	...	...	9,000	...	...	...
Department of Labor	...	...	1,273	...	...	900	...	...	900	...	...	...
Environmental Protection Agency	...	187	32,109	...	239	28,109	...	239	28,109	...	...	...
Equal Employment Opportunity Commission	...	...	114	...	...	105	...	...	105	...	...	...
General Services Administration	...	...	123	...	...	50	...	...	50	...	...	...
Office of the Independent Counsel	...	...	98	...	...	100	...	...	100	...	...	...
Securities and Exchange Commission	...	...	900	...	...	1,200	...	...	1,200	...	...	...
Social Security Administration	...	...	...	...	...	...	...	...	...	...	...	...
US Court of Appeals	...	...	8	...	...	...	...	...	...	...	...	...
Washington Metropolitan Area Transit Authority	...	...	55	...	...	100	...	...	100	...	...	...
Veteran's Administration	...	...	499	...	...	300	...	...	300	...	...	...
All Others	...	...	225	...	...	50	...	...	50	...	...	...
Total	...	187	49,150	...	239	45,639	...	239	45,220	...	...	(419)

Obligations by Program

Appellate & Policy	...	...	...	...	...	...	...	...	...	...	...	...
Environmental Protection	...	187	29,490	...	239	27,383	...	239	27,132	...	...	(251)
Natural Resources	...	...	49,150	...	...	45,639	...	...	45,220	...	...	(419)
Management & Administration	...	...	14,745	...	...	13,692	...	...	13,566	...	...	(126)
Total	...	187	49,150	...	239	45,639	...	239	45,220	...	...	(419)

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
(Dollars in thousands)

	Perm. Pos.	FTE	Amount
Appellate & Policy			
2000 Availability	47	50	$5,703
2001 Base	47	50	$6,008
2001 Estimate	49	51	$6,173
Increase/Decrease	2	1	$165

BASE PROGRAM DESCRIPTION: This decision unit includes two discrete sections: the Appellate Section and the Policy, Legislation and Special Litigation Section.

The Appellate Section of the Environment and Natural Resources Division is lead counsel in 95 percent of Division appellate cases, and works closely with the U.S. Attorneys and Division attorneys handling the remainder. Most work involves preparing briefs and oral arguments. This requires independent research as well as coordinating the legal and factual positions of client agency staff and trial section attorneys, analyzing the bases for appeal, and seeking permission from the Solicitor General's Office to appeal adverse decisions. The unit also prepares draft briefs for the Solicitor General.

In the Environment and Natural Resources Division, cases on appeal usually involve specialized statutes and frequently involve challenges to discretionary decisions by high officials -- particularly in the Environmental Protection Agency and the Department of the Interior. Most of our work involves complex civil litigation which cannot be handled on a routine basis. Because of the especially great need for coordination with the headquarters offices of our client agencies, the Appellate Section handles the vast majority of its work out of Washington. Typically, a case is briefed (and argued) by a staff attorney, with review provided by a more experienced attorney and by the Section Chief or an Assistant Chief. Except for petitions for review of EPA rules (which are handled by the Environmental Defense Section), the Appellate Section is responsible for all appellate court matters in the Division.

Accomplishments. Four seminal appellate rulings this past year underscore both the variety of cases and the skill of the litigators in this section. The first two examples are defensive cases which illustrate how the section works to protect the federal fisc and national interests:

United States v. Beggerly arose from the Beggerlys' attempt to set aside a consent judgment entered in 1982 which had quieted title in the federal government to lands on Horn Island, Mississippi. The Beggerlys claimed that their subsequent discovery of a document in the National Archives demonstrated the superiority of their title over the lands and sought "just compensation" of $14-30 million for an alleged taking of their property. The district court dismissed the case for lack of jurisdiction. The court of appeals reversed, finding subject matter jurisdiction over the claim under the Quiet Title Act (QTA), and further holding that the QTA's statute of limitations was equitably tolled until the Beggerlys' discovery of the document in the Archives. We petitioned for certiorari because of the significance of this case for other potential claimants against the government. The Supreme Court reversed. The Court's holding that equitable tolling is not available in a QTA suit represents a major success for the Division, reversing contrary holdings by both the Ninth and Fifth Circuits. *The ruling is important because it will prevent other disgruntled plaintiffs from initiating stale quiet title suits against the government, thereby potentially saving the government many millions of dollars.*

In **Kasza v. Browner and Frost v. Perry,** we defended strategic government operations, resulting in a significant victory for the Defense Department. The plaintiffs alleged that the Air Force had committed violations of the statute on hazardous waste management, the Resource Conservation and Recovery Act (RCRA) at a United States Air Force operating location near Groom Lake, Nevada. Plaintiffs also alleged that EPA had failed to conduct a RCRA inspection of the operating location and to require the Air Force to prepare and submit a RCRA inventory of hazardous wastes. The Secretary of the Air Force invoked the military and state secrets privilege as to virtually all information concerning the operating location. After EPA conducted a RCRA inspection on the operating location and the Air Force submitted a RCRA inventory, the documents were classified and withheld by order of the President. The district court ruled that the action against EPA was moot and that the suit against the Air Force must be dismissed. On January 8, 1998, the Ninth Circuit held that the Secretary had properly invoked the military and state secrets privilege and that the district court had correctly concluded that the action against the Air Force could not proceed due to the Secretary's invocation of the privilege. The court of appeals also held that the suit against EPA was moot because the RCRA inspection and inventory had been performed and because the President had properly exempted the classified inspection and inventory reports from RCRA's public disclosure requirements, but remanded the case to the district court on two minor issues. The plaintiff filed a petition for Supreme Court review, which the Court denied on November 2, 1998.

In **United States v. Bestfoods,** a unanimous Supreme Court held that a parent corporation which actively participates in, and exercises control over, the operations of a polluting facility owned by its subsidiary, may be held directly liable in its own right as an "operator" of the facility. The Court endorsed the federal government's position that state laws on piercing "the

corporate veil" were irrelevant to the issue of direct liability under the federal statute. The Court also concluded that the Sixth Circuit Court of Appeals had erred in limiting direct liability to a parent's sole or joint venture operations. *This case is important because it is the first time that the nation's highest court has reviewed the expansive liability provisions of Superfund.*

State of Minnesota v. Mille Lacs Band of Chippewa Indians, decided by the Supreme Court on March 23, 1999, is a major victory for Native American rights. The Court affirmed an Eighth Circuit decision holding that the Mille Lacs and other Chippewa bands retain treaty rights to hunt, fish and gather free of State regulation on certain lands in Minnesota. The United States entered a treaty with several bands of Chippewa Indians in 1837, in which the bands ceded timberlands in Minnesota and Wisconsin to the United States, but were guaranteed the right to continue hunting, fishing and gathering wild rice on the ceded lands, during the pleasure of the President. The State of Minnesota asserted the right to regulate the bands' hunting and fishing on grounds that in 1850, President Zachary Taylor had issued an executive order requiring that the bands remove from their ceded lands and revoking their rights. It further argued that even if the executive order did not rescind the rights, the rights were terminated by a subsequent treaty in which Chippewa bands ceded all of their right title and interest in and to lands in Minnesota, and/or by the Minnesota Statehood Act, admitting Minnesota on an equal footing with all other states. The Court rejected all of these theories that the rights were revoked in a far reaching opinion on the rights of Native Americans.

The **Policy, Legislation and Special Litigation Section** (PLSL) advises and assists the Assistant Attorney General on policy issues. With the Office of Legislative Affairs, it coordinates and directs the Division's legislative program, including representing the Department on interagency groups that develop the Administration's position on legislation and at meetings with congressional staff. Other duties include: drafting speeches; monitoring and participating in citizen suits; responding to citizen mail, congressional and FOIA requests; and serving as the Division's ethics officers. PLSL attorneys also coordinate the Division's activities regarding international environmental matters and environmental justice matters and serves as the Division's Alternative Dispute Resolution coordinator, an important function given the priority attached to ADR within the Department. PLSL also litigates amicus cases and undertakes other specially assigned litigation projects at the trial and appellate levels.

Accomplishments: In addition to the Congressional, FOIA and citizen suit duties cited above, the PLSL and the Environmental Enforcement Section joined hands this past year to coordinate an interagency lead paint enforcement effort with HUD, EPA and US Attorneys Offices to protect children from lead poisoning in three pilot areas: District of Columbia, Chicago and Los Angeles. The outcome of these first-ever enforcement efforts includes making lead-safe more than 200 buildings containing in excess of 5,000 residential units in the District alone. After extensive investigations and analysis, the first settlements of these cases in were announced this Spring (1999). In addition, PLSL spearheaded the Division's efforts to promote appropriate use of ADR techniques in civil litigation, including working with attorneys to identify cases that are appropriate for ADR, identifying and selecting neutrals, publicizing "success stories" that illustrate how ENRD attorneys can

take advantage of ADR processes; and providing extensive ADR training to all attorneys whose practice is primarily civil On a different front, PLSL's involvement in the negotiation and the implementation of trade and investment agreements has increased dramatically this past year. Their work in the investment areas has been in two different fora: the ongoing negotiations of an Investment Chapter in the Free Trade Area of the Americas and the operational review of the Investment Chapter of the North American Free Trade Area of the America. In the trade context, PLSL has played significant roles in the World Trade Organization High Level meeting in March of 1999 and in the run-up to the 1999 WTO Ministerial to be held in Seattle in November of 1999 and the new round of negotiations in the WTO.

	Perm. Pos.	FTE	Amount
Environmental Protection			
2000 Availability	212	221	$33,689
2001 Base	212	221	$35,494
2001 Estimate	228	230	$36,811
Increase/Decrease	16	9	$1,317

BASE PROGRAM DESCRIPTION: The Environmental Protection unit is comprised of the Environmental Crimes, Environmental Defense, and Environmental Enforcement Sections. While each is distinct, increasingly their work intersects.

The **Environmental Crimes Section** serves two primary purposes: First, its attorneys investigate and prosecute criminal violators of federal environmental statutes. Prosecution is part of an increasingly integrated approach to ensure broad-based environmental compliance by maintaining a strong, credible deterrence against knowing violations of the law by individuals and corporations. Second, as a result of that litigation experience, the Section serves as a unique resource to support the work of USAOs and investigative agencies such as the EPA and FBI by providing highly trained and experienced prosecutors to assist in resource-demanding trials and prosecutions; by providing advice and litigation assistance to AUSAs and agents in those cases that do not justify direct Section involvement; and by providing training and policy development to help expand and improve the federal environmental criminal enforcement program. In addition, the Section works with state and local enforcement agencies through participation in joint task forces, training for state and local prosecutors, and the publication of the Environmental Crimes manual and the quarterly Environmental Crimes Bulletin.

Accomplishments: Two of the most noteworthy ECS cases this past year were a RCRA case, **United States v. Allan Elias**

(D.Idaho) and the prosecution, for the second time, of a major cruise line.

On May 7, 1999, following a three and one-half week trial and four hours of deliberations, a federal jury found Allan Elias guilty of knowingly endangering the health and safety of his employees during illegal hazardous waste storage and disposal activities that left a 20 year-old employee with permanent brain damage from cyanide poisoning. In addition to the knowing endangerment charges, Elias was convicted of the remaining three counts of the indictment, which charged him with illegally disposing of hazardous waste on two separate occasions at his fertilizer manufacturing facility in Soda Springs, Idaho, and making false statements to OSHA inspectors in an effort to conceal the knowing endangerment of his employees.

During August 1996, Elias had ordered his employees to clean out a 25,000 gallon tank that contained cyanide waste from a mining facility that Elias previously operated in Pocatello, Idaho. Elias did not conduct any tests to determine whether the atmosphere inside the tank or the waste materials stored inside the tank were hazardous, and failed to provide adequate safety equipment to his employees, despite years of warnings from OSHA about the dangers involved in similar tank entries. After one of his employees was critically injured, Elias denied that he had ever stored cyanide in the tank and prepared a false, backdated safety permit claiming that his workers had been provided the required personal protective equipment for the tank entry. In October 1996, he ordered another employee to bury the remaining waste stored in the tank.

On July 21, 1999, the Attorney General announced a plea agreement with **Royal Caribbean Cruises** Ltd., whereby the company agreed to pay an $18 million criminal fine and agreed to plead guilty to 21 felony counts for dumping waste oil and hazardous chemicals and lying to the U.S. Coast Guard. The plea agreement was filed in U.S. District Court in six cities: Miami; New York City; Los Angeles; Anchorage; St. Thomas, U.S. Virgin Islands; and San Juan, Puerto Rico. In it, Royal Caribbean admitted that it routinely dumped waste oil from its fleet of cruise ships, such as in the environmentally sensitive Inside Passage of Alaska (Oil Pollution Act violations)

Royal Caribbean will also plead guilty to charges that it deliberately dumped into U.S. harbors and coastal areas many other types of pollutants, including hazardous chemicals from photo processing equipment, dry-cleaning shops and printing presses (Clean Water Act violations). Additionally, the company will plead guilty to presenting materially false statements about its oil discharges in its Oil Record Books to the U.S. Coast Guard. Royal Caribbean will also plead guilty to deliberately storing waste from its ships at a Port of Miami pier without a permit, in violation of RCRA.

The 21 new charges follow a guilty plea by Royal Caribbean in June 1998 for similar environmental crimes in Miami and San Juan. The 1998 pleas -- which resulted in a $9 million criminal fine -- involved charges that the company engaged in a fleet-wide conspiracy to dump oil into U.S. coastal waters and lied to the U.S. Coast Guard to cover up the crime.

The **Environmental Defense Section** defends rule-making, regulatory and permit actions and decisions by federal departments and agencies, notably the Environmental Protection Agency, the Department of the Interior, the Army Corps of Engineers, and the Coast Guard. It also represents federal agencies sued for violations of environmental laws. The Section's cases include petitions for review of agency regulations in the appellate courts, district court cases involving permit decisions and other agency actions, and federal facility lawsuits. In addition, the Section has responsibility for affirmative litigation to enforce the wetlands laws.

Accomplishments: The majority of EDS's litigation docket involves defending millions of dollars and critical government programs. Among their achievements this year were:

In Aluminum Corporation of America v. United States (W.D.Pa.), EDS negotiated a favorable partial settlement in one of the Section's multiple-site "mega CERCLA" cases. Alcoa's contribution claim sought to recover the cost of cleaning up six highly contaminated mining and manufacturing facilities located in various states around the country. The principal theory of liability is that the United States operated Alcoa's facilities by virtue of the government's intensive regulation of the aluminum industry during World War II. The lawsuit has been bifurcated and the partial settlement covers three of the six sites. Initial estimates of the government's liability at the three "phase one" sites ranged as high as $95 million. Under the settlement, however, the federal defendants will pay only $14 million to resolve this portion of the lawsuit.

EDS also successfully resolved a pair of challenging contribution claims brought by companies that provided nuclear fuel for the Department of Energy and the Nuclear Navy. The companies alleged that the federal agencies were liable as "operators" and "arrangers" under CERCLA for the costs associated with decommissioning the former processing facilities. In BWX Technologies, Inc. v. Department of Energy, two contractors sought to recover the estimated $101 million cost to clean up a nuclear fuel fabricating facility in Parks Township, Pennsylvania. The vast majority of the fuels produced at the site were supplied to the federal government, which also retained title to the nuclear material used in the processing. The Section negotiated a settlement under which the government will pay approximately $40 million toward the cleanup, reducing the original demand by more than $60 million. Texas Instruments v. Department of Energy involved a similar claim. There, the Section negotiated a settlement in which the government will pay $8.2 million, after reducing the plaintiff's $27 million claim by some $19 million.

EDS has also successfully defended, and is continuing to defend, several pieces of litigation brought by New Mexico and environmental groups to halt shipments of waste to DOE's Waste Isolation Pilot Plant ("WIPP") -- a low-level radioactive waste disposal facility near Carlsbad, New Mexico. The radioactive waste destined for WIPP is left over from federal weapons production and includes clothing, tools, rags, and other contaminated material. EDS successfully defeated multiple efforts to halt the first planned shipments from Los Alamos National Laboratory, and the first shipment arrived at WIPP on March 26, 1999, making WIPP the first permanent repository for radioactive wastes in U.S. history.

In a suit pending in district court since 1991, New Mexico and several citizen groups argued that WIPP does not have RCRA interim status or a permit, and sought to enjoin shipment of any wastes to the facility on that basis. On March 22, 1999, District Judge John Garrett Penn denied the plaintiffs' requested injunction, holding that the plaintiffs had demonstrated neither irreparable injury nor likelihood of success on the merits. Most significant is Judge Penn's conclusion that WIPP qualifies for "interim status" under state and federal hazardous waste laws, allowing disposal of radioactive waste mixed with hazardous waste prior to final action by New Mexico on DOE's permit application, which was submitted in 1991. While Judge Penn's decision involves only the first shipments from Los Alamos, this ruling should open the way for shipments of waste to WIPP from other DOE facilities nationwide. The day after his decision, the citizen groups filed a notice of appeal and emergency motions for stay pending appeal. Both Judge Penn and the D.C. Circuit denied the motions for stay pending appeal.

- The **Environmental Enforcement Section** conducts affirmative civil litigation to control and abate pollution. This Section is responsible for judicial enforcement of most of the Environmental Protection Agency statutes and rules which regulate discharges into the Nation's air and water, and which govern pesticide operations, solid waste storage, and nuclear waste. Finally, the Section brings natural resource damage actions on behalf of the federal trustees (Departments of Commerce, Interior and Agriculture), claims for contribution against private parties for contamination of public lands, and the recoupment of money spent to clean up certain oil spills on behalf of the Coast Guard.

  Accomplishments: Results of EES litigation in FY 98 demonstrate a significant return for the dollars invested in Section activities. Over $310 million was recovered from defendants in CERCLA cost recovery litigation. Defendant companies and corporations spent over $684 million to come into compliance with the regulatory statutes and $229 million to clean up hazardous waste sites. Nearly $53 million in supplemental environmental projects (SEPs) designed to improve the quality of the environment in designated localities were implemented and paid for by defendants who would not have otherwise been requested to do so as a result of civil judicial litigation. Over $71 million in penalties was assessed in civil enforcement litigation, the second highest figure in history. Excluding non-Superfund injunctive relief and SEPS, the total recoveries in EES litigation amount to approximately a $16 return for every dollar invested in the Section.

  FY 1998 saw *the largest penalties ever agreed to in a civil environmental case* (the seven consent decrees with heavy-duty diesel engine manufacturers (D.D.C.)), the *largest adjudicated Superfund judgment in any given case ($103 million in United States v.* Vertac Chemical Corp. (E.D.Ark.)), the *largest civil penalty ever agreed to under the Resource Conservation and Recovery Act* ($11.8 million in United States v. FMC Corp. (D.Idaho)), and precedent-setting settlements in the massive Clark Fork Superfund litigation in southwestern Montana ($101 million in response costs and $143 million in natural resource damages in United States v. Atlantic Richfield Co. (D.Mont.)). This collection of cases is indicative of the work of the Section in protecting our environment and recovering federal funds spent to abate environmental contamination.

	Perm. Pos.	FTE	Amount
Natural Resources			
2000 Availability	149	156	$20,131
2001 Base	149	156	$21,210
2001 Estimate	157	161	$21,869
Increase/Decrease	8	5	$659

BASE PROGRAM DESCRIPTION: This program includes four sections: General Litigation; Indian Resources; Land Acquisition; and Wildlife and Marine Resources.

The **General Litigation Section** is the largest of the four sections in this decision unit; its cases span over 70 statutory areas administered by several dozen client agencies. Traditional General Litigation cases involve: inverse condemnation, in which government actions are alleged to have taken private property; Indian claims for monetary relief from government inaction or mismanagement; defense of federal programs challenged for faulty environmental impact analysis; and mineral leasing and mining cases on land and in the Outer Continental Shelf.

The spectrum of program initiatives exposed to statutory and constitutional challenge is as broad as the federal portfolio on environmental and public land issues -- and growing. It includes such programs and projects as: biotechnology research, missile and submarine defense, highways, dams, and nuclear waste transportation and treatment; challenges to agency actions under the National Environmental Policy Act; decisions regarding Indians and Indian tribes; agency action under the Alaska Native Claims Settlement Act; water rights litigation affecting federal interests including defense of the United States' interest in general stream adjudications; and the federal surface mining program. It also reaches to litigation affecting mineral resources and seeks to obtain federal royalties. Finally, it extends to include those interests related to adjacent seas and seabeds and the determination of the location of the coastline and other maritime boundaries of the United States.

Accomplishments: The breadth of General Litigation's caseload is best underscored by citing a handful of cases handled this past year. The first involves what has been described as the most complex negotiated public land transaction this century: **Pacific Lumber v. United States**, (Court of Federal Claims).

On March 1, 1999, the United States, the State of California, and Pacific Lumber ("PL") and its parent company, MAXXAM, Inc., settled. Completion of the transaction also resulted in the dismissal with prejudice of a landmark claim for a taking (claimed to amount to as much as $1 billion) resulting from application of the Endangered Species Act (ESA).

This transaction, the culmination of the efforts of several Congress' and several Administrations, resulted in the permanent protection (through public ownership) of the world's largest remaining old growth redwood trees. The federal-state purchase of the roughly 7500 acres (known as "Headwaters") in Northern California assures the preservation of the unique ecological habitat offered by this old growth ecosystem for, among other protected species, the marbled murrelet. The transaction, however, did much more. Through its terms and the provisions of the ESA and the California endangered species statutes, agreement also provides demanding environmental harvest protections for PL's remaining 210,000 acre mixed age redwood forest. Those protections will extend for 50 years and protected all ESA listed species.

Secretary Babbitt has likened the results of this $380,000,000 transaction and the protection of Headwaters to the addition of another Yosemite National Park to public ownership.

In **Pechanga Band of Luiseno Mission Indians; San Manuel Band of Serrano Indians v. United States of America and Bruce Babbitt, Civil No. 1:98CV01020(D.D.C.); Twenty-Nine Actions filed in California.** two California Tribes sought to bar the Secretary of the Interior from considering and taking final action regarding the approval or disapproval of a compacts negotiated and executed between eleven tribes and the State of California. The action was part of a strategy to forestall enforcement actions against illegal gaming operations located on more than thirty California Indian reservations. The plaintiffs requests for emergency relief was denied despite the substantial equitable arguments the Tribes marshaled and the action was dismissed upon motion by the United States. Requests for emergency relief to preemptively stop the initiation of the enforcement actions were denied in three other actions filed in California. This action permitted the United States to file 29 enforcement actions in three judicial districts in California. The imminent threat of enforcement actions led all the tribes in the Southern District to come into compliance with the law. The actions also were successful in securing an injunction against the unregulated casino operations of nine Tribes in the Central District. While the orderly shutdown of illegal operations has been difficult and delayed a California voter initiative, the enforcement actions have been instrumental in bringing illegal operation of thirteen Tribes into compliance with the law. It has also set the groundwork for bringing all the California tribes into compliance with the Indian Gaming regulatory Act, while preserving the benefits of regulated gaming to all tribes who seek to game lawfully.

With the dismissal of **Friends of The Wild Swan, Inc. v. United States Forest Service** (D. Ore.) last June, GLS successfully concluded the district court phase of our defense of interagency efforts to conserve wild salmon and trout while managing Forest Service and BLM lands in the Columbia River Basin of Washington, Oregon, Idaho, Montana and parts of adjacent states. The defense of interim standards for the protection of salmon and trout has avoided judicial restrictions against forest health projects and grazing permits on BLM and Forest Service land (over half of the 144 million acre watershed). In this case, and in their pending appeal, Plaintiffs challenge the adequacy of these interim standards to protect native bull trout on Forest Service land (22 National Forests encompassing 24 percent of the National Forest System) in light of delays in completion of the long-term standards of the Interior Columbia Basin Ecosystem Management Project (ICBEMP

The United States has established trust relationships with various Indians and Indian tribes through a myriad of treaties, statutes and Executive Orders. Under these authorities, the government is obliged to perform a number of functions on behalf of these tribes, including litigation to establish and defend their rights. The **Indian Resources Section** handles these cases, including critical litigation involving water rights. Many Indian reservations lie in arid portions of the country where competition for water is fierce, and tribal rights to water must be established before reservation lands can be developed. Over 50 million acres of reservation lands and the rights to major water systems in dry western states are at stake. Other cases in which the government represents the interests of Indians involve the establishment and protection of hunting and fishing rights and suits to answer questions about tribal rights to self-determination.

Accomplishments: An action in trespass [**United States v. City of Tacoma**,(W.D. Wash)] was lodged against the City of Tacoma for building and maintaining electrical transmission lines across 5 Indian allotments that were unlawfully condemned in state court without naming the United States as a defendant.] On November 20, Judge Burgess granted our motion for summary judgment on liability and denied the City's cross-motion for summary judgment. We now begin the damages phase of the case.

San Carlos Apache Tribe v. Superior Court, (1999). On January 7, 1999, the Arizona Supreme Court issued its opinion in this special action proceeding. Sustaining in major part the determinations of the water court judge, the Arizona Supreme Court declared unconstitutional and struck down numerous provisions of two recent Arizona legislative enactments concerning water rights and water rights adjudications. The court found that the contested provisions failed due process scrutiny because they purported to effect retroactive changes in the substantive law regarding the perfection and abandonment of water rights. The court ruled that substantive rights, such as water rights, cannot be determined by statutes subsequently enacted, especially where, as here, those rights are being determined in an on-going judicial proceeding. The legislative changes, if upheld, would have worked to the disadvantage of the federal and Indian water rights in the current Arizona general water rights adjudications. The Arizona Supreme Court also invalidated, on due process and separation of powers grounds, certain provisions regarding the summary adjudication of de minimus water rights which also would have worked to the disadvantage of the federal and Indian water rights claimants. (This case was worked ointly with the Appellate and General Litigation

sections.)

Arizona v. California, No. 8, Original (US Supreme Court) Successfully settled the United States' reserved water rights claim for the Fort Mojave Indian Reservation in the 45-year old dispute over waters of the Colorado River in Arizona v. California, No. 8, Original (United States' Supreme Court). The parties are awaiting review of the settlement by the Special Master in Arizona v. California, and approval by the United States Supreme Court.

The Land Acquisition Section is responsible for filing and prosecuting condemnation actions to acquire properties needed for Congressionally authorized purposes which acquiring agencies are unable to acquire by direct purchase. In these condemnation proceedings, just compensation, the amount of which is usually a highly contested issue, is determined and paid to property owners. Acquisition by condemnation is a means of last resort; agencies are required by law, to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation and direct purchase before requesting condemnation. A top Division priority is to move these high-exposure cases expeditiously.

Accomplishments: The Land Acquisition Section was instrumental to the success of the Headwaters (Pacific Lumber Co. v. U.S. (CFC) transaction ; the purchase by the federal and state governments would not have occurred for approximately $380,000,000 without the input of the Appraisal Unit. The work involved advising government attorneys and their client agencies on the complex appraisal issues confronting the United States in this regulatory takings case, drafting appraisal instructions, and the review of twenty-two appraisals with values which added up to over $5,000,000,000. In addition to the appraisal work already mentioned, the Title Unit provided extensive technical assistance and advice on title problems and the structure of the transaction as well as on conveyancing issues.

Indeed, the section's Title Unit, which checks the title opinions issued by agencies to whom the Attorney General has delegated authority, is worthy of special mention. It completed 24 preliminary opinions and 136 final opinions; it drafted 8 easement deeds and was involved in two airport conveyances; and it checked 1,086 delegated title opinions. The success stories for the Title Unit during the past fiscal year are particularly reflected in its special projects. The CEQ has touted the government's purchase of the New World Mine properties, just north of Yellow Stone National Park, as an excellent example of the government and industry working together to save and protect national treasures. The Title Unit was very much involved in that transaction. It reviewed and issued title opinions on the 101 separate abstracts of title that were involved; in addition, it was instrumental in the drafting of the various transactional documents, which ranged from escrow agreements and deeds to ceremonial documents.

Another success story during the last fiscal year was Section's role in Utah v. United States, (D. UT). This litigation,

brought pursuant to Public Law 103-93, the Utah Schools and Lands Improvement Act of 1993, involved the valuation of thousands of acres of State-owned lands within national parks, monuments, and forests, and Indian reservations. The Land Acquisition section led the trial team, which also involved attorneys from the General Litigation and PLSL Section. Having received appraisal reviews, the team was actively seeking to hire new valuation experts and to bring the matter into mediation. During the course of these efforts, Secretary Babbitt and Governor Leavitt reached a settlement agreement which has just been approved by Congress in H.R. 3830, the Utah Schools and Land Exchange Act of 1998. As the President in his signing statement points out, this results in an exchange of over 425,000 acres of land and interests therein between the United States and the State of Utah and is the largest such land exchange in history. Furthermore, the agreement will be worth, per Governor Leavitt's estimate, at least $1 billion to the State's school endowment over the next 30 years; and it ends more than six decades of controversy surrounding state school lands.

Finally, the Land Acquisition Section committed significant resources to assist the Department of the Interior and the Department of Agriculture in the acquisition of a proposed gold mine known as the New World Mine in Montana. Representatives of the Section participated in numerous task force meetings providing counsel on valuation and real estate issues. The Title Unit conducted the review of title, a process that took months. The attorneys in the Title Unit also assisted in the preparation of documents and the closing. This proposed gold mine in the historic New World Mining District of Montana at the northeast corner of Yellowstone National Park, posed an environmental threat to the park. The agreed upon solution was the acquisition by the United States of an interest in the site sufficient to prevent the development of the mine. The closing took place on August 7, 1998.

The **Wildlife and Marine Resources Section** has responsibility for both civil and criminal cases arising under the federal fish and wildlife conservation statutes. Litigation under these statutes can play out in any of three different contexts: civil defensive litigation, in which the Section defends federal agencies whose programs are challenged as inconsistent with the requirements of federal conservation statutes; civil enforcement actions, principally in which we seek to enjoin persons (which can include private, state, or local entities) from violating federal conservation statutes (these typically are to stop a developer from destroying habitat that is essential to the conservation of protected wildlife); and criminal prosecutions. The principal client agencies of the Wildlife Section are the Interior Department's Fish and Wildlife Service (FWS) and the Commerce Department's National Marine Fisheries Service (NMFS), a branch of the National Oceanic and Atmospheric Administration (NOAA).

Accomplishments: The current Section resources for the civil case docket have been devoted largely to defending government actions taken under the Endangered Species Act and NEPA. One of the more novel civil cases this past year was **Metcalf v. Daley** (W.D. Wash.) The Makah Indian Tribe of Western Washington is the only Native American tribe with a reserved treaty right to take whales, a right guaranteed by the Treaty of Neah Bay in 1855. After not exercising this right for

about seventy-five years, the Tribe approached the United States in 1995 in an effort to reinstate a limited subsistence and ceremonial whale hunt for California gray whales, which had been delisted under the Endangered Species Act in 1994.

To assist the Tribe in exercising its treaty right, the United States agreed to seek an aboriginal subsistence quota from the International Whaling Commission (IWC), the international body charged with setting whaling quotas under the International Convention for the Regulation of Whaling. After conducting an Environmental Assessment under the National Environmental Policy Act (NEPA), the Department of Commerce determined that the decision to seek a quota would not have a significant impact on the human environment.

In October 1997, the IWC established a five-year subsistence quota of California gray whales based on a joint application of the Russian Federation on behalf of the Chukotka people and the United States on behalf of the Makah. The United States subsequently determined that the Makah may take an average of four whales a year from this quota, with up to five whales taken in any given year, over the next five years.

Plaintiffs challenged the United States' actions in seeking a subsistence quota from the IWC, alleging violations of NEPA, the Whaling Convention Act, and several other federal statutes. On September 21, 1998, Judge Franklin D. Burgess dismissed all of the plaintiffs' claims and granted the government's motion for summary judgment.

Continuing the effort to pursue international live reptile smuggling rings, which supply the U.S. and other world markets with a $6 billion dollar yearly black market in live animals and animal products, WMR criminal attorneys indicted Anson Wong **(United States v. Keng Liang "Anson" Wong et al.** (N.D. Cal.) Wong and two of his confederates were arrested September 14, 1998. In the United States, authorities apprehended James Michael Burroughs of San Francisco, California, and Beau Lee Lewis of Buckeye, Arizona. Wong himself was lured to Mexico City and arrested there. Wong, from Penang, Malaysia, is alleged to be a notorious reptile smuggler. The three men are named as defendants in a 55-count federal indictment which alleges violations of conspiracy, smuggling, money laundering, false statement and wildlife laws. A fourth defendant, Yuk Wah "Oscar" Shiu of Hong Kong, China, remains at large. We have formally requested Wong's extradition from Mexico. The Mexican courts have granted our request and Wong has appealed.

The indictment alleges that between January 1996, and August 15, 1998, the defendants illegally smuggled more than 300 animals, worth nearly half a million dollars, into the United States using human couriers, Federal Express shipments with false invoices and shipping documents, and the concealment of illegal animals within larger shipments of legal animals. The internationally protected reptiles were smuggled from Malaysia, Hong Kong, Indonesia, and the Philippines to the United States.

	Perm. Pos.	FTE	Amount
Management & Administration			
2000 Availability	44	52	$5,686
2001 Base	44	52	$5,991
2001 Estimate	44	52	$5,991
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Management and Administration decision unit includes the Office of the Assistant Attorney General and the Executive Office. This program provides overall direction and management to the Environment and Natural Resources Division, and supervises and administers operations necessary to support the Division's litigation mission. Responsibilities of the latter unit include: budget preparation and execution; financial management; development, operation and maintenance of management and automated support systems; coordination of automated litigation support services; workload and resource requirements analysis; recruitment; processing of personnel actions; management of space and facilities; provision of office equipment and supplies; processing mail; and the provision of messenger, copying and printing services.

Accomplishments: The Executive Office spearheaded a number of successful projects this past year to enhance the effectiveness and cost-efficiency of Division operations. Specifically, the Division built on the infrastructure established in FY 1997 with the implementation of the Justice Consolidated Office Network (JCON), by adding a fully integrated desktop case management and attorney timekeeping system (CMS). The new system replaced one developed in 1978, fully four computer generations ago, which had become unwieldy, antiquated and very expensive. Attorneys in the Division will be able to work more efficiently now that they have direct access to all their case information. Implementation of the system will save $600,000 per year as it now resides on local servers rather than the costly Justice Data Center mainframe.

In conjunction with the replacement of the old case management system, the Executive Office also replaced the Division's

records management system. The new records management system is a module on the case management system and allows attorneys and other staff to review and request, from their desktops, case files maintained in records management units throughout the Division, as well as at the Federal Records Center. This system reduces records management costs by streamlining the request process, requiring less space, and significantly reducing the number of file copies needed.

Also added to the desktops were new software applications, which feature reusable modules rather than more costly one-time applications. A standardized Access database and training program is underway for use by the entire Division to further enhance the database capabilities in each litigating section and eliminate some of the need for costly contractor support.

The Executive Office created new ways to increase Division productivity by improving the mix of attorneys and support staff through a new project: "Support 2001" recognizes the changing roles of attorneys and support staff resulting from advanced technology. This initiative aims to improve support service delivery, enhance technological tools for key litigation functions, and more fully involve support staff in litigation activities. Secretaries are currently being retrained with a greater focus on technical and legal skills and are then reassigned as Litigation Support Assistants (LSAs). State-of-the-art service centers have been installed to ensure that attorneys and support staff do not spend their valuable time copying, faxing and filing. Feedback on the services has been quite positive, and saves the Division $250,000 annually.

Budget planning, hiring, performance reporting and expert witness coordination have all been improved for more cost-efficient use of fiscal and staff resources. Improvements included an open budget formulation process involving section management earlier, a quarterly hiring process providing flexibility while still meeting staffing needs, and a new performance appraisal system which enables managers to conduct simpler employee evaluations against less cumbersome performance work plans.

GENERAL GOAL/DECISION UNIT: Appellate & Policy

COMPONENT GOALS: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	Performance Report FY 1998 Enacted Plan	Performance Report FY 1998 Actuals	Performance Plans FY 1999 Enacted Plan	Performance Plans FY 1999 Actuals	Performance Plans FY 2000 Plan	Performance Plans FY 2001 Plan
Input	1. Number of attorneys	ELVIS	41	42	42	43	43	44
	2. Number of other staff	ELVIS	15	15	17	17	17	18
	3. Number of pending cases/matters (End of Year)	CMS	1878	2215	2202	2113	1855	2250
	4. Number of new cases/matters	CMS	2443	2988	2712	2200	2351	2355
Output/ Activity	5. Cases/matters worked on	CMS	4201	4095	4330	2721	3270	3300
	6. Cases/matters closed	CMS	2075	2278	2700	2291	2526	2530
Intermediate Outcome	7. Number of cases/matters won/settled	Section Records	No est.	164	No est.	169	No est.	No est.
	Value of:							
	8. Fines/Penalties	CMS	No est.	$ 518	No est.	$69	No est.	No est.
	9 SEPs	CMS	No est.	$ 738	No est.	$4M	No est.	No est.
End Outcome	10. Percent of appeals cases won	CMS	No est.	81%	No est.	87%	No est.	No est.
Productivity/ Efficiency	11. FOIA backlog	CMS	30	12	10	7	10	10
	12. Controlled correspondence backlog	CMS	10	3	5	5	5	5
	13. Congressional letters backlog	CMS	15	1	5	2	5	5

Definitions of Terms or Explanations for Indicators:

Backlog means overdue.

All dollars in thousands unless otherwise noted.

A. Data Validation and Verification: The majority of our data is collected through CMS providing a level of quality and accuracy. We continue to work closely with our section case managers to identify and correct inaccuracies and provide support. New reports are designed and generated to meet Section demands. The remaining performance measurement data is generated from the Department Financial Management and Information System (FMIS). Any inaccuracies from this data stem from minor delays in filing of paperwork.

B. FY 1999 Performance Report:

DOJ has established a policy wherein specific targets will not be identified for either FY 2000 or FY 2001 for a number of performance indicators that may be misconstrued as establishing a "target" level of investigative, mitigate, or other law enforcement activity. No est. is used when this occurs.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:

Since we do not establish target levels we do not have any issues affecting selection of FY 2000 and 2001 Plans.

GENERAL GOAL/DECISION UNIT: Natural Resou

COMPONENT GOALS: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interest

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	Performance Report FY 1998 Enacted Plan	Performance Report FY 1998 Actuals	Performance Plans FY 1999 Enacted Plan	Performance Plans FY 1999 Actuals	Performance Plans FY 2000 Plan	Performance Plans FY 2001 Plan
Input	1. Number of attorneys	ELVIS	116	111	116	48	118	128
	2. Number of other staff	ELVIS	59	57	59	24	58	63
	3. Number of pending cases/matters (End of Year)	CMS	6465	6198	6609	5874	6433	6453
	4. Number of new cases/matters or tracts	CMS	1540	1255	1611	1555	1785	1895
Output/ Activity	5. Cases/matters worked on	CMS	2315	2737	2785	2471	2595	2600
	6. Cases/matters closed	CMS	1390	1368	1632	1878	1675	1520
Intermediate Outcome	7. Number of cases/matters won/settled	CMS	No est.	273	No est.	245	No est.	No est.
	Value of:							
	8. Fines/Penalties	CMS	No est.	$ 1 M	No est.	$ 2 M	No est.	No est.
	9. Percent of amount at issue saved	CMS	No est.	82%	No est.	56%	No est.	No est.
	10. Dollar amount saved	CMS	No est.	$ 1,495 B	No est.	$ 2,431 M	No est.	No est.
End Outcome	Amount of claimed compensation saved:							
	11. Condemnation cases	CMS	No est.	$ 44 M	No est.	31	No est.	No est.
	12. Takings cases	CMS	No est.	$ 79 M	No est.	$ 2,400 M	No est.	No est.
	13. Royalty at issue v. favorably resolved	CMS	No est.	65%	No est.	N/A	No est.	No est.
	14. US water right claims "successfully" decreed	CMS	No est.	48	No est.	52	No est.	No est.
Productivity/ Efficiency	15. Conviction Rate	CMS	No est.	95%	No est.	92%	No est.	No est.
	16. Guilty pleas (percent of total convictions)	CMS	No est.	100%	No est.	100%	No est.	No est.
	17. Percent of convicted defendants incarcerated	CMS	No est.	32%	No est.	32%	No est.	No est.
	18. Median length of incarceration	CMS	No est.	8 mo.	No est.	19mo.	No est.	No est.

Explanation:

1. All dollars in thousands unless otherwise noted.
2. In 1997, WMR changed its system. Instead of opening a case for each defendant, it now records only consolidated criminal cases.
3. In 1998, Indian Resources changed its counting system. Previously, water rights decreed were counted according to entire cases; now they are tracked individually.

Personnel numbers include staff paid for by Superfund.

A. Data Validation and Verification: The majority of our data is collected through CMS providing a level of quality and accuracy. We continue to work closely wi our section case managers to identify and correct inaccuracies and provide support. New reports are designed and generated to meet Section demands. The remaining performance measurement data is generated from the Department Financial Management and Information System (FMIS). Any inaccuracies from this data stem from minor delays in filing of paperwork.

B. FY 1999 Performance Report:

DOJ has established a policy wherein specific targets will not be identified for either FY 2000 or FY 2001 for a number of performance indicators that may be misconstrued as establishing a "target" level of investigative, mitigate, or other law enforcement activity. No est. is used when this occurs.

Royalty at issue v. favorably resolved will be reported in the next budget cycle.

Percent of amount at issued saved does not include general litigation.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:

Since we do not establish target levels, at this time, we do not have any issues affecting selection of FY 2000 and 2001 Plans.

GENERAL GOAL/DECISION UNIT: Environmental Protection

COMPONENT GOALS: Investigation and Prosecution of Criminal Offenses
Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	Performance Report FY 1998 Enacted Plan	Performance Report FY 1998 Actuals	Performance Plans FY 1999 Enacted Plan	Performance Plans FY 1999 Actuals	Performance Plans FY 2000 Plan	Performance Plans FY 2001 Plan
Input	1. Number of attorneys	ELVIS	254	244	259	253	259	268
	2. Number of other staff	ELVIS	133	119	123	122	122	129
	3. Number of pending/matters (End of Year)	CMS	4216	4260	4374	3804	3943	4100
	3. Number of new cases/matters	CMS	1050	1155	1182	1259	1220	1230
Output/ Activity	4. Cases/matters worked on	CMS	2900	3602	3880	3557	3620	3000
	5. Cases/matters closed	CMS	850	880	1018	1715	1060	1020
Intermediate Outcome	6. Number of cases/matters won/settled	CMS	No est.	777	No est.	751	No est.	No est.
	Value of:							
	7. Fines/Penalties	CMS	No est.	$ 129 M	No est.	$ 41 M	No est.	No est.
	8. Cost Recovery (CERCLA and Non-CERCLA)	CMS	No est.	$ 314 M	No est.	$ 345 M	No est.	No est.
	9. Injunctive Relief (CERCLA and Non-CERCLA)	CMS	No est.	$ 125 M	No est.	$2.1 B	No est.	No est.
	10. Natural Resource Damages	CMS	No est.	$8M	No est.	$ 65 M	No est.	No est.
	11. SEPs	CMS	No est.	$ 71 M	No est.	$ 116 M	No est.	No est.
End Outcome	13. US Population living in cities with unhealthy air	EPA	N/A	N/A	N/A	N/A	N/A	N/A
	14. US Population served by secondary water treatment	EPA	171M	175.5M	178.9M	N/A	181.M	181.M
Productivity/ Efficiency	15. Conviction rate (ECS involved only)	CMS	No est.	98%	No est.	93%	No est.	No est.
	16. Ratio of ECS budget to criminal penalties, fines and other financial recoveries	CMS	No est.	$1:17	No est.	$1:10	No est.	No est.
	17. Ratio of EES budget to penalties, fines and other financial recoveries	CMS	No est.	$1:19	No est.	$1:26	No est.	No est.
	18. EDS payout as a percentage of amount sought in Superfund cases against Federal agencies	CMS	No est.	28%	No est.	N/A	No est.	No est.

Explanation:

All dollars in thousands unless otherwise noted.

Personnel numbers include staff paid for by the Superfund.

For EDS, wetland case wins include judgments, in whole or part, for the U.S. and settlements. For all other EDS cases, wins include dismissals, withdrawals, judgments in whole or part for U.S. and settlements.

Data pertaining to criminal fines and convictions includes some cases assigned by U.S. Attorney offices.

A. Data Validation and Verification: The majority of our data is collected through CMS providing a level of quality and accuracy. We continue to work closely with our section case managers to identify and correct inaccuracies and provide support. New reports are designed and generated to meet Section demands. The remaining performance measurement data is generated from the Department Financial Management and Information System (FMIS). Any inaccuracies from this data stem from minor delays in filing of paperwork.

B. FY 1999 Performance Report:

DOJ has established a policy wherein specific targets will not be identified for either FY 2000 or FY 2001 for a number of performance indicators that may be misconstrued as establishing a "target" level of investigative, mitigate, or other law enforcement activity. No est. is used when this occurs.

Following a recent review of the Division's case management systems, we identified a number of criminal cases that were not closed in the system, although all work on the cases had ended. Had these cases been closed, the CMS would have shown 206 pending cases at the end of FY 1998 and 214 pending cases at the end of FY 1999. We will report #18 in the next reporting cycle.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:

Since we do not establish target levels, at this time, we do not have any issues affecting selection of FY 2000 and 2001 Plans.

PROGRAM CHANGES BY INITIATIVE
Initiative I: Defending Civil Environmental Laws and the Public Fisc

Program	Positions	Workyears	Amount
Appellate Section	2	1	$165
Environmental Defense Section	5	3	412
General Litigation Section	7	4	576
	14	8	$1,153

This request includes 8 attorneys, 3 paralegals and 3 legislative support analysts (LSAs). Funding was derived from the Year 2001 modular costs.

Principal Client Agency Stakeholders:
Departments of Agriculture (Forest Service), Commerce (National Oceanic and Atmospheric Administration), Defense, Energy, and Interior (Fish and Wildlife Service, Bureau of Indian Affairs, and Bureau of Land Management).

Problem:
Significant areas of the Division's non-discretionary practice, which focuses on protection of the public fisc and defense of critical government programs, are expanding and changing in scope, most notably:

- Storage, transport and disposal of toxic substances (chemical and nuclear)
- Clean Air Act implementation
- Defense of federal agency liability under Superfund
- Defending other vital federal programs
- Court-ordered Alternative Dispute Resolution

- FERC appellate cases
- Defending ecosystem and forest plans
- Everglades restoration
- Indian land trust issues
- Protecting federal water rights
- Challenges to the Endangered Species Act
- Growing demand for land appraisals

General Background

Environment Division attorneys are often charged with defending client agency programs, actions and regulations in the district courts and courts of appeals. At any given time, 70% of the Division's pending caseload is comprised of non-discretionary cases. We simply have no choice but to participate in these cases in which opposing parties are usually represented by high-powered law firms, frequently several at a time working together. Many of our defensive cases involve millions of dollars in claims against the public fisc. These claims place on our attorneys the responsibility of protecting the public treasury from unwarranted expenses or uncollected revenues (e.g., mineral royalties owed to the United States). Because these demanding, resource-intensive cases are both non-discretionary and pressing, they must be handled. Although the Division has been highly successful to date in defending the Treasury from hundreds of millions of dollars of claims (e.g., more than 90% of the amounts claimed in takings cases), the Government's financial exposure is increasing and additional resources are required to continue properly defending the public fisc.

Defense of Agency Storage, Transport and Destruction of Hazardous Chemical Materials

The Environmental Defense Section is responsible for defending the Army's $15 billion Chemical Demilitarization Program from complicated legal challenges in multiple emergency proceedings. Working closely with the Army, EDS has fended off numerous attempts to shut down the Army's first operational chemical weapons incinerator, located at the Tooele Army Depot in Tooele County, Utah, and has ensured that this important national program will proceed in a safe manner, protective of both the citizenry and the environment.

Congress directed the Army to destroy the United States' stockpile of lethal chemical agents and aging munitions by 1994, a deadline later extended to 2004. The U.S. stopped manufacturing chemical weapons in 1968, which means that the stockpile is more than three decades old. The age of the stockpile increases the urgency of the chemical weapons destruction program, since much of the agent is stored in tanks with corroding valves or deteriorating explosive devices becoming more and more unstable.

To ensure that the incineration of chemical agent stockpiles within the continental United States is as safe and effective as possible,

the Army first constructed a prototype full-scale incineration facility at Johnston Atoll, in the middle of the Pacific Ocean. After extensive planning, testing and operations at Johnston Atoll, as well as considerable review by independent peer groups and state and federal regulators, the Army constructed the Tooele Chemical Agent Disposal Facility (TOCDF) in Utah, a $450 million complex of five incinerators where approximately 40 percent of the Nation's chemical agent stockpile is located

Opposition to the disposal facility has been fierce and well financed. However, the Section has continued its success in defending the Army's program from legal challenges in multiple proceedings.

Since July 1996 EDS has been required to defend no fewer than six separate proceedings for injunctive relief in state and federal court in connection with Tooele.

Another major stockpile is located at the Umatilla Chemical Depot in northeastern Oregon, where approximately 3,700 tons of chemical warfare agents are stored. The Section is currently defending a challenge to the Depot's operating permits in Oregon state court, and additional litigation is expected as the construction proceeds.

In addition, with the recent approval of a destruction plan for a stockpile of mustard gas at Aberdeen Proving Ground in Maryland, still more litigation is expected. Aberdeen contains a stockpile of 1,625 tons of deadly mustard gas. The Army recently received federal and state permits to construct a $306 million facility to neutralize the agent. Destruction of the mustard gas is scheduled to begin in March 2003. Despite extensive public involvement in the planning stages, the project is likely to be the subject of at least one court challenge in the coming year. Finally, in addition to these three sites, five other domestic stockpiles of chemical weapons must be destroyed. Each of these additional sites will likely be the subject of intense litigation.

Defense of Agency Storage, Transport and Destruction of Hazardous Nuclear Materials

The U.S. must also dispose of decades' worth of nuclear waste at the nation's 17 principal and 100 secondary nuclear weapons factories, a legacy of the Cold War. More than a million tons of radioactive and toxic waste has been dumped or stored at the Department of Energy's weapon-making facilities. *To clean it up, the government will have to embark upon the largest public works project in U.S. history, an effort estimated to cost $200 billion over the next 30 years.*

EDS has successfully defended and is continuing to defend several pieces of litigation brought by New Mexico and environmental groups to halt shipments of waste to DOE's Waste Isolation Pilot Plant ("WIPP"), a low-level radioactive waste disposal facility near Carlsbad, New Mexico. The radioactive waste destined for WIPP is left over from federal weapons production and includes clothing, tools, rags and other contaminated material. EDS successfully defeated multiple efforts to halt the first planned shipments from Los

Alamos National Laboratory. The first shipment arrived at WIPP on March 26, 1999, making WIPP the first permanent repository for radioactive wastes in U.S. history.

Other sections are involved in this defensive work as well. The General Litigation Section anticipates a continuation of the litigation brought by anti-nuclear and environmental groups regarding the treatment of nuclear materials by the Department of Energy. We expect that challenges will be brought involving Environmental Impact Statements and Records of Decisions scheduled to be completed in 1999 or 2000 at Yucca Mountain, Argonne National Laboratory-West, Los Alamos National Laboratory and Lawrence Livermore National Laboratory, among others.

Defense of New Legislation

In 1990, the Clean Air Act was amended, completely revamping the regulation of hazardous air pollutants. The Clean Air Act, because it affects nearly all Americans and all businesses, is the most sweeping of the nation's environmental laws. The original twenty-year-old scheme for regulating air toxics failed. EPA spent years revising it and promulgating new standards for soot and urban smog. Nevertheless, last year the American Trucking Association, a wide consortium of other business groups and three states opposed the new EPA standards. And in a decision that had a dramatic impact on the Clean Air Program, this May a three-judge panel struck down EPA's new air-quality standards as unconstitutional. The case is likely to go to the Supreme Court. The stakes are very high: if the decision is upheld, it could establish a precedent and upend a wide variety of federal regulatory programs, including many at EPA.

The Environmental Defense Section (EDS) has already devoted significant resources (over 6,500 attorney and paralegal hours) to the vigorous defense of the new National Ambient Air Quality Standards (NAAQS), one of EPA's most significant public health initiatives in recent years. The revised ozone and particulate matter standards provide health protection for millions nationwide (particularly children) and are a major component of EPA's Clean Air Act program. The new standards prompted 26 challenges to the ozone standards and 39 petitions for review of the particulate standards, filed by various industry groups and several states. The cases raised complex legal, constitutional and scientific issues requiring briefing and analysis at the highest level of sophistication.

The Section also devoted significant resources to defending against petitions for review of EPA's ozone control requirements. EPA's implementing regulations impose detailed requirements for states to adopt State Implementation Plans ("SIPs") to control emissions of ozone precursors. In a number of cases, states or local industry groups have argued either that EPA has misclassified the severity of their in-state ozone problem or failed to require stricter ozone controls in other states, resulting in more stringent in-state controls.

We have successfully defended EPA's approach in dealing with the thorny issues of interstate ozone transport, but we expect that EPA will continue to publish new regulations under the 1990 Clean Air Act Amendments, and that these new regulations will generate substantial numbers of petitions for review. EPA is currently promulgating the next generation of automobile emission

standards, which are expected to cover sport utility vehicles and impose sulfur-content limitations on gasoline. The new regulations will be controversial and are certain to be challenged by many interested parties. Because the science underlying EPA's air quality protection rules is technically complex, these cases tend to be far more time-consuming than other petitions for review, requiring many hundreds of attorney hours for adequate briefing.

The good news is that EDS's overall rate of success in defending federal regulations and programs is consistently over 80%, and has improved in each of the past three years.

PETITION FOR REVIEW RESULTS

	FY 1996		FY 1997		FY 1998	
	#	%	#	%	#	%
Total Outcomes	85	100%	101	100%	120	100%
Partially favorable judgments	10	11.8%	8	7.9%	9	7.5%
Unfavorable judgments	6	7.0%	7	6.9%	5	4.2%
Favorable judgments	23	27.1%	25	24.8%	54	45.%
Settlements and voluntary dismissals	46	54.1%	61	60.4%	52	43.3%
Total favorable outcomes	69	81.2%	86	85.2%	106	88.3%

To put these figures into context, the Section's petition for review practice is strictly defensive. EDS does not choose its cases, and it is not unusual for the Section to defend a client agency's regulatory action for policy or programmatic reasons even where a case presents substantial litigation risk.

All told, we expect that EPA's regulatory activity under the Clean Air Act alone will generate at least 100 petitions for review in FY 2000 and 2001.

Defense of Federal Agency Liability under Superfund

Many of our defensive cases involve millions of dollars in claims against the public fisc. These claims place on our attorneys the responsibility of protecting the public treasury from unwarranted expenses or uncollected revenues (e.g., mineral royalties owed to the United States). Because these demanding, resource-intensive cases are both non-discretionary and pressing, they must be handled.

The Environmental Defense Section defends many counter-claims filed under the Comprehensive Environmental Response,

Compensation, and Liability Act (CERCLA, or Superfund). These cases, which comprise almost one-fourth of the EDS practice, are typically multi-party, document-intensive suits which demand significant attorney, paralegal, secretarial and outside litigation support resources. The payoffs are high, however, and have resulted in large savings for the Treasury. In this expanding area of the docket, the Section provides important services to aid in the resolution of federal agency compliance and ensure that federal liability is fairly resolved, thereby protecting the federal fisc against excessive claims.

The following table shows our impressive case results from FY 1998 and the first part of FY 1999 alone:

CERCLA CONTRIBUTION CASES AGAINST FEDERAL AGENCIES INVOLVING PRIVATELY-OWNED SITES, RESOLVED IN FY 1998-99

Case Name	Basis for Liability	Plaintiff's Demand	Owed by the U.S.	Amount Saved
U.S. v. Iron Mountain Mines	Owner/ Operator	$100,000,000	$0	$100,000,000
BWX v. U.S.	Operator/Arranger	$100,000,000	$39,500,000	$60,500,000
U.S. v. Atlantic Richfield	Owner/Operator Generator	$25,000,000	$2,000,000	$23,000,000
Idaho v. M.A. Hanna Mining	Owner/Operator Generator	$25,000,000	$7,012,500	$17,987,500
Texas Instruments v. U.S.	Generator	$26,000,000	$8,230,000	$17,770,000
U.S. v. Asarco	Generator	$15,000,000	$861,400	$14,138,600
Eveready Battery v. U.S.	Owner/Operator	$11,025,000	$2,962,919	$8,062,081
Muskegon Army Engine Plant	Owner/Operator	$9,000,000	$3,800,000	$5,200,000
Standard Steel Salvage	Generator Owner/Operator	$5,500,000	$1,268,331	$4,231,669
U.S. v. Atlas Lederer	Generator	$6,077,984	$2,400,000	$3,677,984
Air Force Plant No. 28	Owner/Operator	$10,000,000	$6,406,400	$3,593,600

Case Name	Basis for Liability	Plaintiff's Demand	Owed by the U.S.	Amount Saved
Atlantic Wood Ind. Site	Generator Operator	$4,000,000	$1,500,000	$2,500,000
U.S. v. Akzo Nobel Coatings	Generator	$5,000,000	$2,611,030	$2,288,970
U.S. v. Eastern Co.	Arranger	$2,000,000	$0	$2,000,000
Federal Labs. Site	Arranger	$7,250,000	$5,500,000	$1,750,000
U.S. v. St. Julian Corp.	Generator	$2,500,000	$1,239,327	$1,260,673
Yeoman Creek Site	Generator	$1,500,000	$400,000	$1,100,000
California v. Defense Reutil. and Marketing Service	Arranger	$1,900,000	$1,056,388	$843,612
Spruce Street Site	Generator	$3,750,000	$2,999,935	$750,065
Tulalip Landfill	Generator Owner Operator	$2,000,000	$1,250,000	$750,000
	TOTAL	**$362,502,984**	**$90,998,230**	**$271,404,754**

Defending Other Vital Federal Programs

From timber harvesting and grazing on federal lands to defending natural resource damage assessments and endangered species listings, federal programs are challenged constantly by those who claim violations of environmental and natural resource laws. Challenges arise from many quarters, including industry, permittees, environmental organizations, and neighborhood interest groups. The Division represents over 70 agencies in challenges against myriad federal programs. Our objective is to assure that such challenges are properly defended so that these necessary and important programs can continue.

In recent years, the work of our various sections has become more and more intertwined. The best recent example of this phenomenon was the Division's work this past year on the Headwaters litigation, where we avoided a corporate forest company's claim for $1 billion under the Endangered Species Act (ESA). The company contended that application of the ESA precluded economic harvesting of a pristine and ecologically significant old growth redwoods forest. Working cooperatively, three different

sections (Wildlife and Marine Resources, Land Acquisition and General Litigation) laid the groundwork for the litigation to be stayed while the parties worked out a $380 million purchase by federal and state agencies of 7,500 acres of old growth redwood forest for permanent protection. This trend of multi-section involvement in litigation is expected to continue given the recent emphasis on eco-system management and habitat conservation. Such litigation requires close coordination, not only among the affected sections, but also with clients having widely divergent interests. It also necessitates considerable investment in time spent on pre-litigation counseling.

Rising to the Defense of Natural Resources

The General Litigation Section (GLS) addresses a whole host of natural resource conservation issues. The Section has defended numerous multi-agency federal land and ecosystem management inquiries requiring close coordination in recent years and, as now outlined, expects many more. Following on its success in defending the first ecosystem-wide plan, the Northwest Forest Plan, the section has continued to defend federal land management decisions in the Pacific Northwest from lawsuits on all sides. One of these challenges, before the judge who approved the Northwest Forest Plan, challenges the plan's continuing adequacy in light of changed circumstances, such as the listing of salmon runs under the ESA and the effects of the Emergency Salvage Timber Sale appropriations rider, which temporarily exempted timber sales from environmental laws, and continues to generate additional challenges to activities in the Pacific Northwest.

- **Protecting Ecosystems**

  GLS is called upon to address broad-reaching efforts to fashion a new approach to salmon and native trout conservation in the Columbia River basin of Washington, Oregon, Idaho and Montana. More than half of the 144 million acre basin is federal land with a wide range of ecosystems and ecosystem health problems. Building on an extensive scientific assessment and public comment period on draft land management plans, the FWS and BLM's new approach to basin-wide land management problems will be analyzed in a supplemental Environmental Impact Statement this year, with litigation highly likely in 2001. Already, four suits have been filed, by both environmental groups and natural resources industries, challenging the federal land management in the interim before completion of a basin-wide plan.

  In the meantime, federal land managers are relying on interim strategies for the conservation of specific species. The PACFISH Initiative, the INFISH Initiative, the California spotted Owl Initiative, and the Mexican Spotted Owl Initiative have all caused intense litigation. Accordingly, the GLS continues to litigate the adequacy of these interim plans to protect salmon and native trout.

- **Protecting the Everglades "River of Grass"**

In addition to being among the most biologically significant subtropical wetlands in the world, the Florida Everglades is the key to water supply and flood control for a growing population of over 6 million people. The Everglades restoration has been termed "the most ambitious environmental restoration project ever attempted;" it is expected to cost $7.8 billion over the next 20 years in addition to the $1.2 billion already spent by the federal government. The General Litigation Section's commitment to the federal/state Everglades restoration effort requires significant investments in client counseling and representation.

This year, we successfully defended City of Belle Glade, Florida v. Babbitt, a lawsuit challenging the Talisman purchase, the largest public purchase of Everglades agricultural land for restoration purposes. Interior Secretary Babbitt characterized the Talisman purchase as "a conservation legacy to future generations." We also completed two weeks of evidentiary hearings on the consent decree in United States v. South Florida Water Management District, the historic federal lawsuit to end agricultural pollution of the Everglades.

We expect new complex and nationally significant NEPA litigation on multiple aspects of the restoration, including Homestead, the Restudy, and one of the first major new projects comprising the restoration - the Modified Water Deliveries Project. Additional NEPA litigation is anticipated concerning the Cape Sable Seaside Sparrow, which will also raise difficult issues at the intersection of the Fifth Amendment and the ESA. In addition to this new litigation, we expect escalations in continuing proceedings involving the consent decree and the Miccosukee Tribe of Indians of Florida which will, among other things, involve issues raised by the anticipated State promulgation of a new water quality standard for phosphorus in the Everglades.

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- **Protecting the National Forests**

Challenges to land management programs, in general, are becoming more intensive. For instance, we have experienced a new *significant increase in the number and complexity of forest management cases.* In 1998, 80 new cases were filed against Forest Service decisions in the management of the 191 million acre National Forest System. That is nearly twice as many as were filed in 1997 and consistent with a long-term increase in the number of suits against federal land management. These cases are also increasingly complex, both factually (involving issues of biology, hydrology, and economics) and legally. However, recent Supreme court rulings have tended to break down the distinction between large challenges to plans and challenges to individual projects (such as timber sales), a rationale previously used for assigning smaller cases to USAOs. As a result, many challenges now present larger issues requiring GLS involvement. Current staffing is insufficient to address this increased workload.

Both GLS and WMRS frequently experience parallel workload increases because many of the environmental and industry groups challenging the WMRS on ESA grounds also challenge the GLS on NEPA grounds. Similarly, together with the

WMRS, the GLS is also preparing for litigation in other arenas, e.g., proposed ESA listing of the Canada Lynx, the Tongass National Forest Land and Resource Management Plan, (finalized in May 1997), litigation relating to the management of Yellowstone National Park, and working with the Park Service, the Forest Service, the Animal and Plant Health Inspection Service and the State of Montana on a joint federal-state grazing range management plan for the Yellowstone Bison Herd.

Protecting the Basis of Life -- Water

GLS litigation over water rights involves three major types of litigation: First, "general stream adjudications" are lawsuits in which the courts decide who "owns" the water of a watershed. These adjudications often involve thousands of parties and tens of thousands of claims. Such large adjudications are underway in virtually all of the far western states. The second major type of water litigation involves the operation of federal irrigation projects. The Bureau of Reclamation is often faced with lawsuits challenging its actions as it attempts to balance its contractual obligations to supply water to farmers with other obligations imposed by the NEPA, the ESA, and other preservation statutes. The third and last major type of water rights litigation concerns original actions brought before the U.S. Supreme Court involving the allocation of water in interstate watercourses. In Kansas v. Nebraska, the Supreme Court accepted jurisdiction and the case will move into a more active phase beginning this year. Although we successfully negotiated settlements on a number of issues in Nebraska v. Wyoming, the case is still proceeding to trial on certain claims made by Nebraska.

We anticipate that our water rights workload will increase in FY 2001. In Idaho, appeals being lodged on numerous issues will lead to increased trial work in FY 2000 and 2001. In Arizona, trial work will intensify in the Little Colorado and Gila River Adjudications; these adjudications had been delayed while the state supreme court considered various procedural issues. In Oregon, our workload in the Klamath Basin Adjudication will increase, beginning in FY 2000, when the proceedings there move into active litigation. In Nevada we expect similar increases. Just this year, judicial proceedings began in one adjudication (the first in decades to be filed with a state court) and the State Engineer has scheduled several more state court filings over the next few years. Meanwhile, our workload in all other western states, including California, Colorado, Montana, New Mexico and Washington, shows no signs of diminishing.

We remain understaffed to meet our existing adjudication needs. To date, we have managed to handle our cases by having agency counsel act as full-time Special Assistants on adjudications (two in Idaho and one in Montana). Continued agency funding of these positions is doubtful and, even if this arrangement does continue, our projected increase in workload over the next two years will require additional staffing.

Protecting the Federal Fisc

- **Protecting the Fisc in Indian Trust Cases**

In breach of trust litigation, Native Americans challenge government actions affecting the gamut of Native assets - money, timber, water, minerals, oil and gas. The defense of these suits can be especially time consuming and resource intensive due to the number of Native Americans affected and the broad span of years often at issue. These cases require the balancing of the government's dual obligation to defend agency action while at the same time ensuring that the United States' trust responsibilities to Native Americans are fulfilled.

This type of litigation is best exemplified by the Cobell v. Babbitt litigation, a class-action lawsuit brought on behalf of Individual Indian Moneys (IIM) account holders. On June 10, 1999, the first of two trials in Cobell began. We are defending the Interior Department and BIA which are responsible for fulfilling the United States' trust responsibilities to tribes and individual Indians, including managing about $3 billion in Indian trust funds and administering about 54 million acres of Indian tribal land - tribal accounts that date back to 1887. In addition, we are defending the Treasury Department, which is responsible for making disbursements from the fund and investing funds prudently. Interior and BIA oversee the management of the tribal lands, including leasing the lands to generate revenue, collecting the proceeds from the leases, depositing the proceeds in the IIM accounts, serving as trustee of those accounts, and disbursing the proceeds to the beneficiaries. There are currently approximately 300,000 holders of such accounts, and approximately $250 million flows through the accounts on a yearly basis. Plaintiffs' claims have been bifurcated into claims seeking "retrospective" relief - to correct alleged errors in past account balances - and "prospective" relief - to correct current alleged deficiencies in the administration of the IIM trust system. In their claims against Secretary Rubin, plaintiffs allege that Treasury also violated its duty as custodian of moneys in the IIM accounts, failed to maintain certain records relating to the IIM trust system, and did not satisfy its investment responsibilities. In their prospective claims, plaintiffs allege that DOI's reform efforts are inadequate and that DOI cannot be trusted to carry out reforms. They seek the appointment of a receiver to assume BIA's functions.

This is a massive case, requiring the diversion of considerable Division resources for the foreseeable future (to FY 2001 and beyond) – resources that might otherwise be deployed to defend water rights, takings and Indian defensive cases, all of which themselves are inadequately staffed and require additional resources.

- **Protecting the Fisc in Natural Resource Programs**

Just as the Division's breadth of natural resources cases has expanded, so too has that of the Tucker Act docket which now includes an increasing number of multi-plaintiff regulatory taking cases, natural resource based contract cases and Native American breach-of-trust disputes. This docket includes the mammoth Headwaters case mentioned earlier. These complex monetary damages claims increasingly raise first impression constitutional and statutory interpretation questions and involve almost all federal agencies. Over the years we have had an enviable track record, protecting the Treasury from more than 90%

of the amounts claimed in these takings cases. At the same time, we have sought to sustain the confidence of government agencies and the public in the balanced and equitable disposition of claims and in the availability of a fair process.

- **Protecting the Fisc in Wetlands, Surface Mining and Natural Resource Takings**

Physical and regulatory takings claims dominate our takings docket and we continue to work with the Court of Federal Claims and the private bar to fashion innovative and cost-effective resolution techniques. In physical claims, property owners contend that the government has physically occupied their property and displaced their ownership interest. The landowners then seek just compensation (market value) for property interest taken. Regulatory takings claims seek the same end (a conclusion that government action has taken a title interest in private property for which just compensation is due) but there landowners contend that the regulatory restrictions imposed (e.g., by the Clean Water Act's Section 404 requirement for a permit before dredging or filling in privately owned wetlands) diminish the economic value of the property. These cases tend to focus on Section 404, surface mining control and reclamation restrictions, and land use management restrictions on the private use of public lands.

This past year, we also saw a significant increase in takings cases stemming from the "Rails-to-Trails" Act. This program effectively allows the creation of interim "trail corridors" by using railroad rights of way which railroads would otherwise abandon. The rights of way are "rail banked" until some future point in time when they might be needed by the country's transportation system. In takings suits under this program, landowners contend that, under state law, the conversion of a railroad right of way to "trail use" does not fall within the "railroad use" restriction originally conveyed to the railroads. Thus, they allege that the trail use creates an additional burden causing a taking. Rails-to-trails cases now host two nationwide class claims. Because takings disputes turn on the factual nuances of a particular property (for example, its use or date of acquisition), multi-plaintiff suits create intense case-management challenges.

Protecting Approaches to Effective Resolution

Takings disputes are fact intensive and consume significant resources. Often it is best to "head them off at the pass." The Navy, for example, has requested that GLS employ "transactional" tools to settle a spate of cases they anticipate as a result of a base closure and realignment this year. In that instance, a large number of new jet fighters will be relocated to NAS-Oceana, adjacent to Virginia Beach, Virginia. The aircraft are noisy and will expose nearby urban developments to a drastic change in environment; an estimated 14,000 and 45,000 residents in two areas will be effected. We hope to intercept these potential claims before they reach litigation.

Use of Alternative Dispute Resolution in our Appellate Cases

An increasing proportion of the Division's appellate caseload is subject to **alternative dispute resolution (ADR)**, typically mediation, either at the instigation of the appellate courts' mediation programs or at the suggestion of one or more of the parties. Circuit courts around the country have ADR programs with court-provided mediators for resolution of appellate cases, either before or after briefing and oral argument. ADR is not discretionary. Currently, all but one of the 13 circuits have established ADR programs. ADR is desirable because a settlement is often in the best interests of the United States. For example, the government may need to move forward to implement an important agency program or project, making litigation delays costly; ADR may resolve all aspects of an underlying dispute, while litigation may only address a portion of the real dispute; ADR may strengthen ongoing relationships for future interactions; and ADR may foster the exploration of creative solutions affording mutual gain and a high rate of compliance.

However, while ADR may lead to a better result than an appellate decision, it does not conserve appellate resources. For appellate attorneys, ADR is labor intensive and often contemporaneous with briefing. Environmental and natural resource cases are considered textbook examples of disputes ripe for mediation. If the initial mediation conference comes early in the appellate process, lawyers must delve into the record, learn the case facts quickly, and work with agency counsel and trial counsel to develop a negotiating position. Sometimes, a case is put into mediation after briefing **and** argument.

One example of ADR this past year illustrates the intensity of the work and the creative benefits of ADR: Pueblo of Sandia v. Babbitt (D.C. Cir.). This is one of the most resource intensive appellate cases to date and concerns the Pueblo's claim to10,000 acres of the Sandia Mountain Wilderness on the basis of an ancient Spanish land grant. The land is currently administered by the Forest Service as part of the National Wilderness System. The federal government and other defendants contend that the Pueblo's claim is time-barred. The district court ruled for the Pueblo and defendants appealed. Since the case was put in mediation seven months ago, one appellate attorney has charged over 860 hours. The effort is labor intensive for the Division because, among other things: the parties decided to select a private mediator; the federal mediation team includes members from three federal agencies and bureaus within those agencies. On the positive side, the mediation is attempting to resolve issues critical to a lasting resolution which would not be addressed through litigation.

By fiscal year 2001, we estimate that 25 percent of new appeals will involve at least one ADR session and most will have multiple mediation sessions. For this growing practice area, we will require additional staff, based on the following:

- We anticipate that by 2001, all 13 circuits will have well established ADR programs with fully staffed mediation offices, which will evaluate all appellate cases for ADR.

- ADR is additive and usually does not replace briefing in appellate cases. In the first half of 1999, six cases in mediation were unsuccessful and briefing commenced.

ADR work will continue to be labor intensive. In 1998, three of Appellate's top 25 cases by hours recorded involved ADR. For the first six months of 1999, six of the top 25 cases by hours billed are in ADR.

The following chart illustrates the actual and projected workload for ADR

APPELLATE ADR WORKLOAD

	Actual 1998	Est. 1999	Est. 2000	Est. 2001
Civil Cases received in Appellate	278	280	305	315
Cases with at least one ADR Session	47 (17%)	54 (19%)	63 (21%)	79(25%)
Cases with Multiple ADR Sessions	28 (10%)	32 (11%)	52 (17%)	69 (22%)

For all cases evaluated for ADR, we estimate that an average of three days of work is required at the outset, to prepare for and attend an initial mediation session. Comparing fiscal year 2001 to fiscal year 1999, we estimate an increase of 25 cases with one ADR session. That incremental work represents an additional 600 attorney hours in fiscal year 2001.

When a case remains in a mediation program for the purpose of negotiating a settlement, our best estimate, based on current data, is that this work is likely to require at least an additional 95 hours of intensive work. Comparing fiscal year 2001 to fiscal year 1999, we estimate an increase of 37 cases in extended mediation in fiscal year 2001. That incremental work represents an additional 3,515 attorney hours in fiscal year 2001.

License Renewals Under the Federal Power Act

Litigation over hydroelectric licenses issued by the Federal Energy Regulatory Commission (FERC) is by direct appeal to the courts of appeals. Therefore, this is an area of practice unique to the Appellate Section: As the result of a large number of licenses up for renewal and new licenses, as well as an increasing interest in the conditions that may be put on these licenses by federal resource protection agencies such as the Forest Service, NOAA, the Fish and Wildlife Service, and the Bureau of Indian Affairs, we anticipate the need to gear up litigation over FERC licenses.

In FERC cases, the Section represents federal natural resource agencies after the conclusion of administrative proceedings before FERC. The administrative stage consumes approximately three to seven years or more, after which FERC issues a decision. A request for reconsideration by FERC is a prerequisite to judicial review. In the courts of appeals, these cases are of two types: cases in which we file a petition for review on behalf of the resource protection agencies, contending that FERC

has not imposed sufficiently protective provisions in licenses; and cases in which we intervene on behalf of federal natural resource protection agencies to defend conditions developed by them for the protection of reserved lands (including national forests, Indian reservations, and military lands) that are included within hydroelectric projects.

FERC had pending 134 applications for original licenses and license renewals as of April 8, 1999. FERC predicts that there would be pending 130 at the end of fiscal year 1999 and 110 at the end of fiscal year 2000. FERC issued 28 licenses and renewals in fiscal year 1998. Our client agencies have imposed conditions on almost all of these licenses. We anticipate that some of those conditions may be the subject of litigation.

Anticipated increases in FERC licensing actions did not materialize in fiscal year 1998. The delay in licensing decisions appears to be due to an unexpected, time-consuming effort by FERC on a few cases in particular, which has delayed consideration of many others. Thus, the increase in FERC cases will likely materialize later than we projected last year.

The Department of Agriculture, our major client in this area, is gearing up for a major initiative on litigation of FERC licenses. Other federal agencies, including the Department of the Interior, will also be requesting our assistance regarding conditions on FERC licenses. Interior reports that it will be taking an increasingly active role in asserting the authority of the Secretary under the Federal Power Act to impose conditions on FERC licenses for the protection of fish and wildlife and Indian resources.

Data show that the number of petitions resulting from licensing decisions increased from eight percent in fiscal year 1997, to 18 percent for fiscal year 1998, to an estimated 20 percent for this fiscal year. While FERC is experimenting with collaborative administrative processes, the effect of these processes on the rate of appeal is uncertain. At this time, we estimate that 30 percent of FERC decisions will be appealed for fiscal years 2000 and 2001. The following chart illustrates the projected increases in FERC decisions, which typically reach the Appellate Section the year after the licensing decision:

ACTUAL AND PROJECTED CASES ON FERC LICENSING DECISIONS

	ACTUAL FY 97	ACTUAL FY 98	Est. FY 1999	Est. FY 2000	Est. FY 2001
No. of FERC Decisions on Licenses/Renewals	49	28	50	50	50
% of FERC Decisions Appealed	8%	18%	20%	30%	30%
New Cases on Appeal	2	4	5	10	15
Pending Cases on Appeal	2	4	9	15	25

Existing data show that complex FERC licensing cases consume approximately 200 attorney hours per case a year over a two-year period, for a total of 400 hours per case. Assuming 10 new cases in fiscal year 2000 (representing 20 percent of FERC decisions) and 15 new cases in fiscal year 2001 (representing 30 percent of FERC decisions), these cases will consume 5,000 attorney hours, or slightly over two attorney FTEs, in the year 2001.

Other Troubling Developments

We are witnessing an *alarming trend among litigants in environmental and natural resources cases to seek emergency relief to delay or halt implementation of governmental activities.* Litigants are also expending huge sums to exhaust every possible avenue of relief, such as filing petitions for rehearing when an appellate court issues an unfavorable ruling. As a result, there has been a dramatic increase in the number of emergency motions for stays and injunctions pending appeal and requests for filing or responding to petitions for rehearing and similar substantive pleadings that the Appellate Section must handle. Based on available data (through March 1999), the Appellate Section will file 120 such pleadings in fiscal year 1999, representing a 33 percent increase over the number filed in fiscal year 1998, and a 64 percent increase over the number filed in fiscal year 1997. All of these submissions must be prepared on short notice and are very disruptive of ongoing casework.

An adverse Tenth Circuit decision (December 1998) in Forest Guardians v. Babbitt will result in substantially more appellate work for the Division. At issue in Forest Guardians was whether a district court was required to compel the Fish and Wildlife Service to designate critical habitat for the Rio Grande Silvery Minnow even though Congress had not appropriated sufficient funds for the Service to complete all of its mandatory listing and critical habitat obligations within the time frames imposed by the Act. The Tenth Circuit held that the district court must issue an injunction mandating immediate compliance with the statutory deadline. According to the Tenth Circuit, neither the program agency nor the district court had the right to prioritize the manner in which limited funds

would be applied to mandatory obligations. The agency's reasons for failure to meet a deadline – including a lack of funds to meet all mandatory obligations in a statute – can be considered in the context of a contempt proceeding for failure to meet a court deadline. Because this decision was based on an interpretation of the Administrative Procedure Act, it has far-reaching implications for all federal agencies operating under mandatory deadlines imposed by Congress. *This decision will likely result in additional litigation against all agencies facing mandatory deadlines, with each interest group rushing to the courthouse to compel agencies to take action on their favorite projects.* The government filed a petition for rehearing en banc but was denied.

Initiative II: Enforcing and Prosecuting Environmental Laws

Program	Positions	Workyears	Amount
Environmental Crimes Section.....	**3**	**2**	**$247**
Environmental Enforcement Section.....	**8**	**4**	**659**
Wildlife and Marine Resources Section...	**1**	**1**	**82**
Totals...	**12**	**7**	**$988**

This request includes 7 attorneys, 2 paralegals and 3 legislative support analysts (LSAs). Funding was derived from the Year 2001 modular costs.

Principal Client Agency Stakeholders: FBI, EPA, Coast Guard, Fish and Wildlife Service, Defense, Customs, FAA, DOT, Commerce (NOAA)

Problem:
The Division's environmental and wildlife crime programs are at a critical crossroads – an infusion of resources is desperately needed to capitalize on the critical momentum they have created in recent years as a result of successful prosecutions, training outreach and innovative initiatives or undercover operations. Similarly, we must commit additional resources to civil enforcement where the caseload pipeline is clogged, stymied by a record number of unfiled cases and insufficient attorney resources.

The rationale for this request in presented sequentially, in four discrete parts:

- National Environmental Prosecutions
- International Environmental and Wildlife Prosecutions
- Environmental Enforcement
- Protecting Indian Rights

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National Environmental Prosecutions:

The Environmental Crimes Section affects people's lives in unexpected ways and the breadth of its work can be difficult to capture. While it is well known that the work of the Section has resulted in cleaner air, water and lands, less well known are matters such as these in which the success of the Section has a profound impact:

- Prosecuting individuals who sprayed the homes of poor people with a dangerous crop pesticide, claiming it was safe for home use
- Convicting individuals who were preying on homeless people, abusing their desire to work by exposing them to the dangers of an illegal asbestos removal operation
- Spurring some of the largest corporations in America toward better compliance measures, such as improving the operation of the longest oil pipeline in the U.S., and the complete overhaul of the environmental practices of one of the world's largest cruise ship companies.
- Training the District of Columbia's first-ever police environmental crimes unit, a unit which is already having an impact in communities throughout the city
- Spearheading a CFC enforcement initiative to help protect the earth's ozone layer which affects the entire planet's well-being
- Devising new ways to protect communities from the dangers posed by clandestine synthetic drug labs

In the past three years, the number of ECS prosecutions, as well as hours per attorney devoted to cases, has increased steadily; so too has the amount of time and resources dedicated to policy and legislation, and to training prosecutors and investigators from around the country and the world. The section's pending case load and equally important training and policy responsibilities have increased accordingly, and the Division has obtained great results. The number of convictions has increased: in FY 1996, ECS obtained 40 convictions; that number grew to 57 in 1997 and again to 76 in FY 1998. Only half-way through FY 1999, the section has already won 65 convictions. From FY 1996 to the present, ECS has secured prison sentences amounting to over 76 years; home detention of over 5 years; probation of over 181 years, and supervised release of over 54 years, in addition to fines and restitution totaling over $150 million.

This past year, ECS achieved a 99 percent conviction rate.

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Looking forward to 2001, ECS has set forth an ambitious environmental agenda and is poised to spearhead a nationwide effort to combat environmental crime – but it needs additional resources to capitalize on the critical momentum created in recent years. The momentum is attributable to *three distinct developments: the section's cooperative involvement in highly visible criminal litigation, its identification and development of new initiatives, and its demonstrated commitment to training a new generation of prosecutors and investigators* – be they federal, state, local or international. This three-pronged approach is discussed in more detail below.

Cooperative Involvement in Highly Visible Criminal Litigation

Sound lawyering, hands-on knowledge and experience are the backbone of the Environmental Crimes program. It is critical to the program's performance and credibility. We continue to receive ever more requests for assistance from U.S. Attorney offices and expect a significant increase in such requests by 2001. Some ask that ECS simply assign an attorney to assist in a major investigation while others seek attorneys to spearhead a multi-district task force. Such requests come both from offices with established environmental crimes programs and from districts that lack the resources to prosecute such resource intensive cases without support from ECS. *ECS views its responsibilities to support United States Attorney's offices as central to its mission.* Participation in task forces and environmental crimes sub-committees of Law Enforcement Coordinating Committees (LECCs) has been an ECS priority since the section began.

New Initiatives

Over the past few years, ECS has transformed criminal environmental enforcement efforts through its emphasis on initiatives to prosecute areas of environmental crime that previously have received inadequate enforcement. Our game plan is to get an initiative up and running, train and provide back-up assistance to AUSAs so that they can handle the prosecutions by themselves, and then redirect ECS attorney resources to launch other new initiatives.

Two recent initiatives demonstrate the degree to which this approach contributes to the success of the environmental crimes program. Over the last four years, ECS has led a national enforcement initiative to curtail the illegal importation of CFCs into the United States. Before the initiative began, a major black market had developed in this country, undermining EPA's efforts to prevent ozone depletion. Similarly, the Vessel Pollution Initiative demonstrated the strong leadership that ECS can provide to help energize and direct enforcement efforts in a critical but neglected area of environmental regulation. Before the initiative began, little if any enforcement of vessel pollution had occurred. Through FY 1998, the ECS-led initiative on vessel pollution had resulted in dozens of convictions and millions of dollars in criminal fines, including a record $75 million in one case. By FY 2000 and 2001, US Attorneys will handle the majority of cases in these areas.

The following additional initiatives are being developed by ECS attorneys in coordination with United States Attorney's Offices and investigating agencies: **National Underground Storage Tank Initiative; Laboratory Fraud Work Group;**

HAZMAT Initiative; Pretreatment Initiative; Mississippi River Initiative and a Clandestine Synthetic Drug Lab Initiative.

While plans for other initiatives exist, there are currently insufficient resources to undertake the work needed to launch these efforts. Additional attorneys are sorely needed to commence new initiatives, sustain communication with federal and state agencies and U.S. Attorneys offices, prosecute cases generated by the initiative, and analyze legal issues that arise in the course of the investigations and prosecutions.

Training

The need for training of federal, state and local investigators and prosecutors has grown substantially in the past several years and this trend is expected to continue into 2001. A review of recent activities provides ample evidence of the Section's commitment to this important component of its criminal enforcement program. ECS attorneys regularly:

- Organize and teach environmental crimes courses for Assistant U.S. Attorneys, EPA attorneys, and FBI and U.S. Coast Guard agents;
- Provide in-service training around the country to law enforcement personnel from such agencies as the FBI, Defense Criminal Investigative Service, Coast Guard and NASA;
- Lead quarterly meetings of working groups for existing initiatives such as CFC Enforcement, involving investigators from EPA, Customs, IRS, FBI, and Canadian law enforcement;
- Lead quarterly meetings of working groups on potential initiatives such as Underground Storage Tank Criminal Enforcement, involving investigators from EPA, FBI, the U.S. Postal Service, and the Department of Defense; and,
- Provide a wide variety of basic and specialized criminal enforcement training to state and local law enforcement officials throughout the U.S., as well as neighboring Canada and Mexico.

In addition, ECS:

- Serves as a clearinghouse for expertise and information on environmental crimes prosecution by answering numerous inquiries from U.S. Attorney's Offices, state and local law enforcement agencies;

- Regularly updates its two-volume ***Environmental Crimes Manual***, a comprehensive, practical reference guide for the investigation and prosecution of environmental crimes, which is distributed to U.S. Attorney Offices and other federal and state law enforcement agencies; and

- Distributes ***The Environmental Crimes Bulletin***, a quarterly bulletin summarizing current case, policy and investigative developments, to over 1,000 law enforcement personnel.

International Environmental and Wildlife Prosecutions

The ENRD is seeking increases in 2001 for both of the Sections that handle its international criminal work (Environmental Crimes and Wildlife & Marine Resources). The additional resources will enhance our ability to combat international crime and allow the Division to affirmatively pursue international outreach efforts, e.g., conduct training overseas, participate in international conferences, and pursue new initiatives such as transnational shipment of hazardous waste and expanded vessel pollution detection.

Both sections are strongly committed to pursuing international prosecutions because:
- Absent ENRD involvement, international environmental and wildlife crimes all too often go undetected and unpunished;
- While the offenses truly threaten our global environment, they also often threaten our domestic environment;
- More enforcement effort on the part of the U.S. will encourage our foreign counterparts to adopt stricter domestic measures themselves; and,
- The U.S., as a party to a host of multilateral and bilateral treaties, has an obligation to lead by example.

Additional staff and funding are necessary because:

- International prosecutions are often expensive, requiring additional resources to address international coordination, the obtaining of witnesses and evidence, and the extradition of defendants. In addition, prosecution of crimes in this area often involves coordination among multiple United States agencies, as well as complex white collar criminal investigative techniques including undercover work, intensive covert investigation, and intelligence analysis. This in-depth approach is typically only possible through the use of special multi-district groups of attorneys and agents committed to a particular area of investigation for a relatively long period of time. But such prosecutions do not come cheap. They require time and travel and a dedicated commitment of both funding and personnel.

- The ENRD is committed to aggressively increasing and improving our educational outreach. Frequently both our foreign counterparts and their investigative agencies have invited us to share our knowledge with them. We can and should provide such training. One such effort now underway is an outgrowth of a recent series of prosecutions for smuggling endangered and protected reptiles from Madagascar. That experience prompted a request for interdisciplinary training in Madagascar in cooperation with the U.S. Fish and Wildlife Service and U.S. AID. As a result of exchanges with Malagasy personnel, this training included presentations by wildlife officials from the Netherlands, France and Madagascar as well as from the United States. This kind of follow-up and cooperative effort needs to be increased as policing our own borders only addresses one end of the problem. We must assist developing nations in learning how to preserve and protect their own wildlife resources in situ. In wildlife smuggling cases for example, once the animals reach the United States they can no longer be returned to their native habitat as they will have been exposed to pathogens that pose a serious risk for wild populations if the animals were reintroduced.

- Likewise, we need to increase attendance at various international conferences and gatherings. They provide opportunities for cross-fertilization of ideas and strategies and foster better relations in international enforcement. Examples of conferences we've failed to attend for lack of money this past year include: CITES COP10 in Zimbabwe, G7 in England, INTERPOL in Lyons, France; and the North America Wildlife Enforcement Working Group (an offshoot of NAFTA) in Vancouver.

Over the past couple of years, the ECS has conducted a variety of activities with representatives of many nations including:

Ministers from Russia and the Group of Seven leading economies agreed today to step up their cooperation against environmental crime, a market estimated at $20 billion a year. "We want to declare war on the smugglers who trade illegally in banned products such as endangered species, the ozone-depleting substances and hazardous wastes." -- *The New York Times April 6, 1998*

- Provided training to the Italian National Police's (Carabinieri) Environmental Crime Unit regarding the development of environmental criminal enforcement programs;
- Conducted a program sponsored by U.S. AID for 15 high-level Russian federal environment ministers, elected officials and regional environment ministers;
- Participated in the American Bar Association Central and East European Law Initiative (ABA/CEELI) in environmental prosecution workshops in Moldova and Ukraine;
- Spoke to USIA Young African Leaders about Environmental Protection in a Developing

Economy with attendees from 15 African nations present;

- Met with representatives of Environment Canada and Canada's Department of Justice to discuss possible joint environmental criminal enforcement initiatives.

The Wildlife and Marine Resources Section is likewise increasingly involved in international enforcement activities, most recently involving the international reptile trade. Operation Chameleon (the family of criminal cases investigated by the Fish and Wildlife Service's Branch of Special Operations) is now winding down, having resulted in the successful prosecution of more than two dozen smugglers and reptile dealers in three countries. It provides a model for future successful long-term covert investigations. The Section works with its overseas counterparts to obtain or exchange evidence and sometimes to extradite fugitives to the U.S. or at least expel them from a country from which they cannot be extradited. These activities are accomplished in concert with the State Department and the Office of International Affairs in the Criminal Division. Over the past couple of years, the Section has collected evidence or sought search warrants under the terms of mutual legal assistance treaties (MLATs) or letters rogatory in the Netherlands, Indonesia, Belize, Madagascar, Germany, South Africa and Canada. In each instance, whether we are initiating or responding to requests, formal documents must be prepared in both languages spelling out precisely what is being sought or agreed to.

A new wrinkle in the international environmental crime scene emerged this past year at the biannual Convention on Trade in Endangered Species (CITES) meeting. An entire order (Acipensiformes) of sturgeon and paddlefish was listed on the CITES appendices, thus significantly limiting trade in these species. The new trade restrictions, which became effective in the Spring of 1998, affect commercially valuable sturgeon from the Caspian Sea region. These sturgeon are generally regarded as producing the highest quality caviar, accounting for about 90% of the world's caviar trade. The new restrictions will not only encourage smuggling of caviar into the U.S., but, based on recent intelligence, encourage illegal exploitation of U.S. sturgeon and paddlefish, where the eggs are used as surrogates for, or mixed with, the more popular and expensive European and Asian caviars. The FWS is already drafting an ambitious enforcement plan. Russian organized crime rings are expected to become involved in illegal importation and distribution of both Caspian sea caviar and U.S. "look-alikes."

The Division also engages in other international activities in support of its core functions. Some of these activities involve supporting the efforts of agencies engaged in the negotiation of international agreements. In some instances this support involves reviewing draft agreements to ensure that they do not interfere with the enforcement of existing law or otherwise reduce the protection provided by existing law. Draft agreements are also reviewed to ensure that , where appropriate, they create enforceable obligations on the parties to the agreement so that the U.S. has the ability to seek redress where it is complying with its obligations while other countries are not complying with theirs. In addition, the Division seeks to ensure that such agreements will result in a meaningful improvement in environmental protection.

Other efforts have focused on the domestic implementation of the environmental protection agreements entered into by the U.S. ENRD has worked very closely with other agencies and with the governments of Mexico and Canada to develop and support

cooperative efforts to enhance compliance with, and the enforcement of, domestic environmental laws. These efforts have included looking for mechanisms to improve the cross-border sharing of information about violations, the return of illegally imported wildlife to its native country, and helping law enforcement officials working on either side of the U.S. borders work better together.

Environmental Enforcement

Not all our enforcement activity involves criminal prosecutions. Our Environmental Enforcement Section (EES) is responsible for handling most affirmative civil litigation brought on behalf of the Environmental Protection Agency (EPA), claims for damages to our natural resources on behalf of the Departments of Interior, Commerce and Agriculture, claims for contribution against private parties for contamination of public land, and the recoupment of money spent to clean up certain oil spills on behalf of the Coast Guard. The Section's goals are to support the regulatory programs of its client agencies through litigation to: obtain compliance with environmental statutes, obtain appropriate redress of past violations that have harmed the environment, establish a credible deterrent against violation of those statutes, obtain monetary civil penalties for past violations, recoup federal funds spent to abate environmental contamination and obtain money to restore or replace natural resources damaged through oil spills or the release of hazardous substances into the environment.

FY 1998 was a banner year in terms of achieving these goals. Record filings and recoveries were achieved while specific geographic areas in the nation can look forward to a cleaner and healthier environment as a result of civil environmental enforcement. Total judicial referrals from all client agencies in FY 1998 totaled 374, the second largest number of referrals in six years. In addition, requests for approval of EPA administrative actions were the highest in history. The total number of matters received from client agencies for EES action in 1998 was 18% greater than 1996 and 40% greater than 1993. Based on the number of referrals received so far this year and on client agency (especially EPA) projections, we expect these high numbers to continue for the next several years.

As has been true for a number of years, the results of EES litigation in 1998 demonstrate a significant return for the dollars invested in Section activities, including the largest penalties ever agreed to in a civil environmental case (the seven consent decrees with heavy-duty diesel engine manufacturers (D.D.C.)), the largest adjudicated Superfund judgment in any given case ($103 million in United States v. Vertac Chemical Corp. (E.D.Ark.)), and the largest civil penalty ever agreed to under the Resource Conservation and Recovery Act ($11.8 million in United States v. FMC Corp. (D.Idaho)).

EPA Sector Enforcement

The majority of the over 1,000 active cases/matters currently being handled by EES are referred to DOJ by EPA, the agency with primary responsibility for administering the Nation's environmental regulatory laws. *In 1998, EES received the largest number of total EPA referrals for any given year.*

EES works in partnership with EPA's Office of Enforcement and Compliance Assurance (OECA) in the development of strategic enforcement actions specifically targeted to achieve widespread deterrence and to encourage future compliance across whole industry sectors. Over the past several years, in the wake of serious resource limitations, both EES and OECA sought to utilize civil judicial enforcement tools in the most efficient and appropriate ways. Therefore, EES and OECA judiciously spent each enforcement dollar on those actions that promised the "highest rate of return" community-to-community, either in dollars recovered or in deterrent effect. The results have been striking. EES, working cooperatively with EPA, has achieved record successes in the areas of air, water and hazardous waste enforcement, obtaining significant penalties under those statutes along with injunctive relief that protects both public health and the environment.

EPA has also found that often the most effective way to address environmental non-compliance problems is on a sector basis. An extraordinary recent example of the effectiveness of this "whole sector approach" occurred in this past year when the EES and EPA reached an enforcement settlement with the seven heavy-duty diesel engine manufacturers which culminated the *largest Clean Air Act (CAA) enforcement action in history*. The settlement resolved charges that the companies violated the CAA by installing software that allowed engines to meet EPA emission standards during testing but disabled the emission control system during normal highway driving. When such engines are running on the highway, up to three times the limit of nitrous oxide (NOx) emissions result. The settlement is expected to prevent 75 million tons of NOx air pollution over the next 27 years and reduce total NOx emissions from diesel engines by one-third by the year 2003. We estimate that the seven companies will spend collectively more than $850 million to introduce cleaner new engines, rebuild older engines to cleaner levels, recall trucks that have defeat devices installed, and conduct new emissions testing. The initiative also resulted in a $83.4 million penalty payment to the United States and an agreement to spend $110 million on other projects to reduce emissions.

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Based on the success in the heavy-duty diesel engine enforcement action, EPA has identified several additional sectors for priority attention over the next several years based on such factors as compliance patterns and the importance of the sector to achieving environmental goals. These national sectors include: Petroleum Refining Facilities, Industrial Organic Chemical Manufacturers, Primary Nonferrous Metal Smelters, Coal-fired Power Plants, Automotive Repair Shops and, in accordance with last year's Clean Water Action Plan, EPA will also focus on Wet Weather Discharges from Municipalities (including combined sewer overflows, sanitary sewer overflows, and storm water) as well as Concentrated Animal Feeding Operations (CAFOs are a known significant source of water quality degradation which can threaten drinking water supplies, posing a direct threat to public health.).

Protecting Children from the Hazards of Lead Paint

The Real Estate Notification and Disclosure Rule (promulgated under the "Residential Lead-Based Paint Hazard Reduction Act of 1992"), requires realtors, sellers, and lessors of pre-1978 housing to disclose the presence of any known lead-based paint or lead-based paint hazards to prospective buyers and renters. This is the primary federal tool to address the approximately 960,000 children with elevated blood lead levels. Violators of that Rule and a companion Training, Certification/Accreditation and Work

Practices Rule, are subject to civil penalties, injunctive relief and criminal sanctions. Two litigating sections of the ENRD are serving on an inter-departmental (HUD, EPA and DOJ) Task Force to jointly enforce the federal lead-based paint disclosure rule and provide assistance to local and state governments in enforcement of their hazard control regulations.

Investigations indicate there is widespread non-compliance with the Lead Hazard Reduction Act. To combat the situation, the Task Force is currently executing three large pilot enforcement projects in Washington, D.C., Los Angeles and Chicago. The success of this effort in the District demonstrates the effectiveness of these enforcement actions and the value of expanding to other cities. HUD has proposed increasing their enforcement resources with 20 new FTEs (ten attorneys and ten investigators) to develop and prosecute cases. The Environmental Crimes Section has already commenced two criminal investigations.

With additional resources the ENRD and the U.S Attorneys will be able to conduct an aggressive and effective environmental enforcement program that deters illegal conduct and protects communities and their most vulnerable members - children.

Mississippi River Initiative

EES is also seeking additional resources for the continuing Mississippi River Initiative. On September 9,1998, the Attorney General announced that 54 criminal defendants, $10 million in criminal penalties and restitution, 18 civil judicial actions, $18 million in civil penalties and 93 administrative cases were obtained as a result of a continuing comprehensive, coordinated federal effort known as the Mississippi River Initiative. The cases addressed violations which included illegal dumping from barges, illegal filling of wetlands, spills of oil and other hazardous materials, and discharges of chemicals such as cyanide, heavy metal and hydrofluoric acid into the Mississippi.

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EES is one of three litigating sections of the ENRD (working with others) to focus enforcement efforts on improving the environmental quality of the Mississippi River and its tributaries in 2001. Additional resources will enable EES managers to continue its participation in multi-agency planning sessions, and contribution of resources in an effort to generate additional enforcement actions in this multi-media, multi-facility litigation in FY 2001.

Other Client Agency Litigation

EES also works in partnership with non-EPA clients including the General Counsels' Offices at the Departments of Agriculture, Commerce, Defense, and Transportation, the U.S. Army Corps of Engineers and the Solicitor's Office at the Department of Interior, among others, to develop strategic enforcement actions in facilities under the ownership or management of these agencies. These actions involve the collection of response costs incurred by these agencies in cleaning up CERCLA sites on lands under their administrative authority as well as recovering natural resource damages for injured resources under the trusteeship of these agencies.

Recognizing the threat that hard rock mines pose to water supplies and aquifers, the Departments of Interior, Agriculture and Commerce, for example, have embraced their role as natural resource trustees and are pursuing Natural Resource Damages claims against mining concerns. These cases are among the most resource intensive cases to litigate in the section. In fact, three of the largest cases currently being handled in EES in terms of both the total number of professional hours spent and the litigation expenses/support needs, are cases involving damages to natural resources--Bunker Hill, Montrose Chemicals, and ARCO/ClarkFork. In FY 1998, EES attorneys and paralegals put in 34,156 hours (or over 16 attorney/paralegal years) on these three cases.



Figure 1 Colonial Pipeline Case: Photo depicts pipeline ruptures at the Rio Villa Subdivision Houston, Texas. The flood related rupture of three pipelines spilled reformulated gasoline, diesel fuel and crude oil into the San Jacinto River, which required cleanup .

The Bunker Hill case is illustrative of the huge stakes involved and the resources necessary to litigate these kinds of cases. In 1996, the Section sued eight companies under CERCLA and the Clean Water Act for damages to natural resources under the trusteeship of the United States which occurred as a result of extensive releases of various hazardous substances, primarily heavy metals, from 100 years of mining operations at the Bunker Hill facility in the Coeur d'Alene River Basin in Northern Idaho. The cost of restoring the Coeur d'Alene River and surrounding area (including Lake Coeur d'Alene), which stretches over 1500 square miles, is estimated in the hundreds of millions of dollars. DOI and USDA, along with the Coeur d'Alene Indian Tribe and the State of Idaho, are natural resource trustees for the resources injured in the Coeur d'Alene Basin.

The Distict Court recently issued a Case Management Order that sets a heavy schedule of depositions, expert witness preparation, pretrial motions practice and other litigation-related activities, leading to a trial of certain "Phase 1" issues (including liability for releases, causation and damages) in November 2000. A second trial of the selected remedy, amount of natural resource damages and contribution will be scheduled after the first trial. Under the Case Management Order, fact depositions begin at once. Defendants have been allowed up to 320 fact depositions and we expect that defendants will likely schedule 100-150 fact depositions before the deposition cutoff date in December 1999. We will likely conduct at least 80 fact depositions. Expert reports are due in June 1999, and we expect to have to prepare at least 30 or more expert reports. Given that each of the defendants and our co-trustee, the Coeur d'Alene Tribe, will also identify experts, we expect to have to take or defend the depositions of 75-100 expert witnesses. Thus, deposition practice will extend through the rest of 1999 and heavy deposition practice will continue well into 2000. We will then work on motions for summary judgment and other pretrial motions into 2001. The first trial, which is scheduled to begin on November 6, 2000, will probably last 6-10 weeks, or into January 2001. We expect that a large number of attorneys and the 30+ experts for the United States will thus be working hard at the trial in the first half of 2001. Scheduling of the second phase trial will take place at the end of the first trial and similar preparation activities will commence at that time.

We have gone into some detail regarding the Bunker Hill case to show the extraordinary resources required to litigate these kinds of

cases. Similar work will likely be required in other NRD cases such as Montrose and Fox River. The point to be underscored here is that litigation of Natural Resource Damage Cases can severely tax the resources of the Section. But properly staffed, we can expect to remove the threat, reclaim the land and recover millions, even hundreds of millions, of dollars.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Appellate & Policy		Environmental Protection						Natural Resources				Total	
	Appellate		Environmental Crimes		Environmental Defense		Environmental Enforcement		General Litigation		Wildlife and Marine			
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
GS-14 Step 4	1	82	2	164	3	245	4	327	4	327	1	82	15	$1,227
GS-11	...	...	...	...	1	49	2	97	1	49	...	...	4	$194
GS-7	1	49	1	36	1	36	2	72	2	72	...	...	7	$263
Total positions and annual rate	2	130	3	199	5	330	8	496	7	447	1	82	26	1,685
Lapse (-)	1	65	2	100	3	165	4	248	4	224		41	14	842
Other personnel compensation	...	...	...	1	...	903	...	2	...	2	...	...	...	908
Total, workyears and personnel compensation	1	65	1	101	2	166	4	250	3	226	1	41	12	848
Personnel Benefits	...	18	...	27	...	45	...	67	...	60	...	11	...	227
Travel and transportation of persons	...	4	...	8	...	12	...	17	...	17	...	4	...	62
Transportation of things	...	1	...	1	...	1	...	2	...	2	...	...	...	7
Rent, Communications & Utilities	...	14	...	21	...	36	...	57	...	50	...	7	...	185
Printing and Communications	...	1	...	1	...	2	...	3	...	3	...	...	...	10
Other services	...	39	...	55	...	94	...	175	...	142	...	7	...	512
Purchases, goods & services from Govt accounts	...	5	...	7	...	11	...	18	...	16	...	2	...	59
Medical Care	...	...	...	...	...	...	...	1	...	...	...	...	...	1
Supplies and materials	...	2	...	2	...	4	...	6	...	5	...	1	...	20
Equipment	...	17	...	23	...	40	...	64	...	55	...	9	...	208
Total, program workyears and obligations changes required, 2001	1	165	2	247	3	412	4	659	4	576	1	82	15	2,141

Environment and . ,ral Resources Division
Salaries and Expenses, General Legal Activities
2001 Priority Ranking

BASE PROGRAM

Program	Ranking
Environmental Protection	1
Natural Resources	2
Appellate & Policy	3
Management & Administration	4

PROGRAM INCREASES

PROGRAM INCREASES	Ranking
Defending Civil Environmental Laws and the Public Fisc	1
Enforcing and Prosecuting Environmental Laws	2

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1999-2001
(Dollars in thousands)

	1999			2000				2001		
	Authorized	Reimbursable	Total	Authorized	Reimbursable	Total	Increase	Authorized	Reimbursable	Total
Attorneys (905)	288	124	412	288	124	412	15	303	116	419
Paralegal Specialists (950)	48	39	87	48	39	87	5	53	37	90
Other Legal and Kindred (900-998)	18	...	18	18	...	18	...	18	...	18
General Admin. and Clerical (300-399)	91	76	167	91	76	167	6	97	71	168
Accounting and Budget (500-599)	4	...	4	4	...	4	...	4	...	4
Business and Industry Group (1100-1199)	3	...	3	3	...	3	...	3	...	3
Total	452	239	691	452	239	691	26	478	224	702
Washington	401	227	628	401	227	628	26	427	212	639
U.S. Field	51	12	63	51	12	63	...	51	12	63
Total	452	239	691	452	239	691	26	478	224	702

FY 1999 Enacted reflects a pending FY 1999 reprogramming, which increased totals by 3 positions and 3 workyears.

Our FTE ceiling was reduced by 15 reimbursable FTE in FY 2001.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Summary of Attorney and Support Positions by Category
FY 2000-2001

Appropriated Positions

	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Appellate & Policy	35	37	12	13	47	50	1	1	1	...	2	1	36	38	13	13	49	51
Environmental Protection	147	153	65	68	212	221	9	5	7	4	16	9	156	158	72	72	228	230
Natural Resources	98	105	51	51	149	156	5	3	3	2	8	5	103	108	54	53	157	161
Management and Admin	8	7	36	45	44	52	...	...	...	...	...	...	8	7	36	45	44	52
Total	288	302	164	177	452	479	15	9	11	6	26	15	303	311	175	183	478	494

Reimbursable Positions

	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Appellate & Policy	4	4	1	1	5	5	...	...	...	...	...	...	4	4	1	1	5	5
Environmental Protection	118	118	83	83	201	201	-8	-8	-7	-7	-15	-15	110	110	76	76	186	186
Natural Resources	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and Admin	2	2	31	31	33	33	...	...	...	...	...	...	2	2	31	31	33	33
Total	124	124	115	115	239	239	-8	-8	-7	-7	-15	-15	116	116	108	108	224	224

Total Positions

	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Appellate & Policy	39	41	13	14	52	55	1	1	1	...	2	1	40	42	14	14	54	56
Environmental Protection	265	271	148	151	413	422	1	-3	...	-3	1	-6	266	268	148	148	414	416
Natural Resources	98	105	51	45	149	156	5	3	3	2	8	5	103	108	54	53	157	161
Management and Admin	10	9	67	76	77	85	...	...	...	...	...	...	10	9	67	76	77	85
Total	412	426	279	286	691	718	7	1	4	-1	11	...	419	427	283	291	702	718

FY 1999 Enacted reflects a pending FY 1999 reprogramming, which increased totals by 3 positions and 3 workyears.

Environment and Natural Resources Division
Salaries and Expenses
Summary of Change
(Dollars in thousands)

Adjustments to Base:

	Perm. Pos	Work-years	Amount
2000 President's Request	452	479	$65,209
Adjustments to Base Increases:			
2001 Pay Raise	...	...	1,237
Annualization of 2000 Increases			609
Within-Grade Increases	...	...	418
Increased FERS Cost	...	...	18
Federal Health Insurance Premiums	...	...	178
Lease Expirations	...	...	180
GSA Rent	...	...	557
GSA Blue Pages	...	...	1
National Archives & Record Projections	...	...	6
Travel Management Centers Contract Fees	...	...	106
General Pricing Level Adjustment	...	...	223
Total Increases	...	...	3,533
Decreases:			
Accident Compensation	...	...	(39)
2001 Base	452	479	68,703
Program Increases (See Program Narrative for Details)	26	15	2,141
2001 Estimate	478	494	70,844

Our FTE ceiling was reduced by 15 reimbursable FTE in FY 2001.

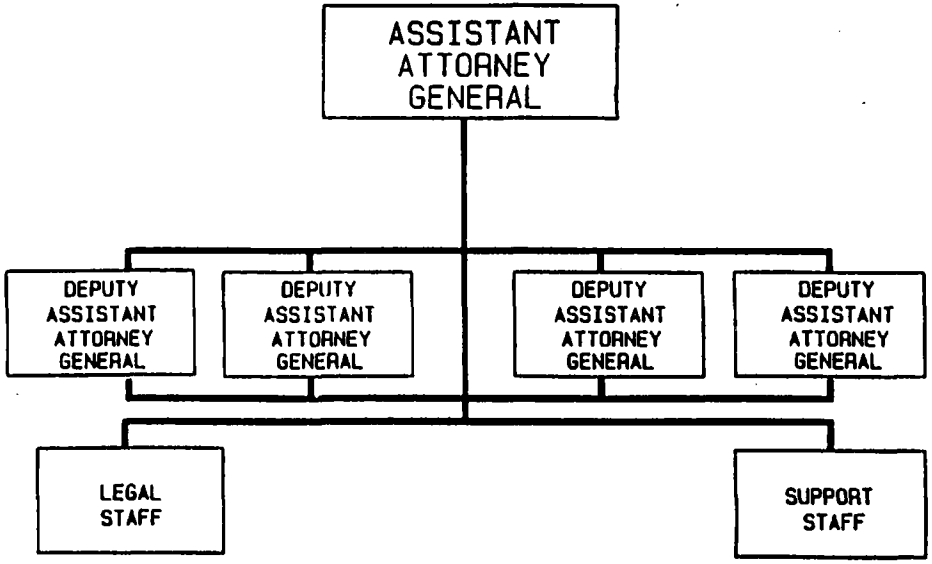
Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos	1999 Actual Amount	2000 Estimate Pos	2000 Estimate Amount	2001 Request Pos	2001 Request Amount	Increase/Decrease Pos	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1		...	
ES-5, $130,200	1		1		1		...	
ES-4, $130,200	12		12		12		...	
ES-3, $126,825	2		2		2		...	
ES-2, $121,264	3		3		3		...	
ES-1, $115,811	1		1		1		...	
GS-15, $84,638-110,028 (est.)	223		223		230		7	
GS-14, $71,954-93,537 (est.)	32		35		38		3	
GS-13, $60,890-79,155 (est.)	23		25		28		3	
GS-12, $51,204-66,564 (est.)	23		20		22		2	
GS-11, $42,724-55,541 (est.)	40		40		45		5	
GS-10, $38,885-50,554 (est.)	3		3		5		2	
GS-9, $35,310-45,900 (est.)	13		13		13		...	
GS-8, $31,968-41,557 (est.)	11		13		15		2	
GS-7, $28,866-37,522 (est.)	36		34		34		0	
GS-6, $25,967-33,768 (est.)	7		7		8		1	
GS-5, $23,304-30,292 (est.)	8		6		7		1	
GS-4, $20,829-27,080 (est.)	8		8		8		...	
GS-3, $18,555-24,120 (est.)	5		5		5		...	
Ungraded positions	...		...		...		...	
Total, appropriated positions	452		452		478		26	
Average ES Salary		$122,909		$127,676		$132,528		
Average GS Salary		$61,895		$65,282		$67,311		
Average GS Grade		12.56		12.61		12.58		

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Estimate Wys.	2001 Estimate Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	410	$31,925	412	33,328	427	36,157	15	$2,829
11.3 Other than full-time permanent	67	4,038	67	4,296	67	4,296	...	0
11.5 Other personnel compensation	6	297	6	441	6	441	...	0
11.8 Special personal services payments	...	441	...	404	...	404	...	0
Total	483	36,701	485	38,469	500	41,298	15	2,829
Reimbursable workyears:								
Full-time permanent	[187]		[219]		[214]		[-15]	
Other than full-time permanent	...		[20]		[20]			
Other Object Classes:								
12.0 Personnel benefits		8,285		8,808		9,751		943
13.0 Benefits to former personnel		36		36		36		0
21.0 Travel and transportation of persons		2,676		2,141		2,379		238
22.0 Transportation of things		344		294		306		12
23.1 GSA rent		6,599		6,600		7,670		1,070
23.3 Comm, util, & misc charge		1,607		1,727		1,773		46
24.0 Printing and reproduction		345		347		357		10
25.1 Advisory and assistance services		608		1,258		467		(791)
25.2 Other services		3,455		7,016		4,193		(2,823)
25.3 Purchases of goods & svcs from Gov't accounts		697		741		808		67
26.0 Supplies and materials		715		721		741		20
31.0 Equipment		588		842		1,065		223
Total obligations		62,656		69,000		70,844		1,844

OFFICE OF LEGAL COUNSEL



Approved: _____ Date: 4/23/96

JANET RENO
Attorney General

Office of Legal Counsel
Salaries and Expenses, General Legal Activity
Crosswalk of 1999 Availability
(Dollars in Thousands)

	1999 as Enacted			Approved Reprogrammings			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Legal Opinions	37	41	4,512	...	...	80	37	41	4,592
Total	37	41	4,512	...	...	80	37	41	4,592
Reimbursable Workyears									
Total Workyears		41			—			—	
Other Workyears:									
LEAP									
Overtime		....			....			....	
Total Compensable: Workyears		41			....			41	

Reprogrammings:

$10,000 from surplus guard service funding
$70,000 from LAOA

Office of Legal Counsel
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

	2000 President's Budget Request			Congressional Appropriation Actions on 2000 Request			Reprogrammings			2000 Appropriation Availability		
Activity/Program	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Legal Opinions	37	41	$4,828	...	...	-130	...	...	...	37	41	$4,698

Congressional Appropriaton Action on 2000 Request. Congress reduced the Office of Legal Counsel's base level request by $130,000.

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Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base:	Perm. Pos.	Work-Years	Amount
2000 Appropriation Enacted	37	41	$4,698
Adjustment-to-base Increases:			
2001 Pay Raise	...	...	103
Annualization of 2001 Pay Raise	...	...	50
Within-Grade Increases	...	...	23
Federal Health Insurance Premium	...	...	7
GSA Rent	...	...	77
Accident Compensation	...	...	7
General Pricing Level Adjustments	...	...	2
Total Increases	...	...	269
2001 Base	37	41	$4,967
Program Changes (See Program Narrative for Details)	1	1	93
2001 Estimate	38	42	$5,060

Estimates by Program	1999 Availability			1999 Actuals			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/ Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
6. Legal Opinions	37	41	$4,592	37	34	$4,580	37	41	$4,698	37	41	$4,967	38	42	$5,060	1	1	$ 93

Office of Legal Counsel
Salaries and Expenses
Program Performance Information

MISSION:

To assist the Attorney General in her role as legal adviser to the Executive Branch, and to provide timely, thorough and reliable legal advice in response to requests from the President, the White House staff through the Counsel to the President, the Attorney General, Justice Department components and Executive Branch agencies.

ORGANIZATIONAL GOALS:

To provide general legal advice to the President and Executive Branch agencies.

To resolve intra-Executive Branch disputes over legal questions.

To advise other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or other issues of general concern to the Executive Branch.

To testify and prepare testimony in connection with pending legislation of interest to the Department and the Administration, and to assist in the drafting of legislation.

To approve the form and legality of Executive Orders and Orders of the Attorney General.

Office of Legal Counsel
Salaries and Expenses
Justification of Program Performance
(Dollars in Thousands)

Legal Opinions	Perm. Pos.	FTE	Amount
2000 Appropriation Anticipated	37	41	$4,698
2001 Base	37	41	4,967
2001 Estimate	38	42	5,060
Increase/Decrease	1	1	93

BASE PROGRAM DESCRIPTION:

The authority for the Office of Legal Counsel (OLC) is provided in 28 C.F.R. 0.25. The principal duty of OLC is to assist the Attorney General in the role as legal adviser to the President and Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. OLC also provides general legal assistance to other components of the Department, especially where litigation or proposed legislation raises constitutional issues or general issues of executive authority. It reviews for form and legality all Executive Orders and Proclamations proposed by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval. In addition, OLC is also involved in coordinating the work of the Department regarding treaties, executive agreements and international organizations, and performs a variety of special assignments referred to the Office by the Attorney General, the Deputy Attorney General or the Associate Attorney General. The Office also has responsibility for advising the Office of Government Ethics on matters of law in the area of conflict of interest.

At the direction of the Attorney General and the Deputy Attorney General, OLC has convened meetings of General Counsels' consisting of the general counsels of the principal Executive Branch components and chaired by OLC. This group has been and will be utilized to improve coordination and consistency in handling important legal issues of concern through the Executive Branch, particularly legal matters bearing upon the President's constitutional responsibilities and authority.

Currently, it is a rare occasion that requests are considered appropriate for formal Attorney General opinions, which are drafted in OLC and reviewed, revised and approved by

the Attorney General. Instead, requests result in the preparation of legal opinions signed by the Assistant Attorney General or one of the Deputies based upon the research of one or more of the Office's staff attorneys. Other requests result in the provision of oral advice to the client agency. Since 1977, at the direction of the Attorney General, this Office has published selected formal opinions. Volumes covering the years 1977 through 1989 have been issued in hardback. Softbound volumes covering the years 1990 through 1992 have been issued as preliminary prints. Production of hardbound editions for these years is in progress. OLC has released in looseleaf form the opinions of the Office from 1993 through February 1996 as an interim measure preliminary to publication in hard-bound volumes.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting legislative opinions, testimony, and preparation of Presidential signing statements. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration, and has assisted in the drafting of legislation.

In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including to the Solicitor General and the litigating divisions on issues relating to separation of powers, executive privilege, national security matters, federalism, and immigration matters.

OLC generally does not initiate any programs nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the President, the White House staff through the Counsel to the President, the Attorney General, members of the Cabinet and heads of Executive Branch agencies and other Department of Justice officials.

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Program Changes:

	Perm. Pos.	WY	Amount
PEADS Projects.....	1	1	$93

At the direction of the Attorney General, and over the next two years, the Office of Legal Counsel will be responsible for conducting a legal review of a series of 40 presidential emergency action documents that were prepared by OLC over a decade ago. The review will involve original legal research, review of other agencies' legal work, and a substantial amount of legal writing. The Offices estimates that this review will entail hundreds of hours of legal work involving attorneys at all levels within the office. Part of longer term plan for these documents is an ongoing legal review to ensure that the documents always reflect current law and that they have been prepared. This ongoing review will require the commitment of one full time attorney or one additional workyear. Accordingly, the Office will need an additional attorney position in order to properly perform this newly added responsibility.

Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Year 1999 - 2001

Category	1999 Authorized	2000 Request	2001 Estimate
Attorneys (905)	22	22	23
Paralegal Specialist (950)	4	4	4
Secretaries	8	8	8
General Administrative, clerical & office svc. (300-399)	3	3	3
Total	37	37	38
Washington	37	37	38
Total	37	37	38

Office of Legal Counsel
Salaries and Expenses
Priority Ranking
Fiscal Year 2001

Base Program		Program Changes		
Program	Ranking	Program	Enhancement	Ranking
Legal Opinions	1	Legal Opinions	Legal Review	1

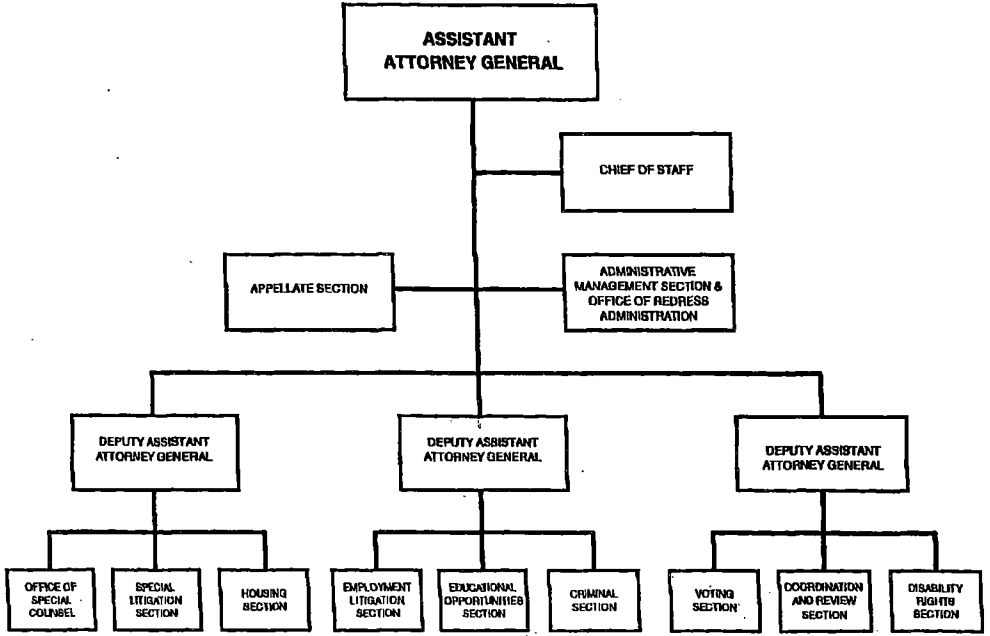
Office of Legal Counsel
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Request Pos. & Wys.	2000 Request Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level IV, $122,400	0		1		1		0	
ES-4, $130,200	4		4		4		0	
SL-3, $126,825	1		1		1		0	
ES-3, $126,825	3		2		2		0	
GS-15, $84,638-110,028	10		10		10		0	
GS-14, $71,954-93,537	4		4		4		0	
GS-13, $60,890-79,155	3		3		3		0	
GS-12, $51,204-66,564	2		2		2		0	
GS-11, $42,724-55,541	4		5		6		1	
GS-10, $38,885-50,554	1		1		1		0	
GS-9, $35,310-49,900	3		3		3		0	
GS-8, $31,968-41,557	0		1		1		0	
GS-7, $28,886-37,522	1		0		0		0	
Total, appropriated positions	37		37		38		1	
Average ES Salary		$ 122,316		$128,754		$128,754		
Average GS Salary		$46,107		$ 49,845		$ 51,340		
Average GS Grade		11.49		11.60		11.60		

Office of Legal Counsel
Salaries and Expenses
Summary of Requirements by Grade and Object Class

Object Class	1999 Actuals Pos. & Wyrs.	1999 Actuals Amount	2000 Estimates Pos. & Wyrs.	2000 Estimates Amount	2001 Request Pos. & Wyrs.	2001 Request Amount	Increase/Decrease Pos. & Wyrs.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation....	31	$2,491	37	$2,391	38	$3,015	1	$624
11.3 Other than full-time permanent.....	3	186	4	220	4	211	0	(9)
11.5 Other personnel compensation.....	0	153	0	80	0	60	0	(20)
11.8 Special personal services payments.....	0	150	0	317	0	0	0	(317)
Total.....	34	2980	41	3008	42	3286	1	278
Other Object Classes:								
12.0 Personnel benefits.....		610		540		626		86
13.0 Benefits to former personnel.....		5		2		1		-1
21.0 Travel and transportation of persons.....		2		2		1		-1
22.0 Transportation of things.....		25		30		2		-28
23.1 GSA rent.....		518		614		642		28
23.3 Comm., util., & other misc. charges.....		105		105		120		15
24.0 Printing and reproduction.....		12		10		2		-8
25.1 Advisory and assistance services.....		50		50		55		5
25.2 Other services.....		123		153		149		-4
25.3 Purchases of goods & svcs from Gov't account		35		80		75		-5
25.6 Medical Care.....		10		3		3		0
26.0 Supplies and materials.....		100		98		95		-3
31.0 Equipment.....		5		3		3		0
Total obligations.....		4580		4698		5060		362

CIVIL RIGHTS DIVISION



Approved by: _____ Date: 2/10/99
JANET RENO
Attorney General

Civil Rights Division
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in Thousands)

Activity/Program	1999 Enacted			Approved Reprogrammings			Transfers			Final 1999 Availability		
	Pos.	WY.	Amt.	Pos.	WY.	Amt.	Pos.	WY.	Amt.	Pos.	WY.	Amt.
7. Civil Rights												
Federal Appellate	29	28	$3,310	...	...	...	...	...	...	29	28	$3,310
Civil Rights Prosecution	61	61	6,690	8	8	$800	...	...	...	69	69	7,490
Special Litigation	37	34	3,967	...	...	...	...	...	...	37	34	3,967
Voting Rights	82	86	8,281	...	...	...	...	...	...	82	86	8,281
Employment Litigation	62	61	6,121	...	...	...	...	...	...	62	61	6,121
Coordination and Review	20	19	2,708	...	...	...	...	...	...	20	19	2,708
Housing and Civil Enforcement	91	86	10,063	-8	-8	-800	...	...	...	83	78	9,263
Educational Opportunities	30	31	2,968	...	...	...	...	...	...	30	31	2,968
Disability Rights	74	73	10,785	...	...	...	...	...	...	74	73	10,785
Office of Special Counsel	26	27	5,517	...	...	...	...	...	...	26	27	5,517
Management and Administration	69	83	8,827	...	...	...	...	...	8,030	69	83	16,857
Total	581	589	69,237	...	...	...	...	...	8,030	581	589	77,267

Reprogrammings: The reprogramming of positions and budget authority reflects the 1999 effect of the September 14, 1999 reprogramming.

Transfers: This column displays the Y2K Transfer of $3,805,000 ($3,579,000 and $226,000) provided on a one-time basis and $4,225,000 for Japan Redress payments.

Civil Rights Division
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriation Actions on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY.	Amt.	Pos.	WY.	Amt.	Pos.	WY.	Amt.	Pos.	WY.	Amt.
7. Civil Rights												
Federal Appellate	29	28	$3,557	...	...	...	...	...	...	29	28	$3,557
Civil Rights Prosecution	81	71	8,385	...	...	...	...	...	...	81	71	8,385
Special Litigation	60	50	5,978	...	...	...	...	...	...	60	50	5,978
Voting Rights	94	92	10,297	...	...	...	...	...	...	94	92	10,297
Employment Litigation	62	61	6,524	...	...	...	...	...	...	62	61	6,524
Coordination and Review	22	20	3,085	...	...	...	...	...	...	22	20	3,085
Housing and Civil Enforcement	107	90	11,850	...	...	-50	...	...	...	107	90	11,800
Educational Opportunities	36	34	3,589	...	...	...	...	...	...	36	34	3,589
Disability Rights	82	81	13,389	...	...	...	...	...	...	82	81	13,389
Office of Special Counsel	29	29	6,027	...	...	...	...	...	...	29	29	6,027
Management and Administration	69	83	9,519	...	...	...	...	...	...	69	83	9,519
												0
Total	671	639	82,200	...	...	-50	...	...	...	671	639	82,150

Civil Rights Divi
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	671	639	$82,150
Adjustments to base (ATB) increases:			
2001 pay raise	...	...	1,736
Annualization of 2000 pay raise	...	...	754
Within-grade increases	...	...	389
Annualization of 2000 positions (FTE)	...	44	...
Annualization of 2000 positions (dollars)	...	...	4,018
CSRS Employees and FERS retirement systems	...	...	24
Federal Health Insurance Premiums	...	...	166
Accident Compensation	...	...	27
GSA Blue Pages	...	...	1
Travel Management Contract Fees	...	...	64
General Pricing Level Adjustment	...	...	203
National Archives and Record Projections	...	...	4
Total, increases	...	44	7,386
ATB Decreases (automatic, non-policy) (GSA Rent)	...	...	(370)
2001 Base	671	727	89,166
Program Changes (See Program Narratives for details)	83	47	8,756
2001 Estimate	754	774	97,922

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity:	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appellate	29	28	$3,557	29	28	$3,756	31	29	$3,899	2	1	$143
Civil Rights Prosecution	81	71	8,385	81	81	9,719	89	85	10,434	8	4	715
Special Litigation	60	50	5,978	60	57	6,918	71	62	8,269	11	5	1,351
Voting Rights	94	92	10,297	94	98	10,822	100	104	12,926	6	6	2,104
Employment Litigation	62	61	6,524	62	61	6,844	65	63	7,210	3	2	366
Coordination and Review	22	20	3,085	22	21	3,335	25	23	3,524	3	2	189
Housing and Civil Enforcement	107	90	11,800	107	102	13,367	107	102	13,658	0	0	291
Educational Opportunities	36	34	3,589	36	37	4,048	39	39	4,237	3	2	189
Disability Rights	82	81	13,389	82	85	14,162	108	97	16,556	26	12	2,394
Office of Special Counsel	29	29	6,027	29	30	6,333	37	34	6,906	8	4	573
Management and Administration	69	83	9,519	69	83	9,862	82	92	10,303	13	9	441
Total	671	639	82,150	671	683	89,166	754	730	97,922	83	47	8,756

Civil Rights Division
Salaries and Expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Federal Appellate	29	28	$3,310	29	28	$3,282	29	28	$3,557	29	28	$3,756	31	29	$3,899	2	1	$143
Civil Rights Prosecution	61	61	6,690	61	61	6,634	81	71	8,385	81	81	9,719	89	85	10,434	8	4	715
Special Litigation	46	43	4,767	46	43	4,727	60	50	5,978	60	57	6,918	71	62	8,269	11	5	1,351
Voting Rights	82	86	8,281	82	86	8,211	94	92	10,297	94	98	10,822	100	104	12,926	6	6	2,104
Employment Litigation	62	61	6,121	62	61	6,069	62	61	6,524	62	61	6,844	65	63	7,210	3	2	366
Coordination and Review	20	19	2,708	20	19	2,685	22	20	3,085	22	21	3,335	25	23	3,524	3	2	189
Housing and Civil Enforcement	82	77	9,263	82	77	9,185	107	90	11,800	107	102	13,367	107	102	13,658	...	...	291
Educational Opportunities	30	31	2,968	30	31	2,943	36	34	3,589	36	37	4,048	39	39	4,237	3	2	189
Disability Rights	74	73	10,785	74	73	10,694	82	81	13,389	82	85	14,162	108	97	16,556	26	12	2,394
Office of Special Counsel	26	27	5,517	26	27	5,471	29	29	6,027	29	30	6,333	37	34	6,906	8	4	573
Management and Administration	69	83	16,857	69	83	14,920	69	83	9,519	69	83	9,882	82	92	10,303	13	9	441
Total	581	589	77,267	581	589	74,821	671	639	82,150	671	683	89,166	754	730	97,922	83	47	8,756
Reimbursable Workyears		13			13			13			13			16			3	
Total Workyears		602			602			652			696			746			50	
Other workyears:																		
Overtime		4			4			4			4			4			...	
Total compensable workyears		606			606			656			700			750			50	

Civil Rights Division
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Bureau of Prisons			632			712			712			...
Immigration and Naturalization Service			2,647			937			937			...
Federal Bureau of Investigation			235			394			394			...
Drug Enforcement Administration			51			165			165			...
Exec. Off. of U. S. Attorneys			41			137			150			13
US Marshal Service			33			100			100			...
Community Relations Service			...			5			5			...
Office of Atty Personnel Mgmt.			...			6			6			...
Office of Justice Programs			636			369			350			(19)
Justice Management Division			18			15			15			...
Executive Office for Immigration Review			20			20			20			...
US Parole Commission			...			8			8			...
Environmental Protection Agency			553			...			500			500
Dept. of Education			27			...			...			...
Office of DAG			732			350			...			(350)
Debt Collection			100			...			...			...
Department of Energy			32			40			...			(40)
Department of Transportation			48			67			...			(67)
Office of Inspector General			4			6			6			...
Interpol			516			49			...			(49)
Tax Division			43			...			...			...
White House			6			...			...			...
Social Security Administration			125			...			154			154
Department of Interior			112			32			...			(32)
General Service Administration			...			20			...			(20)
Budgetary Resources	13 *	13 *	6,611	13 *	13 *	3,432	16 *	16 *	3,522	3	3	90

*Positions and workyears cannot be isolated to individual activities and are devoted solely to support salaries and administrative costs associated with the processing of Equal Employment Opportunity complaints by the Civil Rights Division's Complaint Adjudication Office.

Civil Rights Division
Summary Statement and Performance Plan Fiscal Year 2001

The Civil Rights Division (CRT) is requesting a total of 754 positions, 730 workyears and $97,922,000 in its Salaries and Expenses Appropriation. This request represents an increase of 83 positions, 47 workyears, and $8,756,000 over the FY 2001 Base level of 671 positions, 683 workyears and $89,166,000.

CRT's total requested program increases for FY 2001 would support an effective civil rights enforcement program and provides additional resources required to support enforcement efforts throughout the Division. Detailed explanations of CRT's FY 2001 program increases are contained in the Program Performance portion of the budget justification.

A. Component Missions and Goals, and Relationship to DOJ Strategic Plan

CORE MISSION: The primary mission of the Civil Rights Division is to enforce in a fair and uniform manner the country's civil rights laws. The Division's civil rights enforcement mission has two significant prongs: (1) to fulfill the promise of federal laws entitling all persons to basic civil rights protections as they engage in everyday conduct throughout the United States; and (2) to deter illegal conduct through the successful judicial enforcement of these federal laws. The Civil Rights Division considers its most significant results to occur each time a statute has been enforced by remedying discriminatory conduct and providing a victim a remedy for any harm suffered and when our education and outreach programs prevent unlawful conduct through voluntary change. By allocating its resources among civil and criminal enforcement activities, and adjusting as necessary for newly emerging and unique patterns of unlawful conduct, the civil rights enforcement litigation conducted by Division attorneys ensures that the nation's civil rights laws are fairly and uniformly enforced. In addition, through the media and other outreach, informational and training efforts the Civil Rights Division informs the public and covered entities of their obligations under federal civil rights laws.

B. Highlights of Mission-Critical Results

Following are some examples of Section FY 1999 activities in meeting our mission and addressing Core Function responsibilities:

Appellate Section--filed 117 papers of substance in the Supreme Court and in the courts of appeals. Seventy-three percent of all merits decisions for FY 1999 have been in full or partial accord with the Division's contentions. The Supreme Court reached the merits in 12 cases, nine of which were favorable to the Division, and consistent with the position taken by the United States as amicus curiae.

Criminal Section--72 new investigations were presented to the grand jury and 66 cases were filed charging 102 defendants. Trials were conducted in 31 cases resulting in the conviction of 26 defendants and the acquittal of 23. In addition, guilty pleas were entered from 72 defendants.

During FY 1999, 31 racial violence cases were filed charging 46 defendants in connection with hate crimes such as cross-burnings, arson, vandalism, shootings, and assault and six cases involving arsons at houses of worship were filed.

Since the enactment of the Freedom of Access to Clinic Entrances Act in May 1994, the Section has received numerous complaints of possible violations of the Act, all of which have required investigation, review and response. To date, the Section has opened 377 reproductive health care violence and obstruction investigations, 34 of which have become prosecutions.

Special Litigation Section--Under the Civil Rights of Institutionalized Persons Act, the Section opened investigations of six facilities in FY 1999 and continued its investigations of an additional 58 facilities. In addition, during FY 1999 the Section obtained settlement agreements which addressed violations at six mental retardation facilities; six correctional facilities; one facility for the visually handicapped; one mental health facility in Virginia; and, local jails in two states. In addition, the Section successfully negotiated settlements of issues involving sexual misconduct by officials of six Arizona and Michigan women prisons. The Section monitored jurisdictions' compliance with settlement agreements in 116 facilities.

In FY 1999, pursuant to the pattern or practice authority under the Violent Crime Control and Law Enforcement Act of 1994, five additional police misconduct investigations were launched; the Section began or continued preliminary inquiries into approximately 25 law enforcement agencies, and Section staff reviewed or fielded several hundred allegations of police misconduct. The Section is continuing investigations of racial profiling in traffic stops and post-stop searches in five states.

Voting Section--the Section helped to resolve challenges to Congressional districts in Louisiana and to the senate districts in Florida and reviewed 3,800 Section 5 submissions containing 12,900 changes of voting practices and procedures.

Employment Litigation Section--the Section has handled nine new lawsuits that raise Adarand issues. In post-Adarand litigation, we have responded to applications for temporary restraining orders, motions for preliminary injunction and conducted evidentiary hearings.

The Section also represents the Department of Labor in challenges to its authority to enforce effectively Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974. Two challenges to Executive Order 11246 have been filed in fiscal year 1999.

Housing and Civil Enforcement Section--in 10 court settlements filed in FY 1999, we obtained $1,000,000 in monetary relief to compensate victims of discrimination and provide for increased housing accessibility through, among other things, retrofitting of existing units and construction of new units. In a lawsuit combined with private litigation alleging egregious racial harassment of tenants by the Boston Housing Authority, we obtained important injunctive relief as well as $1.5 million in monetary relief. The Section filed 19 pattern or practice cases in FY 1999.

Educational Opportunities Section--the Section intervened in CHE and United States v. Denver Public Schools, and negotiated a consent decree providing for services to 14,000 non and limited English speaking students. The relief includes an enhanced curriculum, additional materials and resources, and monitoring to ensure compliance. The Section also settled the longstanding St. Louis school desegregation case, Liddell and United States v. Board of Education of the City of St. Louis. The settlement agreement reached in that case provided for desegregation transfer opportunities for approximately 9000 city students, new facilities in the city in excess of $200 million, and funds to continue and expand remedial programs, including pre-school, full day kindergarten, and desirable class sizes, at a cost of approximately $60 million per year for ten years.

Disability Rights Section--participated in over 100 lawsuits, over 1,500 investigations, and 345 referrals for mediation. A total of 13 states had submissions of building codes for certification with the Americans with Disabilities Act (ADA) standards, and Federal agencies submitted more than 40 policy review requests. Our extensive ADA educational efforts through technical assistance delivered over 5,000 small business inquiries, over 106,000 information line responses, almost six million website "hits" (primarily downloading information) and over eight million documents for distribution.

The Section's efforts result in hundreds of formal and informal resolutions of individual complaints a year. We have over the past year filed suit and obtained favorable rulings on such diverse subjects as failure to design, construct, and operate stadium style movie theaters (wheelchair seating only in front rows), and modification of day care "no meds" policy to accommodate children with asthma who use inhalers. We have also entered formal settlement agreements resolving a title I complaint alleging a hospital discriminated against a nurse with HIV by suspending him because of his disability; providing for the upgrade of 9-1-1 equipment after failing to respond to a 9-1-1 TDD call; providing access to a city council chamber and related offices; providing a sign language interpreter for a driver training course; and providing assistive listening devices in a theater. In one settlement over $560,000 in damages was paid by a respondent that refused to lease office space to a nonprofit organization that serves people with disabilities.

C. FY 2001 Performance Goals and Indicators

--Reduce illegal use of force by state and local law enforcement officials under color of law--this purpose is served by the successful prosecution of law enforcement misconduct cases.

--Reduce hate crimes and modern day slavery/involuntary servitude as activities that occur within the United States--this purpose is served by the successful prosecution of hate crimes involving race, church arson, abortion clinics, and worker exploitation.

--Promote and advocate the fair and full enforcement of federal civil rights laws--all Civil Rights Division attorneys pursue proven violations of civil rights laws to ensure four end results: an end to the discriminatory practice; relief for victims; access to information to assess compliance during a period of oversight; and, a mechanism to enforce compliance.

--To maximize use of resources, the Civil Rights Division is committed to apply its broad pattern or practice authority to vindicate the public interest in ensuring compliance with federal civil rights laws--this purpose is served when we file pattern or practice cases to end systemic violations of federal laws in housing, lending, employment, education, and the rights of institutionalized persons.

--Encourage the voluntary compliance with civil rights laws through both vigorous criminal and civil prosecutions of alleged violations and through programmatic outreach and education efforts;

--Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's justice system--this purpose is served by our participation in task forces involving church arsons, abortion clinic violence, and worker exploitation.

--Improve development and effectiveness of, as well as compliance with, the Nation's civil rights laws through participation in appellate litigation addressing issues with broad impact or first impression--this purpose is served by our participation in appellate litigation where desired results are achieved which impact broadly on the civil rights of all Americans.

--Defend against challenges to laws and programs that promote opportunity for traditionally excluded individuals.

--Assist in the development of federal civil rights policy by (a) analyzing proposed legislation that affects civil litigation, appeals and criminal prosecutions arising under federal civil rights statutes and (b) maintaining cooperative relationships with all federal agencies with civil rights enforcement responsibility, and components within the Department of Justice, including the United States Attorneys Offices.

--Use Alternative Dispute Resolution, where appropriate, to resolve cases and other matters;

--Achieve excellence in management practices by seeking to standardize case and matter reporting, implement time reporting requirements for staff and improve public access to information about the enforcement and outreach program of the Civil Rights Division--this purpose is served by the design and implementation of management systems that are integral to doing our job better.

D. Major FY 2001 Initiatives

CRT's program increase request will support the following program initiatives:

Fighting Crime--$482,000 and eight positions to eradicate egregious criminal activities. This increase will provide resources necessary to enhance the Division's ability to investigate and, where warranted, prosecute civil rights violations in the areas of hate crimes, color of law, and abortion clinic violence. (Civil Rights Prosecution/Criminal Section)

Americans With Disabilities Act (ADA)--$2,253,000 and 29 positions to fulfill the promise of the ADA. The year 2000 marks the tenth anniversary of the enactment of the Americans with Disabilities Act. Congress charged the Civil Rights Division with the responsibility to open the mainstream of American life to over 50 million Americans with disabilities and their families. The first decade of ADA implementation has opened opportunities for millions of Americans. To fulfill the promise of this historic legislation, the Civil Rights Division's FY 2001 budget request seeks program enhancements for a comprehensive initiative to meet the remaining unmet needs of people with disabilities throughout the nation. (Disability Rights and Special Litigation Sections)

Police Misconduct, Civil Enforcement--$656,000 and five positions to combat abusive, discriminatory, and other unconstitutional actions by law enforcement officials and strengthen the capabilities to conduct investigations of complaints of police misconduct. Through "pattern or practice" investigations, lawsuits, and settlements, the Division is implementing remedies for specific law enforcement agencies engaged in illegal conduct. (Special Litigation Section)

Abuse and Neglect in Institutions--$389,000 and three positions to carry out the Administration's initiative to combat abuse and neglect in institutions, to protect the rights of nursing home residents and youth in juvenile detention and correctional facilities, and to address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will enhance significantly our law enforcement efforts by increasing the number of investigations, settlements, and cases and by strengthening our monitoring of settlements to ensure compliance. (Special Litigation Section)

Section 5 Post-Census 2001 reviews and litigation--$1,770,000, six full-time positions and five temporary positions to assist in the review, required by the Voting Rights Act, of numerous

redistrictings and other voting changes that will follow the 2000 Census. Specifically, $690,000 will provide the funding necessary for the positions that are required for the timely review of Section 5 voting changes and redistricting proposals submitted by covered jurisdictions. The remaining $1,080,000 will be used for technology improvements and funding to acquire technical expertise for the conversion of data into the digital format compatible with the Division's GIS system. (Voting Section)

Fighting for Fundamental Opportunities -- $2,765,000 and 19 positions to expand programs fighting for basic civil rights in priority areas. This funding would provide resources necessary for improvements in the following areas:

Appellate--$143,000 and two positions. Since the work of this program is closely related to the activity of the litigative programs within the Division, we anticipate over the next few years that more litigation in these areas will result in a greater number of appeals.

Employment Litigation--$189,000 and three positions. As a result of streamlining operations at the Equal Employment Opportunity Commission, the number of individual charges of discrimination referred to the Section is expected to increase dramatically. These resources will provide the Section with adequate personnel to address this increased demand.

Educational Opportunities--$189,000 and three positions to attack in-school segregation, insuring that desegregation has been achieved, promoting diversity, and insuring that non-English speaking students have access to an effective educational experience.

Coordination and Review--$189,000 and three positions to provide training to federal agencies and state and local governments on the legal requirements and investigatory techniques applicable under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

Housing and Civil Enforcement--$250,000 for computer software and technical support to assist the Section in the review of records of lending institutions.

Reach out to under-served immigrant communities--$530,000 and eight positions to fight immigration fraud and inform the immigration communities of their rights under the law and address new legislative requirements under ACWIA. (Office of Special Counsel)

Division-wide technology and mediation requirements--Additional resources are sought to meet litigation support requirements ($1,275,000). This will provide a flexible vehicle to respond to urgent litigation needs and support a diverse array of services throughout the Division.

Administrative Management Section--$441,000 and 13 positions are required to maintain adequate levels of support to the Division's litigative components and meet new and increased reporting requirements as a result of legislation.

E. Data Validation and Verification

Civil Rights Division (CRT) performance data is captured from Section records, consisting of case management and correspondence tracking systems, docket records and files. Information is supplied by each Section and verified and validated by Section managers. The present system has data limitations. Most significantly the Sections do not uniformly report information to the case management system, instead relying on internal auxiliary reporting systems.

CRT is in the process of completing the design phase of a new Interactive Case Management (ICM) system which will be operational in all CRT sections by July 2000. This new ICM has been introduced into our Housing and Civil Enforcement, with pilot testing to follow later this fall. When fully operational the new ICM will have three components: case and matter information, correspondence tracking and time reporting. From a functional standpoint, ICM will:

--provide consistent, timely and accurate information to Division managers;

--have internal controls for quality assurance, including: procedures for the routine review of the timeliness of case data and listings; generation of exception reports, listing data which is questionable or inconsistent; and, monthly reviews of reports by attorney managers for data completeness and accuracy;

--be a primary source of information for meeting the reporting requirements of the Government Performance Results Act through time reporting by case or matter activity for all attorneys and professional staff within the Division.

F. Crosscut of positions, FTE and Dollars

Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Civil Rights Division

	Positions	FTE	Amount ($000)
FY 1999	581	589	$74,821
FY 2000	671	639	82,150
FY 2001	754	730	97,922

All budgetary resources requested for the Civil Rights Division, 754 positions, 730 FTE and $97,922,000, support Goal 1 of Core Function 3 of the United States Department of Justice Strategic Plan 1997 - 2002:

Protect the Civil Rights of All Americans.

In order to achieve the Division's performance goals in FY 2001, it must be able to secure the requested budgetary resources thereby enabling it to: (1) address the massive influx of workload it will be confronted with in reviewing redistricting submissions, as mandated by Voting Rights Act (as a result of the 2000 Census); (2) step up the fight against hate crimes, police misconduct and other priority criminal civil rights matters; (3) continue to expand Americans with Disabilities Act initiatives; (4) enhance efforts in the battle against housing and lending discrimination; and (5) protect fundamental civil rights opportunities in the areas of education, employment fraud, and the treatment of individuals in nursing home and other institutions.

In FY 2001 the Division will continue to dedicate increased resources on broad pattern or practice litigation. This type of litigation not only has a broad impact, but often results in systemic changes to defendants practices and serves as a signal to others to voluntarily review their practices to determine compliance with civil rights laws.

To carry out these responsibilities, the Division will be heavily dependent on having a solid infrastructure. Specifically, this includes having: (1) an automated Geographical Information System fully implemented; (2) adequate litigation support resources to foster maximum performance and efficiency thereby providing a flexible vehicle to respond to urgent litigation requirements; (3) full implementation of an upgraded office automation system, thus providing the Division's attorneys and support staff with the required desktop automation tools; (4) a fully implemented Interactive Case Management system to track and monitor case-related activity; and (5) prior year Section 5 microfiche submissions converted to an imaging system, thereby enabling the Division to perform compulsory tasks of researching and analyzing historical redistricting documents.

Further, CRT will require trained staff on-board with the legal and analytical skills necessary to address the increasingly complex litigation the Division is expected to be confronted with in FY 2001. Specifically in the Voting Section, in order to meet the mandated responsibilities associated with Section 5 of the Voting Rights Act, the Division will need additional staff, hired and trained to analyze the overwhelming flood of redistrictings submitted to the Attorney General.

G. Summary-level Performance Indicators

Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

CORE FUNCTION 3: LEGAL REPRESENTATION, ENFORCEMENT OF FEDERAL LAWS, AND DEFENSE OF U.S. INTERESTS

Civil Rights Division Key Summary Level Indicators	1998 Actual	1999 Actual	2000 Planned	2001 Planned
3.1 Number of investigations and prosecutions of hate crimes and cooperative efforts made with state attorneys general, local prosecutors and law enforcement officials, and community groups (CRT)				
Hate Crime Investigations	461	615	676	743
Hate Crime Prosecutions	17	31	34	50
Percentage of increase in pattern or practice cases. (CRT, USAs, FBI)	76/13%	76/0%	82/8%	95/16%
Number of complex voting cases successfully litigated. (CRT and USAs)	3	3	3	3

Civil Rights Division
Salaries and Expenses, General Legal Activities
Program Performance Information
(Dollars in thousands)

	Perm. Pos.	FTE	Amount ($000)
Appellate			
2000 Appropriation Enacted	29	28	$3,557
2001 Base	29	28	3,756
2001 Estimate	31	29	3,899
Increase/Decrease	2	1	143

BASE PROGRAM DESCRIPTION: This program has primary responsibility for handling the Division's work before the United States Supreme Court and the courts of appeals, for giving legal advice to federal agencies and other organizations within the Department and the Division, and for resolving appeals of decisions rendered by the Division's Office of Redress Administration. Most of our work consists of preparing briefs and presenting oral arguments in the courts of appeals and preparing briefs for filing in the Supreme Court in civil rights cases in which the United States participates as a party or as amicus curiae. These tasks require a thorough and independent examination of the entire record and the relevant legal authorities in each case.

The Appellate Section has continued, over the past few years, to maintain a significant caseload and a very high rate of productivity. From October 1, 1998 through September 30, 1999, the Appellate Section filed 117 papers of substance in the Supreme Court and in the courts of appeals. This is comparable to our output over the last three fiscal years, and represents an increase over 83 such filings in FY 1994 and similar numbers in prior years. Seventy-three percent of all merits decisions for FY 1999 were in full or partial accord with the Division's contentions. The Supreme Court reached the merits in 12 cases, nine of which were favorable to the Division, and consistent with the position taken by the United States as amicus curiae.

The courts of appeals rendered 68 merits decisions, 49 of which were in full or partial accord with the Division's contentions. We have had particular success during this period in cases in which we intervened to defend Congress's abrogation of the States' 11th Amendment immunity in various civil rights statutes. We have also had success in the courts of appeals in cases construing the Americans with Disabilities Act.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Federal Appellate	2	1	$143

A program increase of two attorney positions, one FTE and $143,000 is requested.

The Appellate Section's caseload and productivity has increased steadily over the past few years due to an increase in the number of criminal prosecutions we continue to defend, as well a rise in litigation under Freedom of Access to Clinic Entrances, the National Voter Registration Act, and the American with Disabilities Act. In addition, the Division continues to intervene in cases to defend the constitutionality of various abrogations of civil rights statutes as valid Section 5 legislation. Since the work of this program is closely related to the activity of litigative programs, we anticipate over the next few years that more litigation in these areas will result in a greater number of appeals and a significant increase in this Section's attorney workload as well. Without these additional attorney positions, it will be increasingly difficult for the Appellate Section to maintain its caseload, and might make it necessary to reduce the number of cases in which we participate as amicus curiae.

	Perm. Pos.	FTE	Amount ($000)
Civil Rights Prosecution			
2000 Appropriation Enacted	81	71	$8,385
2001 Base	81	81	9,719
2001 Estimate	89	85	10,434
Increase/Decrease	8	4	715

BASE PROGRAM DESCRIPTION: This Section is responsible for the investigation and prosecution of violations of federal criminal civil rights statutes which were designed to protect personal liberties, including:

Two statutes, passed during Reconstruction and amended in 1988, that prohibit persons from acting under color of law, or in conspiracy with others, to interfere with an individual's federally protected rights;

Criminal provisions of the Civil Rights Act of 1968, which prohibit using force or threats of force to injure or intimidate any person involved in the exercise of certain federal rights and activities;

A law which proscribes interference with persons in the exercise of their religious beliefs and the destruction of religious property. On July 3, 1996, the President signed the Church Arson Prevention Act of 1996, which amended 18 U.S.C. §247 strengthening the criminal law against church burning and

desecration by lessening the interstate commerce requirement, adding a racial motive element, and eliminating the $10,000 damage requirement;

Criminal provisions of the Freedom of Access to Clinic Entrances Act ("FACE"), which prohibit conduct intended to injure, intimidate or interfere with persons seeking to obtain or to provide reproductive health services; and,

Other statutes that prohibit the holding of individuals in peonage or involuntary servitude.

During FY 1999, the Section received more than 12,000 complaints alleging criminal interference with civil rights, approximately 3,600 have required investigation by the Federal Bureau of Investigation. A substantial majority of the complaints involved allegations of official misconduct, especially allegations of physical abuse by law enforcement officers. This year, 72 new investigations were presented to the grand jury and 89 cases were filed charging 138 defendants. Trials were conducted in 33 cases resulting in the conviction of 26 defendants and the acquittal of 23. In addition, guilty pleas were entered by 72 defendants.

Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by the Criminal Section, continue to be a high priority. Many officials, including police officers, deputy sheriffs and state and federal prison correctional officials have been charged with having used their positions to deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches. For example, six police officers with the Honolulu Police Department were charged for allegedly striking, kicking and assaulting the victim inside a cell at the receiving station as well as conspiring to cover up the beating by filing false reports and holding meetings to discuss the continuing cover up. In addition, one of the officers was also charged with obstruction of justice by using threats to gain the victim's silence about the beating. Two of the officers pled guilty to beating the victim at the receiving station while the four remaining defendants are awaiting trial.

Incidents of racial/religious violence (also known as hate crimes) remain another priority area for prosecution, especially when hate groups are involved. During FY 1999, 31 racial violence cases were filed charging 46 defendants in connection with crimes such as cross-burnings, arson, vandalism, shootings and assault. Thirty-eight defendants, including some defendants charged in past fiscal years, have been successfully prosecuted either by conviction or guilty plea. For example, four defendants, two of whom identified themselves as white supremacists, were charged in connection with two separate incidents of criminal interference with the housing rights of an Hispanic family living in Lake Havasu City, Arizona. Three of the four defendants entered guilty pleas while the fourth defendant was convicted at trial. Similarly, in Kansas, two defendants pled guilty and a third was convicted at trial for constructing and igniting a wooden cross in the driveway of the home of an African American man and his family in an effort

to threaten and intimidate them. Recently, defendant Buford O'Neal Furrow, Jr., an avowed racist and anti-Semite, was charged with federal criminal civil rights charges following his August 10, 1999, premeditated, hate-motivated plan to murder Jews, people of color, and nonwhite government workers in order to send a message of intolerance across the United States. As a result of his actions, five members of a Jewish Community Center were shot and injured and Joseph Ileto, a Filipino-American postal worker was fatally shot.

In June of 1996, at the direction of the President and the Attorney General, the National Church Arson Task Force (NCATF) was established to address the recent rash of fires across the nation, many at predominately black churches. On October 1, 1998, the National Church Arson Task Force's (NCATF) prosecution responsibilities were absorbed formally and entirely by the Criminal Section. During FY 1999, six cases involving arsons at houses of worship have been filed.

The Section is also tasked with enforcing the criminal provisions of the Freedom of Access to Clinic Entrances Act (FACE), whereas the Special Litigation Section within the Division enforces the civil provisions. Beginning in April, 1996, with the conclusion of the FACE Task Force staffed by attorneys from both the Criminal and Civil Rights Divisions, all pending criminal FACE investigations were integrated into the work of the Section. All criminal investigations relating to FACE are handled and/or monitored solely by the Section. However, in response to a recent wave of violence directed at abortion providers, including the fatal shooting of Dr. Barnett A. Slepian, threats of anthrax exposure at several clinics in Indiana, Tennessee and Kentucky, isobutyric acid attacks at approximately 20 health care clinics in Florida, Louisiana and Texas, and arson and attempted bombings at two clinics in the Fayetteville, North Carolina area, the Attorney General announced the establishment of the National Task Force on Violence Against Health Care Providers to coordinate the investigation and prosecution of those responsible for these attacks. Since the enactment of the FACE statute in May 1994, the Section has received numerous complaints of possible violations of the Act, all of which have required investigation, review and response. To date, the Section has opened 377 reproductive health care violence and obstruction investigations, 34 of which have become prosecutions.

The Criminal Section continues in its efforts to deter the victimization of migrant workers and other minorities in violation of the involuntary servitude and peonage statutes. In April of 1998 the Attorney General approved the creation of an Inter-Agency Task Force to Combat Worker Exploitation to be co-chaired by the Acting Assistant Attorney General for Civil Rights and the Solicitor for the Department of Labor. This task force which is spearheaded by lawyers from the section is designed to aggressively combat worker exploitation in a systematic, proactive fashion and to enhance the investigation, prosecution and prevention of worker exploitation cases throughout the United States.

In this area, seven defendants in Florida were sentenced to terms of incarceration ranging from 30 to 180 months in prison for their guilty pleas to federal violations including involuntary servitude, harboring aliens for prostitution and alien smuggling in connection with a scheme to smuggle juveniles and adults from

Mexico to south Florida with the promise of work as seasonal agricultural laborers, in domestic services, or in restaurants. Once in the United States, however, the victims were forced to work as prostitutes to pay off their smuggling fees. In another case, after an extensive investigation by Criminal Section lawyers, three defendants recently pled guilty to federal charges for involuntary servitude and related offenses against ten Chinese-Korean women who were brought to the Commonwealth of the Northern Mariana Islands under the false pretense of being employed as waitresses and forced into prostitution and debt servitude by the defendants.

Lawyers from the Criminal Section continue to participate in many training and outreach programs relating to criminal civil rights enforcement. For example, we participate in training of border patrol agents along the southwest border, FBI In-Service Training of local law enforcement supervisors from across the country at the FBI in Quantico, prison officials in a program sponsored by the Texas prison system, and in the Hate Crimes Working Group as well as a newly formed Excessive Force working group. We also participated in two separate International programs in Budapest and Russia.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Civil Rights Prosecution	8	4	$715
Hate Crimes	5	3	293
Official (Police) Misconduct	3	1	189
Multi-Activity--Litigation Support	...	...	233

The Section is seeking eight positions, four FTE workyears and $482,000: Hate Crimes, five positions (three attorneys, one paralegal and one clerical), three FTE workyears and $293,000; Official (Police) Misconduct, (two attorneys and one paralegal), one FTE workyear and $189,000.

Hate Crimes

The effect of increased attention devoted to the incidence of hate crimes under reporting provisions of the Hate Crimes Statistics Act, has resulted in a continued increase in complaints received by the program.

Legislation is still pending to broaden federal jurisdiction by amending the civil rights statute that makes it a crime to violently interfere with certain federally protected activities. The new proposal would add sexual orientation, gender and disability status to the categories of bias motivation that could form the basis for federal prosecution, as well as remove the federally protected activities provision that limits the reach of the statute now. Cooperation by state district attorneys and attorney generals following the approval of a memorandum of understanding involving those parties and the Section has resulted in increased

coordination efforts in this area. The Section's ability to investigate and prosecute hate crimes in compliance with the newly enacted statute in addition to investigating and prosecuting incidence of police brutality, violations of the Freedom of Access to Clinic Entrances Act and violations of involuntary servitude and slavery laws in a timely and effective manner will be seriously impeded without the additional requested resources.

Additionally, the effects of the expansion of the Civil Rights Division's hate crime responsibilities relating to church arson in the wake of the enactment of the Church Arson Protection Act has increased the number of investigations and prosecutions brought under those statutes. On October 1, 1998, the National Church Arson Task Force's (NCATF) prosecution responsibilities were absorbed formally and entirely by the Criminal Section. Two section attorneys have been devoting their full time attention to prosecuting one defendant in several judicial districts in connection with the religiously motivated arsons at a total of nineteen churches across the country. The investigation is ongoing to determine how many other church arsons may be attributed to this man.

The Civil Rights Division was given additional resources during FY 2000, translating into approximately 13 new attorney positions for the Criminal Section. This increase marks the first increase in approximately five years. Given the 40 percent increase in complaints received from the FBI during that period, the increase merely allows us to keep pace with the greater number of matters for which the Section is responsible. In fact, our current staff has been operating under a maximum workload, making it difficult for lawyers to focus as quickly as needed on prosecutable matters. Most Criminal Section lawyers are coordinating and developing an investigative docket of well over 100 matters. Even with the increase, lawyers will only see a slight drop in their docket responsibilities. These responsibilities are combined with extensive prosecution duties as well as training and outreach efforts.

An increase of two paralegal positions would ensure the availability of paralegal assistance in connection with complex grand jury investigations and prosecutions without impairing the ability of the Section to review and respond to citizen complaints in a prompt, thorough manner. The additional secretarial positions are needed to accommodate existing clerical shortages as well as to accommodate the strains which will be presented by the increase of staff members.

Official (Police) Misconduct

The number of grand jury investigations initiated during FY 1998 was the highest number of grand jury investigations ever initiated in one year and nearly half of those investigations related to incidents involving official misconduct. During that same year, a record number of law enforcement officers were charged with criminal civil rights violations. During FY 1999, the Section filed a total of 10 more cases than were filed in FY 1998. Nevertheless, fewer total law enforcement defendants were charged, demonstrating the need for additional resources to investigate and prosecute incidence of official

misconduct. The simultaneous demands of presenting new matters to grand juries for indictment, and of conducting those prosecutions once indictments are returned reduces the time available to review and to develop other incoming incidents that warrant prosecution. To be successfully prosecuted, complex and thorough grand jury investigations must be conducted. The victims of most official misconduct cases tend to be unsympathetic while the defendants are often well respected members of the community. As a result, virtually all of these cases require extensive and time consuming investigative efforts on the part of both lawyers and investigators. The Attorney General continues to express interest and concern in incidences of police misconduct occurring across the country. As a result, we anticipate even more law enforcement cases to develop and more law enforcement officers to be charged.

Additionally, the defense bar has become increasingly aware and aggressive on the Garrity issue in connection with prosecutions of law enforcement officers. In 1963 the Supreme Court in the Garrity case addressed the Fifth Amendment rights of public employees, holding that if employees are compelled to make statements as part of an administrative investigation, those statements cannot be used against them in a criminal prosecution. The Supreme Court again addressed the issue in the appeal stemming from the Rodney King case, resulting in a higher profile of this defense-oriented theory. Consequently, we have had to spend considerable lawyer resources on many complex official misconduct cases to meet these challenges. The Criminal Section often must now designate a Garrity team of lawyers to review Garrity documents and issues which arise and to represent the government during court hearings. In some complex prosecutions, the Garrity issue requires a parallel team of lawyers and paralegals, essentially doubling the staffing costs.

Participation in training and outreach programs relating to criminal civil rights enforcement issues is becoming more and more demanding for Criminal Section attorneys. For example, two attorneys participate in monthly training of border patrol agents along the southwest border. Several senior trial attorneys also participate in FBI In-Service Training of local law enforcement supervisors from across the country at the FBI in Quantico. These training sessions include multiple sessions held on a quarterly basis covering various criminal civil rights issues. We also participate in the training of prison officials in a program sponsored by the Texas prison system, and two attorneys participate in the Hate Crimes Working Group as well as a newly formed Excessive Force working group. As our training and outreach obligations increase, additional attorneys resources must be allocated to allow the Section to continue aggressively pursuing prosecutions and investigations while at the same time providing appropriate and much needed training and participation in community outreach programs.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $233,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Special Litigation			
2000 Appropriation Enacted	60	50	$5,978
2001 Base	60	57	6,918
2001 Estimate	71	62	8,269
Increase/Decrease	11	5	1,351

BASE PROGRAM DESCRIPTION: The Special Litigation Section enforces a variety of federal statutes to secure and protect significant constitutional and statutory rights of the nation's citizens. Section staff safeguard the health and safety of individuals confined in state and local institutions across the nation; enable unimpaired access to reproductive health facilities and places of religious worship; protect citizens against a pattern or practice of police misconduct; and prohibit discrimination in public facilities on the basis of race, religion, national origin, and disability.

The specific statutes the Section enforces include:

Civil Rights of Institutionalized Persons Act (CRIPA): This Act authorizes the Attorney General to investigate conditions of confinement at certain state and local residential institutions (jails, prisons, juvenile facilities, and facilities for the mentally ill, developmentally disabled, and chronically ill) and to initiate civil suits to ensure the protection and full enjoyment of constitutional and federal statutory rights where reasonable cause exists to believe there is a pattern or practice of denying persons confined to such facilities of their rights.

Freedom of Access to Clinic Entrances Act of 1994 (FACE): This Act authorizes the Attorney General to investigate and initiate civil litigation to obtain temporary, preliminary, and permanent injunctive relief, civil penalties, and damages in cases where force or threats of force, physical obstruction, or property damage interfere with persons seeking or providing reproductive health services or where such activities interfere with the exercise of religion at places of worship.

Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994: This Act authorizes the Attorney General to initiate civil litigation to remedy a pattern or practice of violations of constitutional and statutory rights by law enforcement officials.

Omnibus Crime Control and Safe Streets Act of 1968, as amended: This Act authorizes the Attorney General to initiate civil litigation to remedy a pattern and practice of discrimination based on race, color, national origin, gender or religion involving services by law enforcement agencies receiving federal financial assistance.

Title III of the Civil Rights Act of 1964: This Act prohibits discrimination in public facilities on the basis of race, religion, or national origin.

Under CRIPA, the Section protects the civil rights of persons institutionalized in state or local psychiatric hospitals, nursing homes, mental retardation facilities, prisons, jails, and juvenile correctional facilities. As required by CRIPA, the Section's focus is on widespread "egregious and flagrant" conditions that pose life-threatening risks to the residents of these facilities. Recent media exposés have examined the Section's work in a variety of institutions across the country and have lauded its work in curbing abuse, neglect, and other dire conditions. CRIPA investigations and cases are extremely labor-intensive. The Section conducts preliminary inquiries, investigations, site visits, statutorily required pre-filing negotiations, as well as all law enforcement activities including post-judgment monitoring, compliance reviews and compliance actions.

The Section opened CRIPA investigations of six facilities in FY 1999 and continued its investigations of an additional 58 facilities. In addition, during FY 1999 the Section obtained settlement agreements which addressed violations at six mental retardation facilities in Puerto Rico; six correctional facilities in the Commonwealth of the Northern Mariana Islands; one facility for the visually handicapped in New Mexico; and one mental health facility in Virginia; as well as local jails in Arizona and Georgia. In addition, the Section successfully negotiated settlements of issues involving sexual misconduct by officials of six Arizona and Michigan women prisons. The Section monitored jurisdictions' compliance with settlement agreements in 116 facilities. During the fiscal year, the Section sought and obtained contempt findings in two cases involving persons with mental retardation in Tennessee and the District of Columbia. The Section continues to participate in a number of pre-CRIPA cases including Wyatt v. Sawyer (M.D. Ala.)in which the United States is litigating amicus curiae regarding all the public psychiatric and mental retardation institutions in Alabama, and Battle and the United States v. Saffle (E.D. Okla.) regarding Oklahoma's prison system.

The Prison Litigation Reform Act (PLRA), enacted into law in 1996, continued to increase the Section's workload under CRIPA. The Act changes the standards for entering prospective relief in cases involving conditions in correctional facilities. The Section is currently investigating, litigating, or enforcing consent decrees in more than 80 prisons, jails, and juvenile correction facilities affected by the Act. Defendants have filed PLRA motions in cases affecting a large number of these facilities. These motions have increased the Section's workload. They raise issues about the constitutionality of the Act as well as substantive aspects of consent decrees and court orders. Attorneys and paralegal specialists often must tour the affected facilities to gather current information. We anticipate that the PLRA will continue to increase the Section's work at least through FY 2001.

The Section has implemented a number of measures to maximize its CRIPA efforts and ensure that resources are being used in an efficient manner. First, the Section has focused on securing statewide relief. For example, in FY 1999 the Section entered into a consent decree involving six public mental retardation

facilities in the Commonwealth of Puerto Rico. The Section also obtained a settlement agreement in FY 1999 concerning the provision of services to inmates of six correctional facilities in the Northern Mariana Islands. Second, the Section has developed and utilized a variety of enforcement devices to expand the effectiveness of its monitoring activities and facilitate compliance with outstanding decrees. In particular, the Section has utilized advisory panels, expert advisors, monitors, and special masters to assist with monitoring, provide technical assistance, and resolve disputes between the parties. Third, the Section has continued to use alternative dispute resolution techniques, including negotiation and mediation, to resolve CRIPA matters. For example, the Section participated in mediated settlement discussions before the Eleventh Circuit and the federal district court in Wyatt v. Sawyer (M.D. Ala.). Despite the Section's initiatives to maximize its efforts, requests to initiate new CRIPA investigations continue to far outweigh current staff resources.

In addition to its CRIPA enforcement responsibilities, Section staff handles the civil enforcement of FACE. The Section has devoted substantial resources to the development and litigation of civil FACE cases throughout the country. Thus far, 17 civil FACE cases have been filed. In FY 1999, section staff evaluated approximately 30 complaints of threats and interferences with access to facilities offering reproductive health services. The Section has been extremely successful in each of its civil cases, with the courts upholding FACE's constitutionality each time it has been challenged. Civil FACE actions have resulted in permanent injunctions which prohibit further unlawful activity and protect patients, doctors, and staff.

The Section has obtained injunctions prohibiting defendants from blocking clinic driveways and entrances and ordering defendants to stay a certain distance from doctors, their spouses and children. Restrictions have been obtained on the use of bull horns. In all, the Section has obtained nine preliminary injunctions, twelve permanent injunctions, and six orders of contempt.

The Section remains firmly committed to investigating and prosecuting to the full extent of the law all acts of violence against those who provide and seek reproductive health services. In view of the sensitivity of this issue and the potential for violence which exists at certain clinics, this workload will continue to require immediate response by Section staff.

The House Judiciary Committee Report on the parent legislation to the Violent Crime Control and Law Enforcement Act of 1994 underscores the dramatic need for federal intervention in dealing with the issue of police misconduct. That report cites testimony from police chiefs of ten major American cities that "the problem of excessive force in American policing is real." Further testimony to that Committee asserted that "police use of excessive force is a significant problem in this country, particularly in our inner cities." Because the Department of Justice lacked pattern or practice authority to address such police misconduct, Congress granted authority in 1994 to remedy pattern or practice of police misconduct through civil actions for injunctive relief. Under Section 210401, Section staff review complaints of misconduct by law enforcement officials and determine whether a pattern or practice of such activity exists. This statute covers a variety of concerns about police misconduct including excessive force, failure of departments to

investigate officers and discipline misconduct, discriminatory harassment, stops, search, seizure and arrests, coercive sexual conduct and retaliation for the exercise of rights. The Section is also using this statute as an adjunct to its CRIPA cases in juvenile detention facilities where there is a pattern or practice of abuse by juvenile detention officers.

The Special Litigation Section has developed a plan for enforcement, specifying that it will investigate both large and small law enforcement agencies based on a broad array of allegations of police misconduct. In 1997, the Section filed its first complaints and consent decrees addressing a pattern or practice of police misconduct by the Pittsburgh, Pennsylvania Bureau of Police and the City of Steubenville, Ohio. The agreements specify a variety of remedies which will improve supervision of officers, community complaint procedures and internal investigations of misconduct by defendants. In FY 1999, five additional investigations were launched; the Section began or continued preliminary inquiries into approximately 25 law enforcement agencies, and Section staff reviewed or fielded several hundred allegations of misconduct. The Section is continuing investigations of racial profiling in traffic stops and post-stop searches in five states. In FY 2000, the Section filed a complaint and settlement agreement in United States v. State of New Jersey (D. N.J.) regarding racially discriminatory traffic enforcement by State troopers. The decree in this case requires the appointment of an independent monitor to review and analyze implementation of the agreed upon relief. Also in FY 2000, the Section filed a complaint in United States v. City of Columbus (S.D. Ohio) regarding excessive force and related allegations of police misconduct. The Section is also participating in the Department-wide review of the policies followed by Department components in addressing the use of race or national origin in conducting law enforcement activities and in the Department-wide Police Misconduct Task Force. National media attention and outreach by Section leadership to citizen groups has led to an increased volume of complaints which is expected through FY 2003.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Special Litigation	11	5	$1,351
Police Misconduct	5	3	656
Civil Rights of Institutionalized Persons Act (CRIPA)	3	1	389
ADA Initiative (CRIPA facilities)	3	1	200
Multi-Activity--Litigation Support	...	...	106

The Section requests a program increase of eleven positions, five FTE workyears and $1,245,000 to carry out three Administration priorities: (1) protecting citizens against a pattern or practice of law enforcement misconduct; (2) ensuring institutionalized persons are receiving adequate mental health services; and, (3) continuing and expanding the initiative under the Americans with Disabilities Act to secure for

institutionalized persons access to full enjoyment of community services. The eleven positions include seven attorneys, one paralegal specialist, one investigator, and two program specialists. In addition, we request a budget of $500,000 to hire pre-litigative technical advisers to support our activities.

POLICE MISCONDUCT

- Three attorneys for law enforcement;
- Two program specialists for a new prevention unit; and,
- $300,000 for pre-litigative technical advisers to support our police misconduct work.

In 1994, the Special Litigation Section was given new civil enforcement responsibilities to investigate and remedy patterns and practices of police misconduct. Section 210401 the Violent Crime Control and Law Enforcement Act of 1994 authorizes the Attorney General to seek equitable and declaratory relief to redress patterns and practices of illegal conduct by law enforcement agencies as well as agencies responsible for the administration of juvenile justice. At the same time, the Section also was delegated responsibility for enforcing "pattern or practice" authority contained in the Omnibus Crime Control and Safe Streets Act of 1968, which authorizes the Attorney General to initiate civil litigation to remedy a pattern or practice of discrimination based on race, color, national origin, gender or religion by law enforcement agencies receiving federal financial assistance.

The demand for "pattern or practice" investigations of major police departments is growing. A small number of police departments are contacting the Department to request an investigation of their operations. Also, a series of violent events in other jurisdictions have necessitated investigations. Additionally, the Section is increasingly being called upon to identify and disseminate law enforcement "best practices" to assist law enforcement agencies in preventing patterns or practices of misconduct from developing. This includes the development of policies and training concerning permissible and impermissible use of race in police work, the development of "use of force" policies and monitoring techniques, and the development of so-called "early warning" systems to assist management in identifying at-risk officers, units, and situations.

The Section is requesting an increase in FY 2001 of five positions (three attorneys, and two program specialists) to ensure a reasonable response to the demands of citizens throughout the nation for the Department to expand its efforts to investigate, remedy, and prevent police misconduct. Three attorneys and one program specialist would be assigned to conduct new "pattern or practice" investigations, bring lawsuits, and monitor consent decrees. The Section would use the other resources (one program specialist) to establish a "best practices" unit that would help to coordinate the development of model policies and practices described above and would disseminate those policies and practices by engaging in outreach, training, and consultation to assist law enforcement agencies in preventing misconduct from occurring. The Section estimates that it will require $300,000 during FY 2001 to hire pre-litigative technical advisers to assist in this work.

With the five additional positions added to the Section, the Section anticipates opening 12 new police misconduct investigations during FY 2001 and fifteen new police misconduct investigations during FY 2002. These investigations would cover state and local police departments where the Section has received allegations of widespread, egregious violations of constitutional and federal statutory rights. The Section will focus on jurisdictions with the most serious allegations of unlawful activity and will concentrate on investigations that pose an opportunity for a significant precedential impact. In addition, the Section will utilize some of the resources to develop investigations of alleged racial or ethnic profiling by law enforcement. With the additional FY 2001 positions, the Section anticipates filing lawsuits or settlement agreements to resolve unlawful practices in three police departments during FY 2001 and seven settlement agreements in FY 2002.

The additional positions for outreach, training, and consultation will enable the Section to establish a comprehensive program for assisting law enforcement agencies and local communities in promoting police integrity and preventing misconduct.

Civil Rights of Institutionalized Persons Act

- Two attorneys and one investigator to enforce CRIPA (focusing on mental health issues in all institutions subject to CRIPA);
- One attorney to enforce CRIPA and ADA (focusing on community access issues);
- One attorney and a paralegal to staff a new CRIPA prevention unit; and,
- $200,000 for pre-litigative technical advisers to support the Section's institutional work.

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The Special Litigation Section has responsibility under the Civil Rights of Institutionalized Persons Act (CRIPA) for investigating conditions in public residential facilities and filing civil suits to ensure that residents are protected from harm and receive adequate care and treatment. The Section's work in this area cuts across four major initiatives of the Administration and the Department: nursing homes; juvenile facilities; protecting institutionalized persons from abuse and neglect; and, ensuring that institutionalized persons received adequate mental health services.

The Section will use two of the additional attorney positions and one investigator position to help carry out the Administration's initiative to address the mental health needs of individuals in correctional and health care facilities. One of the additional attorney positions will help enforce the ADA's community access requirements for persons in mental retardation or mental health facilities, or nursing homes who are determined by professionals to be able to receive appropriate services in community settings. In addition, we will create a new CRIPA prevention unit for outreach, training, and consultation and to coordinate the multiple and varied federal efforts to protect the rights of institutionalized persons.

Currently, the Section is investigating, monitoring, and litigating conditions in more than 200 institutions nationwide. Because CRIPA matters involve systemic deficiencies in multiple areas, both voluntary and

coerced remedial efforts often take many years to accomplish. The Department's increased emphasis on community placement has created an obligation to ensure that when institutionalized persons are transferred to the community, they receive safe and adequate services. As a result, the Section is now responsible for monitoring hundreds of community group homes. In the District of Columbia alone, we are responsible for monitoring 200 community homes for persons with mental retardation.

CRIPA/ADA Initiative

This initiative will focus enforcement efforts on lowering barriers that remain to basic community services for people with disabilities. Although most Americans rely daily on basic government services, persons confined to institutions are unable to access these services. Denial of access to these services is a violation of the Americans with Disabilities Act, 42 U.S.C. 12131. Persons with mental illness or mental retardation who reside in public facilities are frequently denied access to healthcare, vocational services, and community residential services which would permit them to live more meaningful lives. The Section will concentrate the efforts of one new attorney to develop issues of community access.

In addition, the Section will launch an initiative to assert the rights of persons confined in public institutions to adequate mental health services. Two attorneys and one investigator will seek to obtain relief on behalf of institutionalized persons who are being denied needed mental health treatment. The initiative will review services provided in civil and correctional settings under CRIPA investigation or enforcement. We anticipate that two new institutional cases and six new investigations will be initiated to vindicate the rights of institutionalized persons to adequate mental health care and community participation.

We propose hiring an attorney and a paralegal to staff a new CRIPA prevention unit. This unit will be responsible for outreach, training, and consultation. It will coordinate with other federal agencies and fulfill CRIPA's requirement of apprizing jurisdictions of federal technical assistance that may be available to remedy unlawful conditions. The unit also is in keeping with the Attorney General's emphasis on prevention and collaboration to address problems in institutions nationwide.

In addition, resources are needed for the retention of expert, pre-litigative technical advisers to assist with CRIPA investigations and in particular with investigations of mental health services. Such advisers are necessary to assist the Section in effectively identifying violations and in developing appropriate remedial measures to be shared with states and other jurisdictions.

There are no alternative ways to meet the Section's need for additional personnel for its CRIPA law enforcement activities. The Section has used U.S. Attorneys offices to the greatest extent possible, and will continue to do so. However, given the specialty nature of this area and its high visibility, there are limitations to using the U.S. Attorneys offices.

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With the increased resources, the Section anticipates opening eight new CRIPA investigations and filing four new cases in FY 2001 and ten new investigations, two settlements, and three new cases in FY 2002. The new staff will screen complaints, review thousands of documents, conduct tours of institutions with expert pre-litigative technical advisers, interview staff, prepare findings letters to describe the violations identified, if any, propose minimum remedial measures to address the identified deficiencies, negotiate settlements, and litigate against jurisdictions that do not correct deficiencies.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $106,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Voting			
2000 Appropriation Enacted	94	92	$10,297
2001 Base	94	98	10,822
2001 Estimate	100	104	12,926
Increase/Decrease	6	6	2,104

BASE PROGRAM DESCRIPTION: Section staff enforce laws designed to safeguard the right to vote of racial and language minorities and members of other specially affected groups, and designed to remove barriers to voter registration.

Enforcement responsibilities include:

- Rights Act of 1965 (VRA), which safeguards the right to vote of racial and language minorities and, in particular--
  - Prohibits practices that have a discriminatory result,
  - Requires federal preclearance of changes from specially covered jurisdictions to prevent discrimination, and
  - Requires the use of minority languages in the electoral process in certain areas;
- National Voter Registration Act (NVRA), which facilitates voter registration for federal elections by allowing voters to register by mail, when they obtain driver's licenses, or when they obtain services from various government agencies, and requires voter purges to be conducted under very controlled conditions; and

- Uniformed and Overseas Citizens Absentee Act, which provides a remedy for the late mailing of absentee ballots to members of the Armed Forces and to other citizens who are abroad.

The Section brings lawsuits to assure that minority voters are not excluded from the electoral process but have a fair opportunity to elect candidates of their choice. In May 1999, for example, we obtained a settlement order requiring Day County, South Dakota, to create a new sanitary district to replace the distrcit with boundaries drawn to exclude Indians from participation. As part of this effort, the Section participates in redistricting challenges brought under the standards enunciated by the Supreme Court in Shaw v. Reno and related cases to assure that minorities' rights are protected and that race is properly considered in the redistricting process. For example, during FY 1999 we helped to resolve challenges to Congressional districts in Louisiana and to senate districts in Florida.

The Section reviews thousands of changes required to be submitted to the Attorney General each year under Section 5 of the VRA, defends Section 5 litigation in court, and brings lawsuits to enjoin the enforcement of changes that have not received the required Section 5 preclearance. During 1999 we reviewed 3,800 submissions containing 12,900 changes of practices and procedures, with each change receiving individual attention, to make sure that discriminatory practices are not implemented. The Attorney General objected in February 1999, for example, to a change in the method of election for members of community school boards in New York City that would have made it more difficult for minority voters to elect candidates of their choice. And in response to the Attorney General's objection under Section 5 of the Rights Act to the State of Mississippi's exclusion of NVRA voters from participation in non-federal elections, a federal district court in October 1998 ordered the state to permit all persons registered under the NVRA to participate in all state and local elections.

In continuing our implementation of the congressional mandate to assure that minority language citizens are able to participate in the election process on an equal basis with native English speakers, we obtained settlement orders during 1999 requiring Passaic County, New Jersey, and Lawrence, Massachusetts, to create Spanish-language election information programs designed to make effective for Spanish-speaking citizens at every stage of the electoral process.

Where possible, we achieve compliance with the requirements of federal law without filing lawsuits. For example, during 1999 we persuaded the State of New Mexico and San Francisco County, California, to improve their bilingual election programs, for Native American and Chinese American voters, respectively; we convinced a Georgia county to discontinue reliance on an all-white club for staffing a racially-mixed polling place, a Mississippi county not to move a polling place to a location less accessible for the precinct's predominantly black electorate, and a Texas county to restore an early location in a majority Hispanic neighborhood.

During 2001 the Section will give priority to the following enforcement areas:

- Enforcement of prohibition of Section 2 of the VRA against practices with a discriminatory result.

Uncovering and remedying redistricting plans and methods of election, anywhere in the nation, that prevent blacks, Hispanics, and other minorities from having a fair opportunity to elect candidates of their choice.

- Defense of racially fair redistricting plans. Ensuring that redistricting plans properly designed to provide minority voters fair opportunities to elect candidates of their choice under constitutional standards are upheld.

- Enforcement of Section 5 of the VRA. Reviewing thousands of changes submitted under Section 5 and objecting to those found to be discriminatory, bringing lawsuits against jurisdictions using illegal practices or procedures, and defending Section 5 declaratory judgment actions.

- Enforcement of the minority language requirements of the VRA. Assuring that United States citizens who rely on Spanish, Chinese and other Asian languages, and American Indian and Native Alaskan languages have the same opportunity to participate in -related activities as English-speaking voters.

- Prevention of election day discrimination, vote fraud, and voter intimidation and harassment. Assuring that minority voters are protected from discrimination at the polls, denial of needed assistance in , fraud, intimidation, and harassment.

In addition, the Section will continue its vigorous enforcement of the NVRA to assure that voters are able to register to vote and to remain registered without interference or interruption and the Uniform and Overseas Citizens Absentee Act to remedy the late mailing of ballots to military and overseas voters and will continue to monitor the need for litigation under the Assistance for the Elderly and Handicapped Act to remedy the exclusion of disabled voters from polling places that do not satisfy accessibility standards.

In short, the Section has a crucial role in our society in assuring that the cornerstone of our democracy--the right to vote--is made available to all citizens, regardless of race, color, language, literacy, or other irrelevant factors; it must have the resources that will enable it to continue to carry out its responsibilities with vigor.

In order to provide the Section with the personnel and technology resources necessary to meet responsibilities associated with census 2000 redistrictings, program enhancements totaling $1,770,000, 11 positions (six full-time permanent and five term), and six FTE workyears are requested. The areas requiring additional resources are: Section 5 and litigation personnel related expenses, imaging technology, and microfiche conversion. The program enhancement narrative addresses the specific requirements of each of these categories.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
	6	6	$2,104
Section 5 and Litigation	6	6	690
Section 5 (Geographical Information System--Contractor Support)	...	...	850
Section 5 (Technology Upgrade)	...	...	230
Multi-Activity Program Changes:			
Litigation Support	...	...	334

A program increase of $690,000, six full-time permanent and five other-than-permanent positions (five attorneys, four paralegals, one program analyst, and one clerical) and six FTE workyears is being sought to provide the Section with sufficient resources to address litigation and Section 5 workload demands resulting from the 2000 Census. In addition to the personnel resources, $850,000 is requested to obtain personnel support necessary for converting data into the Geographical Information System (GIS); and, $230,000 for GIS technology upgrades.

SECTION 5 AND LITIGATION

With the addition of five attorneys and four paralegals, the Section will be able to respond to a greater than ten-fold increase expected in redistricting submissions under Section 5 of the Rights Act, including 48 statewide redistrictings; reduce average Section 5 response time by at least twenty days when expedited review is appropriate and by at least ten days in standard situations; and handle a redistricting litigation docket that will more than double.

With new population data available from the 2000 census, states, counties, cities, and school districts throughout the nation will be undertaking redistrictings to comply with the one person, one vote requirement. The primary mission of the Section during 2001 and the following few years is to enforce the VRA in a way that will facilitate the redistricting process – to enable jurisdictions to complete the redistricting process in a timely manner while assuring that minorities will have a fair opportunity to elect candidates of their choice under the newly adopted plans.

We expect in 2001 a dramatic increase in the number of redistrictings that are submitted for Section 5 review. While we received only 60 redistrictings in FY 1999 and expect to receive only about 50 in FY 2000, we expect to receive more than 1,000 redistricting plans per year to review under Section 5 in FY 2001, 2002, and 2003. In the last few years before decennial census results are released, redistricting activity falls to very low levels. But once 2000 census data are released in April 2001, jurisdictions will rush to prepare, adopt, and obtain VRA preclearance for new plans, so that elections in 2001 and 2002 can be held on schedule under new plans that satisfy the one person, one vote requirement of the Equal Protection Clause of the 14th amendment.

Our lawyers will be faced with new and far more difficult demands following the 2000 census than has been true of any preceding post-census period. The decisions of the Supreme Court of the United States in Shaw v. Reno and Miller v. Johnson have created a complex and challenging legal, political, and policy setting for the redistricting plans. The restriction that the Supreme Court has imposed on the extent to which jurisdictions can rely on racial considerations in drawing redistricting plans has not been well defined by the courts and is poorly understood by jurisdictions.

Following the 1990 census, the Section's litigation staff was heavily involved in the administrative review under Section 5 of redistricting plans, and as a result the Section's litigation capacity was diminished for several years. Following the 2000 census, we will need to have attorneys even more heavily involved in the Section 5 administrative review of redistricting plans, because of the difficulty and sensitivity of the legal and factual issues involved and the likelihood that the Section 5 review process will be followed by litigation. During FY 2001 we will have as many as 48 statewide redistricting plans to review. The more complicated and sensitive of these plans will require teams of lawyers and civil rights analysts, with significant involvement from Section and Division management. The five new attorneys will enable the Section to handle the increased number of redistricting plans.

Not only will the volume of redistricting and related submissions be at an unprecedented level, but election schedules and the exigencies of the legislative process will require the Section to handle a large proportion of these submissions on an expedited basis. While under the VRA, the Attorney General is given 60 days in which to make a determination (and that period can be extended if the jurisdiction does not provide sufficient information to permit a decision on the merits), we need to be in a position in which we can allow the election process to proceed on schedule by making more rapid decisions.

The receipt of submitted redistricting plans on electronic media and the use of a Geographic Information System (GIS) will speed our analysis of submitted plans, and our GIS capacity will enhance our analysis of submitted and alternative plans. But our experience has been that these technological advances do not by themselves reduce staff or time requirements, but rather they enable us to keep abreast with the technical sophistication of jurisdictions adopting plans and of other interested parties, which has resulted in a greatly increased complexity in the plans that are submitted for review. The Section 5 review of a redistricting plan requires a comparison of the submitted redistricting plan with the prior plan; a determination of the legal benchmark to be used in this comparison; an examination of why district lines were drawn the way they were, of the consequences with respect to minority voters of the use of the plan, of alternative plans that were or might have been prepared, of voter registration data, and of election returns. To obtain the information required and to perform the necessary analysis interviews are needed with those responsible for the drawing and adoption of the plan, with minority group leaders, and with representatives of interested organizations. In addition, comments from interested persons and organizations must be read, and the information they provide must be weighed. After the factual analysis has been completed, then a legal analysis of the facts must be undertaken, and a decision must be reached. A compressed time schedule adds to the difficulty of the review and limits staff scheduling flexibility. However, we already have begun preparing for this task, and with the additional resources requested here,

our goal would be to tell jurisdictions that we respond within 50 days to the submission of redistricting plans in standard situations and within 40 days where special circumstances warrant expedited review.

The salience of the redistricting process also will result in increased scrutiny by the media, by organizations, and by Congress. As a result, we must be prepared not only to give expedited consideration to submissions but also to respond promptly to requests for information with respect to submissions. One of the four new paralegals will enable the Section to respond to such requests.

Beyond the substantial needs of the Section 5 review process, we will need increased staff so our lawyers can handle a much larger redistricting litigation docket as well. Three types of litigation are anticipated in FY 2001 through 2004, relating to redistrictings: (1) Shaw actions in which we participate as defendant-intervenor to protect minority rights from unjustified challenge, (2) Section 5 declaratory judgment actions filed by jurisdictions following a Section 5 objection to a new redistricting plan, and (3) Section 2 enforcement actions to challenge plans that do not afford minorities an equal opportunity to elect candidates of their choice. Each statewide litigation lawsuit requires two or three lawyers and two paralegals. The demands of county and city redistricting litigation are proportionally smaller but still substantial. Three of the four new paralegals will be assigned to assist with this caseload.

If the opportunity of minorities to elect candidates of their choice is to be preserved, we must participate in redistricting litigation where minority rights are at stake. Indeed, our experience suggests that the courts will frequently demand our participation in redistricting litigation filed by private parties. We expect the post-2000 census litigation to reach its maximum level during FY 2001 and remain at that level through FY 2004. Thus redistricting Section 5 reviews and litigation will continue to be the highest priority of the Section through FY 2004.

SECTION 5 SUPPORT STAFF

The Section maintains copies of all the submissions of changes received pursuant to Section 5. These records are used, among other things, by Section staff for purposes of research and investigation, as well as by members of the public, including civil rights organizations and groups. In November 1996, we implemented an Imaging System for storing and making available submission materials. Currently, we have several work stations for scanning and indexing the thousands of pages of submission materials that we receive each year, and expect to add two additional stations during FY 2000 in anticipation of the increase in our workload that will follow the release of decennial census data and redistricting efforts by Section 5 jurisdictions. Since its implementation, the technical aspects of the system administration function for the Imaging System, by and large, have been performed by the Division's GIS staff.

There are a number of administrative functions, however, that the Section should perform to ensure that all aspects of the Imaging System function smoothly. To that end, we are requesting funding for a permanent position for a Coordinator for the Imaging System. The Coordinator's functions would include, for example, reviewing scanned and indexed images for quality control; monitoring indexing and quality control queues for

problems in the Imaging System and correcting stored files, as needed; monitoring disk usage on the UNIX server; uploading documents to the jukebox; changing tapes and insuring back-ups are completed correctly; notifying appropriate persons (the System Administrator or vendor) about the functioning of the system and possible needs for assistance or repairs; developing new indexing schemes for system expansions; profiling users on the imaging system, including new employees; coordinating system development, software upgrades and the selection of new components with the System Administrator; coordinating training for Section 5 records/imaging staff regarding system expansions and upgrades; training new Section employees (attorneys, analysts and paralegals) regarding the use of the Imaging System for researching and reviewing Section 5 submission records; and, in response to requests from the public, coordinating public access to Section 5 submission records maintained in the Imaging system.

The large volume of Section 5 submissions that will follow the 2000 census (not only redistricting submissions but also related precinct and polling place submissions) will substantially increase the workload of the Section's clerical staff. Not only will the number of letters that have to be prepared increase by more than a third (we expect the number of submissions to increase from 3,800 in 1999 to 5,100 in 2001), but the proportion of these letters that are complicated will increase greatly. As a result, we will need to increase the number of secretaries assigned to Section 5 work from three to four. Because of the increase in redistricting litigation that will result from the census, we will not be able to reallocate secretarial resources within the Section. We are therefore requesting one clerical position for a three-year term.

In FY 2004 we expect to be able to begin to reduce the staffing devoted to redistricting litigation. The paralegals and secretary are requested as term positions.

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SECTION 5--GIS Contractor Support

An increase of $850,000 is requested for additional contractor support for the Geographic Information System (GIS). This additional support will be used to assist the Section staff in developing alternative redistricting plans and to convert plans received on paper maps into a digital format. This contract support will be phased in during FY 2001 with three contractors in the first quarter, two additional contractors in the second quarter, and the final two coming on board in the third quarter for a total of seven. The seven contractors are expected to continue throughout FY 2002 and FY 2003 at a cost of $1.1 million is FY 2002 and $1.2 million in FY 2003. At that time, the number of contractors will be reduced as the number of redistricting submissions slows. Without this support, the drawing of alternative plans will be curtailed, negatively impacting the Section's ability to complete their analysis of redistricting plans. Conversion of paper maps to the GIS is a critical activity. Without this support, it will be impossible to provide timely GIS support to the Section.

SECTION 5--Technology Upgrade

An increase of $230,000 is requested for 85 Intel-based dual processor Workstations with 21 inch monitors for the Section and support staff to handle the analytical processing requirements resulting from the redistricting workload from the 2000 Census. These machines will necessarily be the current workstation-

level PC available in the marketplace in 2001. This level of performance is required because of the extremely high computational and graphics capabilities needed to run Geographic Information System software that will quickly compute and display the massive amounts of data needed for state-wide redistricting plans. Standard office automation PCs will not be capable of running this software and handling the data requirements of the software. In addition, these Workstations will be used to facilitate delivery of the Section imaging system to all of the desktops in the Section. Currently, imaging users must go to dedicated workstations to access information from the imaging system which slows down the processing of Section 5 submissions. Failure to provide this level of computing power for the analysis of redistricting plans will cause delays in the processing of submissions due to performance problems and endanger the Section's ability to respond within the statutory 60-day deadline.

The ramifications of our not receiving the increased funding are severe. We would have to seriously curtail our other rights enforcement litigation and severely limit our election coverage program under the VRA. This request would help further the goals of the Attorney General's Strategic Plan, under which increasing compliance with civil rights laws in the area of is a priority.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $334,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Employment Litigation			
2000 Appropriation Enacted	62	61	$6,524
2001 Base	62	61	6,844
2001 Estimate	65	63	7,210
Increase/Decrease	3	2	366

BASE PROGRAM DESCRIPTION: The Employment Litigation Section enforces against state and local government employers the provisions of:

> Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; the Pregnancy Discrimination Act of 1978; the Civil Rights Act of 1991; and, other federal laws, orders and regulations prohibiting employment practices that discriminate on grounds of race, sex, religion, and national origin.

The Section also represents other federal agencies that are sued in relation to their enforcement of federal affirmative action programs and equal employment opportunity laws and regulations.

In FY 1999, the Section filed eight Title VII complaints, settled 7 Title VII cases, obtained 24 out-of-court settlements of Title VII charges and recordkeeping violations, and handled eight new cases implicating the constitutionality or lawfulness of federal statutes or programs.

The Section's pattern or practice litigation often results in systemic changes to defendants' employment practices and serves as a signal to other employers to review voluntarily their practices to determine compliance with Title VII. Importantly, this litigation provides substantial make-whole relief, in the form of back pay, jobs, pensions and seniority, to large numbers of victims of discrimination. Under this authority, the Section has challenged, for example:

- the hiring and/or testing practices of state and local police and fire departments as being not job-related and consistent with business necessity and discriminatory against minorities and/or females;
- the hiring and assignment practices of state and county penal institutions that discriminate against female applicants for correction officer positions and female incumbent employees in assignment and promotion practices;
- the ineffective and inadequate handling of sexual and racial harassment complaints by state and local employers;
- gender segregation and discrimination in pay against women in non-traditional public service jobs; and,
- discrimination in pay and benefits against ethnic minorities.

Because pattern or practice cases frequently affect the rights of hundreds of victims, a great deal of attention is given to identifying and providing make-whole relief to victims of discrimination in proceedings commonly referred to as "Stage II". The Section frequently obtains jobs with retroactive seniority for victims of hiring and promotion discrimination. For example, during FY 1999 the Section filed its report on individual Stage II relief in United States v. East Baton Rouge, Louisiana, Parish School Board. In that case, the School Board denied female employees access to higher paying jobs as janitors, just because they were women. In resolution of our suit, a $95,000 back pay fund was disbursed to 56 claimants, and ten women were offered higher paying positions. In United States v. the State of Arkansas Department of Corrections, more than $7.6 million in back pay was distributed to 910 females who were denied employment opportunities because of their sex. During the year, an additional $350,000 in back pay was distributed to claimants in United States v. Orleans Parish Sheriff. The decree in that case, which was entered in January 1997, provides for the payment of $2,000,000 over a five-year period to 343 claimants.

As directed by the Fourth Circuit, in September 1999 the district court entered a consent decree, that had originally been agreed to in 1995, in United States v. North Carolina Department of Correction et al. The decree provides for payment by the State of $5.5 million in back pay to a yet to be determined number of women who had unlawfully been denied correctional officer positions or promotions; priority hiring of up to

464 female correctional officers; priority promotion of 35 female correctional officers; retroactive seniority; and pension relief.

The Section continues to work cooperatively with a number of state and local governments to implement police officer, fire fighter and other employment examinations that have been demonstrated to be job-related and which minimize, to the extent possible, adverse impact on women and minorities. Section staff have made substantial outreach efforts during the fiscal year to educate law enforcement and fire fighter organizations of the availability of new selection criteria. This effort has particular applicability to law enforcement organizations in light of their need to select police officers who possess the appropriate personality traits. It is our belief that job-related selection criteria can screen out police officer candidates who are likely to use undue force or engage in other inappropriate behavior. In United States v. Belleville, we worked with the City to develop a new selection procedure for entry-level police officers that included many of the selection criteria we have been advocating. During the past year we have also worked with Jefferson County, Alabama, the State of New Jersey, Suffolk County, New York, Buffalo, New York and Milwaukee, Wisconsin to develop new selection procedures for protective service positions.

The Section also enforces Title VII by filing suits based upon individual charges of discrimination referred to the Department of Justice by the Equal Employment Opportunity Commission. Charges are filed with the EEOC by individuals who believe that they were unlawfully denied employment opportunity or otherwise discriminated against by a state or local government employer. If, after investigation, the EEOC determines that a charge has merit and efforts to obtain voluntary compliance are unsuccessful, the EEOC refers it to the Department of Justice for litigation consideration. In FY 1999 the Section received 573 such referrals and commenced thirty investigation of charges with litigation potential. Only the Department of Justice has authority to initiate litigation against state and local government employers under Title VII.

While small in scope when compared to pattern or practice suits, these are cases that might not be pursued without the Section's participation and they often address types of discrimination that may not be remediable through pattern or practice suits. For example, suits initiated under this authority have involved allegations of harassment, retaliation, failure to promote, discrimination on the basis of pregnancy, religious discrimination and unlawful discharge. During Fiscal 1999, we obtained a consent decree in United States v. Willis, Texas. There, a black employee of the city's police department had been subjected to racial harassment and his white supervisor retaliated against for assisting the employee. The City agreed to pay the employee $25,000, and the supervisor $35,000. In United States v. Hampshire County, West Virginia, we obtained a settlement agreement providing $35,000 in relief to a female applicant who was not hired for position as a jailer for which she was very well qualified. In United States v. Sheriff of McClennan County, Texas, the consent decree approved by the court requires the Sheriff's Department to provide compensatory Field Deputy training to eligible female employees who had unlawfully been denied such training.

We also seek to resolve allegations of discrimination through alternative means, without involving the courts. Such resolutions are appropriate where it is determined that neither injunctive relief nor court supervision is needed to remedy violations of the law and to provide full relief to the victims. In FY 1999, for example, we entered into a settlement agreement with a Georgia county, resolving two discrimination charges. One charge alleged that the county's Department of Public Works had discriminated against an employee on the basis of her sex by failing to promote her. The second charge alleged that the county retaliated against the employee by failing to hire her for several subsequent promotional opportunities. Under the out of court agreement resolving both charges, the county agreed to promote the charging party immediately and to provide monetary relief. In another out of court settlement, the charging party alleged that an Ohio County Juvenile Court denied him a reasonable accommodation of his religious beliefs and practices as a Jehovah's Witness and as a result, he was forced to resign. The settlement provided the charging party with a monetary settlement, as he was not interested in reinstatement.

During FY 1999, the Section also had 25 suits authorized against state and local government seeking compliance with reporting requirements under § 709 of Title VII. Section 709 and its implementing regulations require jurisdictions subject to Title VII to file reports with maintain and file with the EEOC records so that compliance with the statute may be evaluated. As a result of our involvement, each of the 25 delinquent jurisdictions has come into compliance.

Another important aspect of enforcing Title VII and addressing ongoing employment discrimination is the Section's commitment to monitoring compliance with almost 100 extant pattern or practice decrees; seeking supplemental relief or orders to enforce; where necessary, defending third party challenges to their efficacy and lawfulness; and seeking dissolution of decrees when their purposes have been accomplished. The Section devotes substantial resources to this effort. Recently, for example, after discovery and an evidentiary hearing, we obtained an order prohibiting the City of Belleville, Illinois from violating the terms of a consent decree. We also obtained $121,419 in supplemental backpay for a claimant in US v. Commonwealth of Massachusetts. The backpay amount reflects the claimant's backpay and interest losses from May, 1992, when she should have been hired as a correctional officer, to March, 1998, when she was finally offered the position.

The Section issues notices of right-to-sue to individuals who have filed charges of employment discrimination with the EEOC under Title VII and Title I of the Americans with Disabilities Act against state or local government employers. In FY 1999, 4,328 notices of right-to-sue were issued.

The Section is responsible for representing federal agencies in litigation that challenges the lawfulness of their affirmative action programs. The Supreme Court's decision in Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995), clarified the standard by which the lawfulness of congressionally authorized programs that provide a racial preference are to be evaluated. In Fiscal 1999, the Section handled nine new lawsuits and one matter that raised Adarand issues. In post-Adarand litigation, we have responded to applications for

temporary restraining orders, motions for preliminary injunction, filed and responded to motions for summary judgment, and conducted evidentiary hearings.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Employment Litigation	3	2	$366
Enforcement & Prevention	3	2	189
Multi-Activity--Litigation Support	...	...	177

The Employment Litigation Section requests an increase of three positions (two attorneys and one clerical), two FTE workyears and $189,000 in order to maintain vigorous and effective enforcement of Title VII. This increase is required because of the demands placed on attorney resources by: (1) an increase in the number of referrals of charges from the Equal Employment Opportunity Commission (EEOC) with recommendations that litigation be initiated, and (2) the large number of complex defensive cases the Section is called upon to handle. In particular, the demands placed upon the Section by defensive litigation have resulted in personnel being diverted from investigating and litigating affirmative Title VII cases. As a result, the enforcement of Title VII has suffered and has been less effective than it should be. This is a particularly important time to maintain a viable and effective Title VII program, especially with regard to pattern or practice investigations involving public safety agencies. The Section's pattern or practice program is designed to encourage law enforcement organizations to self-analyze their employment practices so that individuals with the requisite qualifications, skills and temperament are hired to be police officers. The Section believes that many problems rcently experienced by law enforcement agencies, such as the undue use of force, can be prevented by using more job-related selection instruments.

The EEOC has streamlined its processing of individual charges of discrimination. The net effect of these changes is that during FY 1999 the EEOC referred more than 500 charges to us, up from just 253 referrals in FY 1998. While not all referrals are accompanied by a recommendation for litigation, many are, and because of the lack of attorney availability we unable to investigate a number of potential referrals. These referrals often involve unique issues of law that go unremedied without the participation of the United States. Since July 1995, the Section has seen its defensive caseload increase dramatically, from less than one or two defensive cases a year to an average of ten or more cases annually. The single most important factor for this increase was the Supreme Court's decision in Adarand Constructors Inc. v. Peña, 515 U.S. 200 (1995). These post-Adarand cases raise complex and important issues of constitutional law, and staffing them requires an intensive commitment of attorney resources. Moreover, we anticipate an increase in post-Adarand cases because federal agencies recently have promulgated new regulations designed to "narrowly" tailor their statutory affirmative action programs. In our experience, substantive changes to regulations lead to new and complex challenges. Indeed, we have already had two such challenges. Another important

factor that has resulted in an increase in defensive litigation are challenges to the authority of the Office of Federal Contract Compliance Programs of the Department of Labor to enforce Executive Order 11246 and Section 503 of the Rehabilitation Act. In the past, such challenges were rare. Now the Section routinely receives three or four challenges a year.

The Section believes that an increase of two attorney positions will permit it to enhance its Title VII enforcement if its defensive litigation caseload remains stable, as aniticipated. An increase in one clerical position is necessary to support the additional attorney positions.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $177,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Coordination and Review			
2000 Appropriation Enacted	22	20	$3,085
2001 Base	22	21	3,335
2001 Estimate	25	23	3,524
Increase/Decrease	3	2	189

BASE PROGRAM DESCRIPTION: The Section enforces Executive Order 12250, which directs the Attorney General to coordinate the enforcement of the various civil rights statutes that prohibit discrimination in federally assisted programs. Twenty-eight agencies administer hundreds of programs that provide funds, technical assistance, training, and other assistance to State and local governments and private organizations. These recipients, in turn, operate programs that deliver services and benefits to individuals in broad and diverse areas that impact the lives of all Americans, such as education; health care, social services and welfare; transportation and infrastructure; natural resources and the environment; parks and recreation; agriculture and nutrition; housing and community development; employment and job training; and, law enforcement and the administration of justice. Each federal agency is responsible for assuring that its recipients do not discriminate in their use of federal funds. The Section provides policy guidance, coordination, technical assistance, and training, in order to assure the effective and consistent enforcement of these grant-related statutes and to eliminate overlap and duplication where it may occur.

The Section coordinates the enforcement of two major statutes: Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs, and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs. The Section also coordinates the enforcement of the nondiscrimination provisions of more than 60 program-specific statutes, which prohibit discrimination on the basis of race, color, national origin, sex, or religion.

The Section also undertakes administrative enforcement activities to strengthen the Department of Justice's (DOJ) enforcement of these statutes in its own federally assisted programs. Under agreements with the Office of Justice Programs (OJP) and the Criminal Division, the Section conducts compliance reviews and investigates complaints of discrimination in services on the basis of race, color, national origin, sex, religion, or age against DOJ recipients. Most of these complaints involve allegations of discrimination and misconduct by police departments. The Section continues to participate in the DOJ police misconduct initiative and assists in setting policy and establishing investigative approaches in this top priority area of DOJ enforcement.

The Section continues to implement President Clinton's announced plans to reinvigorate the enforcement of Title IX. In 1999, the Section coordinated the publication of a joint proposed Title IX regulation by the 24 agencies that do not have Title IX regulations. The Section will coordinate the issuance of a final regulation late in 2000 after completion of the review and comment period. The Section also will coordinate the negotiation of a delegation agreement it developed between the Departments of Education (ED), Health and Human Services (HHS), and Veterans Affairs (VA), and other granting agencies, concerning the referral of Title IX and Title VI complaints against recipients funded by more than one federal agency to ED, HHS, or VA, following the completion of the regulatory process late in 2000.

In 1999, the Section widely made available its new, comprehensive Title VI legal and investigation procedures manuals, including on the Division's Internet web site. The legal manual addresses the legal principles and issues, from a federal agency perspective, regarding the enforcement of Title VI and received approval to distribute them to agencies in draft form. The investigation procedures manual, which can be used as a model for federal agencies with Title VI enforcement responsibilities, includes sample investigatory products such as letters of findings and settlement agreements. The documents also are used in the Section's intensive program of Title VI training and technical assistance, which was inaugurated in 1998. This program uses hands-on small group workshops and is customized with examples relevant to the participating agencies. This well-received training program is fully subscribed through 2000, and the federal agencies' need for training continues to exceed the Section's resources available to provide it.

The Section continues to publish the Civil Rights Forum, a quarterly newsletter covering policies, practices, and legal and programmatic developments, that is distributed to more than 6,000 federal civil rights personnel, civil rights and community organizations, and the public. The Section also continues to exhibit at national conventions of civil rights, community and beneficiary groups, providing material and information about the Division's enforcement activities.

In 1999, the Division issued a major Policy Guidance Document entitled "The Enforcement of Title VI of the Civil Rights Act and Related Statutes in Block-grant Type Programs." It is anticipated that in 2000 the Division will issue several other Policy Guidance Documents developed by the Section.

In 2000, the Section will review Title VI and Title IX enforcement plans from the federal funding agencies,

as required by the Executive Order. These plans include agency enforcement goals and priorities, planned activities, progress reports, and workload and performance data.

In 1999, the Section undertook an intensive review of Title VI enforcement program of the Department of Transportation's Federal Highway Administration, which will be completed in 2000. In 1999, the Section also provided technical assistance to the General Services Administration to implement the recommendations continued in a Technical Assistance Review of that agency that was completed earlier. The Section will undertake two to three additional Technical Assistance Reviews of a federal agency's enforcement programs in 2001.

The Section undertook activities to strengthen the enforcement of Title VI and related statutes in DOJ's own federally assisted programs. The addition of two attorneys in 2000 to focus on the investigation of complex police misconduct cases is anticipated to result in an increase in case closures, from 155 in 1999, to an estimated 213 in 2000, and an estimated 250 in 2001, despite a continuing increase in new complaints files, up from 150 in 1999 to an estimated 200 in 2000, and 250 in 2001. In 1999, the Section also developed and distributed over 15,000 brochures describing the various criminal and civil statutes that address police misconduct. The Section further anticipates that several additional memorandums of understanding will be negotiated in 2000 and 2001 with other DOJ funding components (e.g., the FBI and the Marshals Service) thus increasing the Section's investigation and compliance review workload. The Section also may begin investigating Title IX complaints for DOJ components in 2001.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Coordination and Review	3	2	$189

The Coordination and Review Section requests a program increase of three positions (two attorneys and one program specialist), two workyears and $189,000 to: (a) provide training to federal agencies, and state and local governments, on the legal requirements and investigatory techniques applicable under Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs; and (b) to perform two to three additional intensive Technical Assistance Reviews of Federal agency civil rights enforcement programs and to increase coordination efforts of recipients that are funded by more than one Federal agency.

In 1998, the Section undertook a highly successful and well-received ongoing program of legal and investigatory training for federal agencies on the requirements of Title VI. Based on this experience, the Section wants to be able to respond to these agencies in a similar fashion as they look to the Department of Justice to provide training on the legal principles and requirements of Title IX, and on the investigatory processes and procedures needed to conduct an effective Title IX compliance program.

With the anticipated issuance in late 2000 of final joint Title IX regulations by the 24 federal agencies that do not have implementing regulations, these agencies will begin in earnest to develop a comprehensive Title IX compliance program. They will need to train their civil rights staffs and program personnel on Title IX's legal requirements, and on their specific compliance and enforcement responsibilities. This increase will provide for the development of such training, and for the training of trainers to maximize the number of course offerings available to federal agencies and their recipients.

This increase will allow the Section to perform two to three additional intensive Technical Assistance Reviews of Federal agency civil rights enforcement programs. These reviews are designed to identify policies and practices that agencies are using which are successful, and to uncover problems. COR provides assistance to rectify discovered problems in civil rights enforcement programs, and shares recommendations and successful policies and practices, as appropriate. In addition, the increase will allow COR to coordinate more cases when complaints are filed against recipients that receive funds from more than one Federal agency. Agencies often ask COR for assistance in coordinating multifunded recipient cases as agencies may disagree on approaches, remedies, etc. COR will be able to respond to more of these requests with the increase."

If the Section does not receive these resources in 2001, its exercise of the government-wide coordination responsibilities under Executive Order 12250 will be substantially hampered. Specifically, the Section would be unable to develop and offer initial Title IX training to those federal funding agencies who need training and technical assistance as they set up their own Title IX enforcement programs. Further, the Section would be unable to expand its Technical Assistance reviews of agencies and coordination of multi-funded complaints.

	Perm. Pos.	FTE	Amount ($000)
Housing and Civil Enforcement			
2000 Appropriation Enacted	107	90	$11,800
2001 Base	107	102	13,367
2001 Estimate	107	102	13,658
Increase/Decrease	...	...	291

BASE PROGRAM DESCRIPTION: This Section enforces federal statutes prohibiting discrimination in housing, consumer credit, and public accommodations. Enforcement responsibility in this area includes:

-- The Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988. The 1968 Act prohibits discrimination in housing on the basis of race, color, religion and national origin. In 1974, this was amended to add sex as a protected class, and the Fair Housing Amendments Act of 1988 added disability and familial status as protected classes. The 1988 Amendments Act also substantially expanded the Section's enforcement authority to combat housing discrimination by enabling it for the first time: (1) to initiate cases, after referral from the Department of Housing and Urban Development

(HUD), on behalf on individuals who have been discriminated against; and (2) to seek both actual and punitive damages for aggrieved individuals in both the HUD-referred cases as well as in the pattern or practice cases the Section has had authority to bring since 1968, as well as civil penalties in pattern or practice cases.

-- The Equal Credit Opportunity Act, which prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age, or on the basis that an applicant's income is from public assistance, in all credit transactions; and

-- Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion or national origin in certain public accommodations, such as restaurants, hotels and motels, and places of entertainment.

After the 1988 amendments to the Fair Housing Act, which became effective in 1989, enforcement activity of the Section increased dramatically, with case filings increasing as much as ten-fold from pre-1989. A major portion of the increased enforcement activity since 1989 was the result of referrals required by the 1988 Amendments of cases involving individual cases of discrimination from the Department of Housing and Urban Development (HUD) which require case filings by the Section -- known as election cases because the Act permits parties to such HUD proceedings to elect to have HUD findings of reasonable cause litigated in federal court.

The Section has discretionary authority to bring broader, higher-impact cases when the Attorney General determines there is reasonable cause to believe that persons have engaged in a pattern or practice of illegal discrimination or have denied a group of persons rights guaranteed under the Act and such denial raises an issue of general public importance. In addition, the amended Act requires HUD to refer to the Attorney General pattern or practice cases, as well as any cases involving alleged discrimination in zoning and land use decisions; the Section has discretion as to whether or not the referral warrants the filing of a lawsuit. Because of their broader impact and the independent authority conferred on the Attorney General, the discretionary pattern or practice case filings are the highest priority of the Section and the most important that it brings.

In recent years, many cases in this discretionary category have been developed as the result of the following important initiatives: (1) the fair housing testing initiative, established in 1992 to increase the ability of the Section to combat discrimination in all parts of the country, especially race and national origin discrimination; (2) the fair lending program, designed to combat discrimination in lending, especially mortgage lending (since initiating this program, the Section has received an increase in referrals of matters from bank regulatory agencies which also have responsibility for enforcing the fair lending laws); (3) cases attacking property insurance discrimination; and, (4) cases to enforce the disability accessibility provisions of the Fair Housing Act.

In its testing program, the Section employs fair housing testing coordinators who plan such investigations and have trained many persons in the Department who have volunteered to be testers. Testers are individuals

who, without the intent to rent or buy a dwelling, pose as renters or purchasers for the purpose of collecting evidence concerning whether or not unlawful housing discrimination is occurring. Since the passage of the Fair Housing Act in 1968, fair housing testing has been a major tool for gathering evidence of housing discrimination. Since its creation in 1992 through FY 1999, the Department's testing program has resulted in the filing of 59 pattern or practice cases, ten of which were filed in FY 1999. It has proved to be a very cost effective enforcement mechanism. As of the end of FY 1999, 55 of the 59 cases had been resolved and the total monetary relief obtained in these cases is over $8.4 million. In the view of a 1997 report by a bipartisan private organization established to monitor civil rights enforcement, this testing program has been "a remarkable success story" which has enabled the Department to better fulfill its mission of enforcing the Fair Housing Act from coast to coast.

The fair lending and property insurance initiatives involve some of the most complex investigation and litigation in the Civil Rights Division, and have required very significant resources. Cases in both areas have had a significant impact on improving both lending opportunities for minorities and the availability of property insurance in predominantly minority communities. For example, a Wall Street Journal article published in early 1996 made note of this progress, emphasizing more vigorous enforcement of fair lending laws by both the Justice Department and the bank regulatory agencies. The Housing Section's enforcement program has been in the forefront of this federal effort. Since 1992, 15 cases have been initiated attacking discrimination by financial institutions in the underwriting, marketing and pricing of loans, including one in FY 1998 and one in FY 1999. All but one of these cases have been resolved by consent decrees in which over $36 million in monetary relief has been obtained.

In the last two years, the Section has increased efforts to enforce the accessibility provisions of the Act. During FY 1998 and FY 1999, we filed 18 pattern or practice cases alleging violations of these provisions. Four of these cases, and several cases filed the previous year, were settled by consent decrees in FY 1998. In addition, out-of-court settlements were reached in a number of other matters. The consent orders and other settlements have contained important remedial principles and standards for cases such as these. In 10 court settlements filed in FY 1999, we obtained over $1,000,000 in monetary relief to compensate victims of discrimination and provide for increased housing accessibility through, among other things, retrofitting of existing units and construction of new units. Included in the out-of-court settlements was one with one of the nation's largest homebuilders -- the Pulte Corporation.

The Section's enforcement program has also achieved several other significant accomplishments. The Section filed 19 pattern or practice cases in FY 1999. Consent decrees obtained in FY 1999 in pattern or practice cases have been especially significant. In a lawsuit combined with private litigation alleging egregious racial harassment of tenants by the Boston Housing Authority, we obtained important injunctive relief as well as $1.5 million in monetary relief. In a Nevada case alleging race and familial status discrimination in the rental of apartment units, we obtained $397,500 in damages for victims of discrimination and civil penalties. In a case referred to the Department by a federal financial regulatory agency, we obtained $800,000 in civil penalties for that agency for ECOA and other legal violations. In New Orleans, we

obtained important injunctive relief and $180,000 in damages and civil penalties against an apartment locator service that we alleged engaged in racial discrimination. In a race discrimination case against a Richmond, Virginia landlord, we obtained $475,000 in damages for discrimination victims and civil penalties. In Idaho, in a lawsuit against a large landlord, we obtained a settlement providing for injunctive relief and $105,000 in monetary relief for victims of alleged familial status discrimination.

In 2000 and 2001, the Section will continue to place emphasis on initiating broad pattern or practice cases, primarily in the four high-priority programs discussed above. Most of the non-discretionary cases referred from HUD will continue to be handled by local U.S. Attorneys' offices pursuant to the Attorney General's 1993 directive designed to involve these offices in the responsibility for litigating fair housing cases. This program has been very successful. A smooth and efficient working relationship is now in place between the Section and the various U.S. Attorney offices, and we expect increased participation of these offices in fair housing enforcement in the future.
The program's activity is consistent with priorities for fair housing, fair lending, the emphasis of pattern or practice cases to pursue effective remedies within existing laws, and the active participation of U.S. Attorneys in enforcement actions, as set forth in the DOJ Strategic Plan.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Housing and Civil Enforcement	...	...	$291
Fair Lending	...	...	250
Multi-Activity--Litigation Support	...	...	41

The Housing and Civil Enforcement Section requests $250,000 in funding enhancement for computer software and contracts to assist in analysis of files of financial institutions. We have found that fair lending investigations require probably the most intensive document review process and statistical analysis in the Division. The enhancement seeks additional resources to assist in examining records of lending institutions, including (1) the purchase of computer software which will greatly increase the staff's ability to examine bank records more quickly and efficiently, and (2) the contracting with outside experts who specialize in the examination and analysis of such records. We have had some experience with such resources in the past and have found that they are both of significant assistance to staff analysis of records, as well as providing a resource which is more efficient than doing the required review and analysis with full-time staff.

Fair lending enforcement is a high priority in the Division's enforcement program. The Section has had significant impact on attacking discrimination in the fair lending area. In order to continue to meet this important Division priority and to increase the deterrent effect on discrimination in this area, it is crucial that the Section receive the requested enhancement. Without such enhancement, achievement of increased enforcement in the high priority area of fair lending will be impeded.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $41,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Educational Opportunities			
2000 Appropriation Enacted	36	34	$3,589
2001 Base	36	37	4,048
2001 Estimate	39	39	4,237
Increase/Decrease	3	2	189

BASE PROGRAM DESCRIPTION: The Educational Opportunities Litigation Section enforces Federal statutes which prohibit discrimination in public elementary and secondary schools and public colleges and universities. Section enforcement responsibilities include:

Title IV of the Civil Rights Act of 1964, which provides that the Attorney General may initiate legal proceedings to further orderly desegregation (i) upon receiving a complaint from a parent that his or her minor children are denied equal protection of the law by public school officials; and, (ii) with respect to public institutions of higher learning, upon receiving a meritorious written complaint alleging that a student has been denied admission to or the opportunity to continue in attendance at a public college or university on account of the student's race, sex, national origin, color, religion;

Equal Educational Opportunities Act of 1974, which prohibits school officials from denying students equal educational opportunities on account of race, color, national origin, and sex, this includes the failure to provide non and limited English speaking students appropriate service to enable them to participate in the educational program;

Title VI of the Civil Rights Act of 1964, which prohibits school districts and institutions of higher education that receive federal funds from discriminating on the basis of race or national origin in a program or activity, upon receiving a proper referral from the U.S. Department of Education, Office for Civil Rights (OCR); and,

Title IX of the Education Amendments of 1972, which prohibits school districts and institutions of higher education that receive federal funds from discriminating on the basis of gender, upon receiving a proper referral from OCR;

Section 504 of the Rehabilitation Act of 1973, Individuals with Disabilities Education Act (IDEA), and Title II of the Americans with Disabilities Act (ADA), which require that public school officials

provide handicapped and disabled students appropriate educational opportunities, upon receiving a proper referral from OCR, and Title III of the ADA with prohibits similar discrimination in private schools.

As reflected in previous submissions, the Section continues to maintain a large non-discretionary workload and, therefore, is limited in the use of its resources. FY 1999 was a typical year for the Section. Efforts were focused on monitoring the more than 500 school districts covered by desegregation orders in over 212 desegregation cases in which the United States is a party, and responding to motions, citizen complaints, and court orders. To ensure that districts comply with their obligations, the Section investigates complaints regarding student assignments, faculty hiring and assignment, the availability of equitable facilities and programs, and the allocation of district resources. The Section responded to 220 citizen inquiries and 30 Congressional inquiries or referrals regarding complaints of discrimination. The Section also responded to numerous motions and requests by school districts to modify existing court orders. The Section also responded to several requests by school districts for a declaration of unitary status and has initiated a review of 20 cases, at the request of courts, to determine whether the school districts have achieved unitary status and should be dismissed.

As a result of its activities in FY 1999, the Section obtained significant results in several cases. For example, the Section intervened in CHE and United States v. Denver Public Schools, and negotiated a consent decree providing for services to 14,000 non and limited English speaking students. The relief includes an enhanced curriculum, additional materials and resources, and monitoring to ensure compliance. The Section also settled the longstanding St. Louis school desegregation case, Liddell and United States v. Board of Education of the City of St. Louis. The settlement agreement reached in that case provided for desegregation transfer opportunities for approximately 9000 city students, new facilities in the city in excess of $200 million, and funds to continue and expand remedial programs, including pre-school, full day kindergarten, a desirable class sizes at a cost of approximately $60 million per year for ten years. In addition, the Section was able to enter into a consent order with the East Baton Rouge Parish, Louisiana Parish school district which ensures that Parish's virtually all-black schools obtain technological enhancements in a timely fashion. The Section also has undertaken reviews of 16 school districts in Alabama, in which over 117,000 students attend school, and in which we sent issues letters setting out areas that need to be addressed. We also litigated several case, including Madison, Mississippi, where we are awaiting a decision, and in Virginia Military Institute and Midland, Texas, where we persuaded the court to retain jurisdiction of the cases.

This Section has a large non-discretionary workload because we are responsible for monitoring and enforcement in approximately 500 elementary and secondary school districts and four statewide systems of higher education which operate pursuant to court orders in cases in which the United States is a party. Accordingly, we commit approximately 80% of the attorney staff resources to activities such as responding to

motions from school districts for unitary status, motions from parties seeking to intervene, or motions for modifications of the extant desegregation plans to accommodate new school construction, overcrowding, underutilization, magnet schools or other issues. The remaining resources are devoted to other Division priority issues such as gender equity, disability rights, equal access to educational opportunities, and issues affecting non and limited English speaking students. We also expend resources coordinating our enforcement efforts with those of allied federal agencies and/or other sections in the Civil Rights Division to ensure that there is no overlap of efforts causing undue burdens on the school districts.

We anticipate an increase in the number of motions for unitary status. In addition to school districts seeking such status on their own, the courts are requiring that we review and determine whether school districts have achieved unitary status and, if not, put the district on track to achieve that end. Currently, we are reviewing more than 25 districts, as well as ten trade schools and junior colleges regarding unitary status. These activities are not insubstantial and compete with planned new initiatives. We anticipate a continuing stream of future directives from the courts as well as direct requests from school districts seeking unitary status. The timing of these requests during the year cannot be predicted. Review of these cases, which are usually multi-party cases, is labor intensive involving issues of student and faculty assignment, employment, facilities, transportation, extra curricular activities as well as quality of education issues. The cases usually require extensive negotiations and in some instances, a trial.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Educational Opportunities	3	2	$189

The Section seeks an additional three positions, three workyears. Specifically, we are requesting an increase of two attorney positions and one paralegal specialist positions. This request is consistent with the Department of Justice Strategic Plan to improve educational opportunities by expanding programs that promote compliance with the country's civil rights laws in priority areas such as education, and obtaining effective remedies within existing laws. Such efforts include combating: discriminatory student assignment, including within school assignments to special education, gifted and talented programs and higher-level academic programs; sexual and racial harassment; and the misuse of tests. The efforts also include ensuring non-discrimination in emerging areas such as appropriate test use and pursuing statewide initiatives by working cooperatively with other federal agencies, state departments of education and state attorneys general, as well as coordinating enforcement activities with other sections within the Division.

The additional persons requested will assist the Section in meeting the Division's objectives, by meeting our non discretionary responsibilities while taking a pro-active approach in reviewing our existing docket

of cases and also addressing the emerging civil rights issues with respect to testing requirements for graduation, approaching, on a statewide basis, the disproportionate assignment of minorities to special education and under representation of minorities in gifted and talented programs, pursuing anticipated referrals from the Department of Education regarding the Individuals with Disabilities Education Act (IDEA), involving the rights of the handicapped.

The issue of the discriminatory use of tests and resource comparability are also on the horizon as more and more states institute graduation and promotion standards that include testing. We attend conferences where the adverse impact of these tests are discussed and it is anticipated that litigation will arise challenging the use of tests. Such challenges may include attacks based on the inadequate preparation provided by racially segregated elementary and secondary schools and lack of resources provided to those schools. A related issue is whether there is equitable access to higher level academic programs either between schools within a district or within the same schools which would better prepare students for these tests as well as for post-secondary education. Currently, we do not have the necessary resources to address this issue. In addition, we are currently developing a statewide approach to dealing with issues regarding disproportionate assignment of minority students to certain special education tracks and under representation of minority students to gifted and talented programs. Increased personnel will permit us to expand our efforts in this area. We anticipate developing a statewide approach in an additional two states regarding special education issues, and participating in a resources equity case during FY 2001.

The amended Individuals with Disabilities Act (IDEA) now provides for referrals from the Department of Education to the Division to prosecute any found violations of IDEA. This is new and should expand greatly our workload. We are currently working with the Department of Education to coordinate these activities and providing DOE advice on the type of information we would need for a referral. We anticipate that referrals will be forthcoming. Since the referrals may involve statewide practices, a substantial investment in attorney time will be necessary. We anticipate participating in one review in FY 2001.

The Section has approximately 350 cases that are not currently assigned to attorneys. In many of these cases, the school district is not required to report to the Court regarding its compliance with the court order. The purpose of the case review project is to conduct a comprehensive review of those districts in a systemic way to ensure that the districts are complying with their extant desegregation orders, obtain any additional relief, if it is warranted, and to update and complete our files. The Section has also established several working issue groups which focus the issues of affirmative action, Native-American and language minority rights, disabilities, funding and resource comparability, Title IX and harassment, and within school segregation. The purpose of the groups is to monitor current developments in these areas including court cases, and to develop, consistent with Division priorities, new cases. In addition, the Section has also embarked on a major outreach project to ensure that interested persons and organizations are aware of our authority to investigate and resolve civil rights violations. Efforts in this area should

result in our receiving complaints and our bringing new cases. The requested personnel will enable us to intensify our efforts in these areas. We anticipate reviewing 40 inactive cases during FY 2001, should we receive the requested enhancement.

The requested additional personnel will also better enable the Section to continue its efforts with regard to ensuring that diversity may be maintained at both the elementary and secondary level and in institutions of higher education. We anticipate continuing our participation in this area and anticipate participating in at least one such case during the fiscal year.

The ramifications of not receiving any increased funding to address these new initiatives and maintain and expand existing projects are significant. However, if fully funded we anticipate the results described above, while maintaining our non-discretionary activities. Once the programs are up and running fully, in FY 2002 we anticipate ongoing results. These programs are intended to be ongoing.

The described activities and initiatives will also place a considerable demand on our limited support staff. Much of the work will be fact intensive. The requested paralegal will relieve the anticipated workload on our support staff and enable us to pursue these new initiatives.

We cannot overemphasize the importance of these program initiatives to the mission and orderly operation of the Section and the Division. Moreover, they are consistent with the Attorney General's commitment to improve educational opportunities for students at the elementary and secondary level, thus, facilitating broader access of minority students to post secondary education. Finally, the allocation of the requested resources for these endeavors will clearly demonstrate the Department's recognition of the President's directive that education is the number one priority of the administration.

	Perm. Pos.	FTE	Amount ($000)
Disability Rights			
2000 Appropriation Enacted	82	81	$13,389
2001 Base	82	85	14,162
2001 Estimate	108	97	16,556
Increase/Decrease	26	12	2,394

BASE PROGRAM DESCRIPTION: The Americans with Disabilities Act (ADA) extends to people with disabilities the promise of equal access to everyday life. Through its multi-faceted approach toward achieving compliance with the ADA, this Section works to make this promise a reality. The Section's enforcement, certification, regulatory, coordination, and technical assistance activities, required by the ADA, combined with an innovative mediation program and a technical assistance grant program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates. The Section also carries out responsibilities under Section 504 of the Rehabilitation Act, the Small Business Regulatory Enforcement Fairness Act, and Executive Order

12250. Section activities affect six million businesses and non-profit agencies, 80,000 units of state and local government, over 50 million people with disabilities, and over 100 other Federal agencies and commissions in the Executive Branch.

Enforcement responsibilities cover a broad spectrum of potential actions to encourage individuals and entities to comply with the requirements of the ADA. The Section seeks access under Titles I, II, and III of the ADA. Under Title I, the Section is the only government entity with authority to initiate litigation against state and local government employers. Consequently we have intervened in cases where States are arguing that it is unconstitutional for Congress to permit ADA lawsuits directly against State governments; and, under Titles I and II, have entered into litigation and complaint investigations that have resulted in numerous formal and informal settlement agreements throughout the country against local governments whose policies violated employment and access regulations. The Section also coordinates Title II administrative enforcement by seven other agencies[1] and for the Department's own complaint investigation and compliance review functions. The Section's efforts here result in hundreds of formal and informal resolutions of individual complaints a year. Under Title III, the Section initiates litigation where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance involving public accommodations and commercial facilities. The resolution of these complaints has resulted in the removal of physical barriers, the provision of auxiliary aids, and the elimination of discriminatory policies in a wide variety of settings, including hotels, restaurants, retail stores, stadiums, town halls, courts, and prisons. Recent accomplishments include Supreme Court decisions in Olmstead v. L.C. and Cleveland v. Policy Management Systems, Inc. and settlement agreements with the City of Toledo, Ohio; Greyhound; Holiday Inns; Avis Rent-A-Car; TrizecHahn Corporation; and the MGM Grand Hotel.

FY 2001 activities promise a continued mix of litigation (although litigation is resource intensive, it is an essential tool for credible and efficient enforcement), amicus briefs, formal settlements and mediated resolutions. FY 2001 priorities will focus on four areas, as detailed below under Program Changes. This initiative seeks to improve community access, access to leisure and cultural activities, provide specific law enforcement training, and continue the Section's effective distribution of ADA compliance information.

Additionally, as it has since FY 1994, the Section will emphasize Alternative Dispute Resolution (ADR). The Section continues to operate a project to provide mediation services to resolve ADA complaints filed with the Section. This has provided such an efficient means of resolving complaints that in FY 1999 we switched from a grant to contract mediation services, allowing us to greatly expand the program.

Under Section 308 of the ADA, staff continues to respond to requests from state and local jurisdictions

[1] Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, Labor, and Transportation.

seeking certification that their building codes meet or exceed ADA accessibility requirements. Program enhancements in FY 2000 has allowed the Section to expand its activities in certification.

Executive Order 12250 requires the coordination of Federal enforcement of Section 504 of the Rehabilitation Act and other Federal statutes that prohibit discrimination on the basis of disability in programs that receive Federal financial assistance. In addition, the Section represents the Attorney General in her statutory role as a member of the U.S. Architectural and Transportation Barriers Compliance Board (Access Board).

The Technical Assistance Program, mandated under Section 506 of the ADA, provides answers to questions and free publications to businesses, state and local governments, people with disabilities, and the general public. The Section's toll-free ADA Information Line receives up to 160,000 calls a year. The Section develops and disseminates free ADA publications; provides training at meetings nationwide; and reaches out to audiences affected by the ADA including mayors, local Chambers of Commerce, local disability organizations, and more than six million businesses. The Section's technical assistance publications include detailed technical assistance manuals addressing all aspects of Titles II and III of ADA, basic Question-and-Answer booklets, and illustrated guides addressing specific topics. Publications can be obtained 24 hours a day through a toll-free fax-on-demand service or electronically through the ADA Web Site. This web site receives up to 130,000 hits a week. In FY 1999, the Section republished its guide for small businesses in Spanish and eight other languages, and published a fact sheet on providing assistance at self-service gas stations.

Through its grant program, the Section works with trade associations and other groups to educate small business owners, hotel and restaurant owners, builders, mayors or other government officials, law enforcement officers, people with disabilities, and others. In FY 1999, the Section awarded a new grant to educate court personnel on the ADA and ensuring access to the courts. Through grants awarded in previous years, the Section completed training materials for building contractors, a self-training guide for members of historic preservation boards and commissions, as well as training materials for people with mental retardation.

The Section also chairs an ADA Technical Assistance Coordinating Committee and reviews materials developed by other agencies to ensure legal accuracy. In FY 1999, the Section initiated a project with the Small Business Administration (SBA) to disseminate ADA publications through local SBA Small Business Development Councils, Women's Business Centers, District Offices, and other SBA forums, and disseminated information about its ADA tax incentive packet to more that 6 million businesses through an IRS newsletter.

In FY 2001, the Section will build on its basic technical assistance services and, with a program enhancement, will expand its efforts to educate people about the ADA in minority communities and in rural areas.

	Pos.	FTE	Amount ($000)
Disability Rights	26	12	$2,394
Enforcement	22	10	1,308
Code Certification	2	1	143
Technical Assistance	2	1	602
Multi-Activity--Litigation Support	...	...	341

Enforcement - Fulfilling The Promise of the Americans With Disabilities Act

Overall, one priority of the Department's Strategic Plan is to "increase compliance with civil rights laws in the areas of.....persons with disabilities." This request correlates closely with the Plan's first goal of guaranteeing "the civil rights of all Americans" by promoting compliance with our civil rights laws through coordinating enforcement actions, working with other Federal agencies, pursuing pattern and practice cases, and continuing cooperation with U.S. Attorney offices.

The Section requests an increase of $1,308,000, which includes 22 positions (eight attorneys, eight investigators, three paralegals, one legal technician, and two secretaries), and 10 workyears in order to target enforcement efforts both in areas in which the requirements of the Americans with Disabilities Act (ADA) will take effect for the first time in FY 2001, as well as those in which we know that enforcement has been inadequate -- specifically in transportation, employment, and access to cultural institutions. We term this initiative Community and Cultural Access -- This effort will focus outreach and activities on removing barriers that remain to basic community services for people with disabilities. Most Americans take for granted the ability to use basic government services -- to call 911, to ride public transportation, to vote, to seek and obtain public employment if qualified, or to fight a traffic ticket in court. Yet millions of people with disabilities are not able to successfully participate in the life of their communities because building architecture, communication systems, public mass transit systems, and biased policies and practices continue to exclude them. Simultaneously, this effort focuses on ensuring that people with disabilities are no longer denied access to transportation, American cultural institutions, historic sites, and tourist attractions.

For example, people with disabilities have fought hard for decades for access to private intercity transportation and public mass transit, which is often the only type of affordable transportation between cities; to vacation travel provided by charter companies; and for transportation to and from airports and other locations as provided by shuttle services. The existing Department of Transportation (DOT) rule, in effect since 1992, covers only limited aspects of their operations. By statute, the provisions requiring wheelchair accessible "over-the-road" buses, those used by the types of entities mentioned above, do not become effective until October 2000 or October 2001, depending on the size of the entity. The Department of Justice, as the sole agency charged with enforcing the implementing regulations issued by DOT in September

1998, will need increased resources in order to devote appropriate attention to this new requirement. We expect to receive approximately 300 complaints about noncompliance with the new rule within the first year after its effective date.

The Section also requires additional resources in order to increase enforcement of the ADA provisions (title I) banning discrimination in employment. The Section is the only Federal government entity that can initiate litigation against a state or local government charged with employment discrimination based on disability. The Section relies on referrals from the Equal Employment Opportunity Commission (EEOC) for cases against state and local government employers. Over time this has resulted in almost 600 referrals, of which 314 are currently open and awaiting a decision to issue a right to sue letter or to undertake litigation. The number of referrals from the EEOC has increased significantly in the last few years and will continue to grow exponentially. For example, from FY 1992-1995, we received 108 EEOC referrals. This number has substantially and steadily increased since EEOC "streamlined" its investigations process: in FY 1996 alone we received 86; in FY 1997, 120; and in FY 1998, 170.

Code Certification

A program enhancement of two positions (two attorneys), one workyears and $143,000 is requested.

One of the Division's major goals is to achieve compliance with the ADA's mandate to ensure that new or altered public accommodations and commercial facilities are accessible to people with disabilities. The ADA established two methods of achieving compliance with the ADA's design requirements — litigation and certification. Certification, which emphasizes voluntary compliance, is far less costly than litigation. Under the code certification process, a State or local government may ask the Attorney General to certify that its accessibility code meets or exceeds the requirements established by the Department's regulations. Code certification is a totally voluntary process that preserves the traditional role of State and local officials in the implementation of building-related regulations, while at the same time furthering the Federal objective of ensuring uniform levels of accessibility for citizens with disabilities throughout the United States. In a jurisdiction that has a certified code, compliance with that code may be offered as evidence of compliance with the ADA in judicial enforcement proceedings.

Because accessibility code certification can play a major role in promoting voluntary compliance in new construction, the Attorney General directed the Disability Rights Section to conduct an extensive outreach program to encourage State and local governments to revise the accessibility requirements in their building codes and to seek certification. This initiative is intended to advance the Department's goals of protecting the civil rights of people with disabilities while at the same time reducing reliance on costly litigation as an enforcement tool.

The Section's goal is to achieve certification of all state accessibility codes — but to date, achieving

the goal has been beyond the Section's reach. To date, four State codes (Washington, Texas, Maine, and Florida) have been certified. Nine states (New Mexico, Maryland, Minnesota, New Jersey, California, Indiana and North Carolina) are being reviewed. Some of these requests have been pending for years. Because of the consistently high demands for resources in the other areas of the Section's responsibilities, the Section's ability to allocate staff to the certification function has been severely limited.

FY 2001 will be a significant year for code development activities. Both the Department's revised ADA Accessibility Standards and the private sector's International Code Council's model code will have been published. As a result of these new standards, State and local codes will be subject to extensive revisions. If the goals of the ADA are to be met, the Department should be able to encourage States to adopt codes that are ADA-equivalent and to seek certification. If the Department is unable to respond in a timely fashion, the effort will fail and our relationship with both the State and local governments and the national organizations that are laboring to promote accessible design will be severely damaged. The requested resources should enable us to meet our obligations to the entities that are promoting accessibility by seeking code certification.

Technical Assistance

A program enhancement of two positions (two technical assistance program specialists), one workyear, and $602,000 is requested. To develop training and outreach activities to ensure that law enforcement agencies comply with the ADA and to increase outreach to under-served populations (small towns and businesses in rural areas, non-English speakers and minority populations and urban centers).

These initiatives will develop highly-illustrated tools to educate law enforcement, community, design, construction, and facilities professionals on the new ADA Standards, and will take advantage of electronic technology, compact disks (CDs), the Internet, and interactive meetings/teleconferences to disseminate information into every corner of our diverse nation

These initiatives cannot be accomplished with existing resources. Resources for technical assistance have declined or stayed level in recent years, while demand for services, the number and types of materials disseminated, and the number of people served, have increased. Without new funding for this initiative, the Section will not be able to meet the anticipated demand for technical assistance, and professionals in law enforcement and rural areas will not receive the information they need.

MULTI-ACTIVITY PROGRAM CHANGE

The Section is also seeking $341,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)			
2000 Appropriation Enacted	29	29	$6,027
2001 Base	29	30	6,333
2001 Estimate	37	34	6,906
Increase/Decrease	8	4	573

BASE PROGRAM DESCRIPTION: OSC was created by the Immigration Reform and Control Act of 1986 (IRCA) to prevent and combat employment discrimination associated with employer sanctions for knowingly hiring an undocumented worker.

Pursuant to 8 U.S.C. 1324b, OSC investigates and prosecutes cases of discrimination in hiring, firin or referral for a fee based on an individual's citizenship status or national origin. Section 1324b covers all employers with four or more employees. However, OSC does not have jurisdiction over national origin claims already covered by Title VII, i.e., employers with 15 or more employees.

In FY 1999, OSC experienced successful outcomes in its two-pronged mission of enforcement and prevention. In FY 1999, OSC increased its number of settlements (71% over FY 1998), back pay obtained (290% over FY 1998) and civil penalties awarded (358% over FY 1998).
As part of its prevention work and public outreach, OSC has continued to collaborate with other federal agencies such as the Equal Employment Opportunity Commission (EEOC), the Immigration and Naturalization Service (INS), Social Security Administration (SSA) and the Department of Labor. OSC provides grants to educate employers, employees and the general public and in FY 1999, expanded the

reach of its grants program through consolidation of existing grantees' budgets and initiation of projects in previously underserved regions to cover the changing demographics. Staff attorneys and grantees continue to make educational presentations at employer and community conferences and workshops across the country.

In FY 1999, increased prevention work, presence in non-traditional heavily populated immigrant worker communities (including Nebraska, Massachusetts, Iowa and Arkansas), and presence on the World Wide Web have resulted in an increase in outreach requests, surpassing figures from prior years. In addition to the focus on new regions, the launching of new print, television and radio public service announcements, and new community-based organization (CBO) target marketing strategies such as the successful Asian Pacific American Heritage outreach to more than 250 CBOs nationwide, has increased and will continue to increase demand for discrimination prevention outreach.

In addition to charge referral through its Memorandum of Understanding (MOU) with the EEOC and the Department of Labor's Office of Federal Contract Compliance (OFCCP), OSC has reinvigorated 41 MOUs with state and local human rights agencies throughout the country. These MOUs are referral agreements aimed primarily at increasing OSC's presence around the nation and stretching enforcement dollars by educating state and local government fair employment agencies who can then refer charges to OSC. OSC is more fully implementing existing agreements by conducting local training and signed new MOUs with the cities of Chicago and Seattle. Continued expansion is expected in 2000, especially in the South and West.

OSC will continue to focus investigative resources on illegal discrimination against lawful immigrants and citizens in hiring and firing based on national origin and/or citizenship status and address new barriers to employment facing legal immigrants and "foreign looking" individuals.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Office of Special Counsel Civil Rights Policy and New H-1B Civil Rights Enforcement	8	4	$573
	8	4	530
Multi-Activity--Litigation Support	...	...	43

OSC requests an increase of eight positions (five attorneys, two equal opportunity specialists and one clerical), and four FTE workyears and $530,000 to enforce the new "fail to hire" provision of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) and to expand efforts addressing immigration-related civil rights policy matters.

ACWIA

OSC will receive and review "failure to select" complaints from U.S. workers under ACWIA: ACWIA temporarily raised the statutory ceiling for H-1B visas, which are used to admit skilled foreign professionals to the United States to work on a temporary basis. OSC expects to be delegated the Attorney General's authority to protect qualified U.S. work authorized individuals who are not hired as a result of an employer's preference towards hiring H-1B workers. In FY 2000, OSC will conduct research and draft the implementing rule and perform enforcement activities similar to what it currently does(e.g. investigation, intervention, cause determination, referral, arbitration and outreach). This effort should be operational starting in 2000 pending the Attorney General's designation.

Pivotal to OSC's planned implementation of the Department's responsibilities under ACWIA is training a new and non-traditional community of employers and employees--the most effective discrimination prevention method. H-1B related cases are also expected to rise as a result of OSC's partnerships and educational outreach and because of the increased attention given to discrimination and "failure to hire" complaints, both by members of the public (potential aggrieved individuals) and by other agencies (e.g., Department of Labor, Department of State and Immigration and Naturalization Service).

DOL notes that approximately 300,000 H-1B labor certifications are filed each year. Under ACWIA, the number of available H-1B visas almost doubles and employer petitions are expected to be at an all-time high in FY 2001. Now that U.S. workers may obtain a remedy and the available number of H-1B visas will be increased substantially, far greater numbers of complainants are also expected to come forward to OSC. Because of OSC's limited resources and increases in caseload, successful outcomes and demand for services, delegation of new enforcement responsibilities requires enhanced resources in order to maintain, and not jeopardize, OSC's core mission to investigate and prosecute immigration-related unfair employment practices.

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Increase in Civil Rights Policy Work

The Attorney General, in consultation with the Acting Assistant Attorney General (AAAG) for Civil Rights and the Special Counsel, has also directed OSC to increase its involvement in various immigration-related issues that involve immigrant civil rights and are closely tied not only to OSC's mission in the employment area but the overall USDOJ Strategic Plan.

Increased staff are necessary for OSC to continue and increase its efforts in working with offices and components and advise on many critical areas, such as:

- Monitoring implementation of INS initiatives such as Operation Vanguard, where OSC has focused on ensuring that work-authorized individuals will not be erroneously discharged from employment,

and the INS Quick Response Teams, where OSC is working with INS to protect the civil rights of immigrant and minority communities in light of increased interaction between INS and local and state law enforcement agencies;

- Conducting in-person training of employers participating in, among other things, Immigration and Naturalization Service (INS) electronic employment verification pilot projects to avoid potential discrimination;

- Monitoring implementation and review of programs to ensure non-discriminatory and fair treatment for non-U.S. citizens (or those perceived to be foreign) where immigration or citizenship status may be a qualification for benefits; and,

- Formalizing our role in monitoring immigrant civil rights policy matters; working within the Department and with other government agencies to ensure that assistance is available to victims of unfair treatment, including mechanisms for enforcement and the provision of appropriate remedies.

OSC's increased partnerships, new initiatives and work resulting from anticipated INS programs necessitate increased resources to train, update and educate employers and employees on their rights and responsibilities under the immigration laws, and to monitor and evaluate compliance with, including complaints of violations of, immigrant civil rights.

Increased resources will enable OSC to promote compliance with civil rights laws; enforce new protections for U.S. workers not selected for jobs that are filled by certain non-immigrant workers; improve coordination and partnership between OSC and other civil rights agencies, between OSC and state and local governments, and between the government generally and the business and community sectors.

MULTI-ACTIVITY PROGRAM CHANGE--Litigation Support

The Section is also seeking $43,000 for Litigation Support activities. Narrative information is contained in the Multi-Activity justification.

	Perm. Pos.	FTE	Amount ($000)
Management and Administration			
2000 Appropriation Enacted	69	83	$ 9,519
2001 Base	69	83	9,862
2001 Estimate	82	92	10,303
Increase/Decrease	13	9	441

This budget activity includes resources for Executive Direction and Control (which includes the Office of the Assistant Attorney General and the Administrative Management Section).

BASE PROGRAM DESCRIPTION: The Assistant Attorney General and Deputy Assistant Attorneys General establish policy and provide executive direction and control over litigation enforcement and administrative activities of the Division. Each of the Deputy Assistant Attorneys General oversees specific program-related Sections.

The Administrative Management Program provides a diverse array of management and technical services. These services include, but are not limited to, personnel administration, procurement, budget formulation and execution, litigation support, facilities services, mail and file operations, and automated systems.

Significant accomplishments in 1999 include:

- continued operation of the Department's office automation system, Justice Consolidated Office Network (JCON) throughout the Division, and began planning for a technology refreshment to JCON II pursuant to the Department's standard architecture;

- expanded use of continued improvements to the Geographical Information System (GIS) as a management tool for the Justice Management Division;

- began the requirements analysis for re-engineering the GIS in preparation for the 2000 Census;

- began final implementation of a sophisticated and critical Section 5 case tracking application consistent with the migration of systems from the Data General-based automated office system environment to a Windows-based client server application with a Unix database platform to be integrated with JCON;

- expanded to four additional Sections a correspondence tracking system within the Division as a

prototype, and have redeveloped the application with a graphical user interface compatible with the JCON environment. Users have the ability to define, record and report categories of correspondence; and,

-the Division's case management system was successfully moved from its outmoded platform on the Data General to a Sun platform. We are currently developing case management, using an off-the-shelf product which will satisfy the Division's need for industry standardization and help to easily facilitate Department-wide reporting to the Attorney General.

During the next two years, the Division plans to consolidate our two remaining isolated networks into the JCON system: the Geographic Information System network and the Litigation Support Network. These now exist as separate systems for the use of specialized and case-specific applications. The resulting system, JCON II, will also incorporate changes to make the overall system compatible with the Department's JCON standards. Additionally, we will begin to implement necessary upgrades to the GIS system for our Section to handle the demands of the Year 2000 Census and resulting redistricting. As funding permits, we will also enhance the JCON system by adding low-cost digital imaging for easy and real-time retrieval of the Division's files as well as to increase the productivity of our FOIA efforts.

The Administrative Management Program also contains the Freedom of Information/Privacy Act (FOI/PA) Branch. The Branch's principal function is to ensure that the Division complies with all aspects of the Freedom of Information and Privacy Acts. The Branch also provides procedural guidance to citizens and legal counsel to other programs of the Civil Rights Division regarding FOI/PA requests and coordinates and represents the Division's interests in FOI/PA litigation and in the administrative appeals of request denials.

The workload of the FOI/PA Branch on requests (without regard to appeals and litigation) has begun to stabilize in terms of incoming requests but still at a higher level of incoming requests. For Fiscal Year 2000, the number of projected incoming FOI/PA requests will total 850-875. The continued decline (from 1039 in FY 1997, 914 in FY 1998, and 836 in FY 1999) in incoming requests is attributable to several factors - the primary factor being the posting of numerous records pertaining to the Americans with Disabilities Act on the CRT Website. The current backlog (i.e., requests pending over 20 days) totals 68 FOI/PA requests. Of the 845 FOI/PA requests closed during FY 1999, the median time for completing 92% of these closings was less than 20 days. The FOI/PA Branch will continue to make reductions in the backlog at a rate that allows for significant amounts of resources to be directed towards the larger volume requests. The Branch will come very close to eliminating its backlog in FY 2001. During FY 2000, the FOI/PA Branch will also be placing substantial staff time into a complete revision of the Civil Rights Division's Privacy Act Notice Systems of Record for publication in the Federal Register.

The Litigation Support Group (LSG) continued Division-wide support of cases during FY 1999. This support has been varied in both the type of service and case law, as LSG provides assistance for cases throughout the Division. LSG is currently providing support to many important initiatives such as the investigations of police misconduct, processing of Freedom of Information Act requests, the investigation of cases under Title II and III of the Americans with Disabilities Act (ADA), the enforcement of ADA regulations, and the prosecution of fair housing and lending discrimination. LSG will continue to support many of the types of cases it worked on in FY 1999 throughout FY 2000 and FY 2001. In addition to these cases, LSG will also continue to support initiatives such as hate crimes and violence against health care practitioners.

PROGRAM CHANGES:

	Pos.	FTE	Amount ($000)
Management and Administration	13	9	$441
Administrative Management	13	9	441

A program increase of 13 positions, nine FTE workyears and $441,000. Four of the positions and workyears (two GS-13s and two GS-12s) do not have any funding increases associated with them and are necessary to meet responsibilities associated with new personnel authority that was previously the responsibility of the Justice Management Division.

The remaining nine positions are required to address increased responsibilities in the following areas: personnel (two GS-12s), budget (one GS-13), financial operations (two GS-9s), facilities (one GS-9), procurement (one GS-8), systems support and development (one GS-14), as well as litigation support (one GS-11).

In FYs 2000 and 2001, the growth of the other Division components has put, and will continue to put a severe strain on the Administrative Management Section's (AMS) ability to keep pace with providing services for the increased staffing level. During these two years alone, the Division is expected to increase in excess of 124 positions, a 21% increase over its FY 1999 authorized position level.

The Division's authorized personnel level has increased from 425, in FY 1989, to 705, or 40 percent, with respective funding increasing from $27,756,000 to $95,101,000 or a 234% increase. During this same 12 year time frame, the authorized position level for the Management and Administration decision unit has decreased by 10 authorized positions, despite substantial new responsibilities associated with the Division's growth, and new responsibilities associated with legislation passed: Government Performance Results Act (GPRA), Debt Collection, Consolidated Financial Statements, Financial Management Federal Integrity Act (FMFIA), Government Management Reform Act, as well as other

responsibilities including delegated personnel authority and increased procurement authority from $2,500 to $25,000.

It has only been through the use of automation and streamlining of operations that AMS has been able to address these issues without programmatic increases. However, it has now reached a point in time when the economies of scale have been maximized. Program increases are essential to address the influx of responsibilities associated with the Division's expansion and increasing Administrative requirements.

AMS plays an integral part in ensuring that each of the respective components have the respective resources, both personnel and non-personnel, they need to accomplish their mission. Absent this essential commensurate funding for the administrative functions will create a bottleneck for the other Division programs ability to acquire adequate facilities to staff the new hires, bring the personnel they need on-board, procuring the services required, etc.. The additional personnel will be required to modify the existing information systems to accommodate the influx of personnel, track the expenditures associated with the increase funding levels, and provide an increased level of administrative support for its litigation support function.

Multi-Activity Program Change:

	Perm. Pos.	FTE	Amount ($000)
Litigation Support Initiative	...	...	$1,275
Civil Rights Prosecution	...	...	233
Special Litigation	...	...	106
Voting	...	...	334
Employment Litigation	...	...	177
Housing and Civil Enforcement	...	...	41
Disability Rights	...	...	341
Office of Special Counsel for Immigration Review	...	...	43

A program increase of $1,275,000 for litigation support requirements for FY 2001, in order to meet the Division's ever-increasing demand for a flexible vehicle to respond to urgent litigation needs. This level of resources is based on the actual level of litigation support resources CRT used The Litigation Support Services Group (LSSG) supports a diverse variety of services in a wide range of civil rights case law. These services cover areas from hate crimes prosecution, investigations on police misconduct, to the enforcement of the Americans with Disabilities Act (ADA), and the

prosecution of fair housing and mortgage lending discrimination. These areas are directly related to the Attorney General's Department-wide goal of reducing societal divisions and the DOJ Strategic Plan goal "Protect the Civil Rights of All Americans".

The LSSG provides a way for the Division to foster maximum performance and efficiency, while maintaining a flexible vehicle to respond to ever-changing litigation requirements. In addition, the LSSG provides methods by which the litigative components can streamline their investigative and litigative efforts, take advantage of cost savings, and enhance their court presentations. Services provided consist of, but are not limited to: trial support, exhibit preparation, statistical analysis, customized databases, development and implementation of imaging systems, workflow reviews, and temporary contract paralegals. All of these items are essential to the success of the Division's investigative and litigative efforts.

The Division has been able to realize substantial cost savings as a result of the implementation of litigation support contracts in almost every one of its cases. In addition, the implementation of new technologies and being able to hire individuals with specialized training has increased productivity. Without listing out each individual case and the resulting savings, the main concepts behind the cost savings and increased productivity provided by the Litigation Support Program, are as follows:

- Provides a flexible vehicle to respond to urgent litigation needs;
- Is able to address a broad and diverse array of requirements;
- Able to foster maximum performance and efficiency, as contract personnel have very specialized training and expertise, are hired only for the duration of the project, and are very easily released if their performance does not meet expectations;
- Provides expertise to various sections to streamline litigative efforts (e.g.-- the development of an imaging system for the potentially thousands of documents retrieved in the investigative stage in a case, thus making it extremely easy to search and locate respective documents, enhancement of the court presentations by the litigative team and realize substantial costs savings to transport and store the documents);
- Provides the expertise to develop customized databases in house, that previously had to be performed by very expensive experts;

- Provided expertise to streamline the day-to-day operations of the Sections (e.g.- the Employment Litigation Section's issuance of right to sue letters issued, and other workflow reviews).

- The annual caseload for the LSSG is as follows:

Fiscal Year	Caseload	Fiscal Year	Caseload
1994	31	1998	101
1995	45	1999	121
1996	55	2000 (est.)	163
1997	73	2001 (est.)	196

For the first seven months of FY 1999, LSSG has continued to provide support to over 85 cases. This represents an increase in excess of 20% in case workload over FY 1998. This trend is expected to continue into both FY 2000 and FY 2001. The Division has never been provided resources to support this essential litigation support effort and has been forced to absorb all costs associated with this program over a period of several years when we were also required to absorb significant base level reductions. Additional resources are necessary to enable LSSG to meet existing and increasing needs of our litigative components. the Civil Rights Division has not received litigation support related funding to-date, thus does not have funding in its "base" for these critical expenses. The Division's Litigation Support program has been funded by the activities requiring services, from their respective allocations, at the expense of having to reduce funding from within other viable activities from within their program.

The average cost per case or matter varies significantly, depending upon the level of support required. The average cost can varies from a few hundred dollars to hundreds of thousands of dollars. Dropping out the real expensive cases, the average cost (based on actual cases and costs for FY 1998 and 1999) works out to be approximately $35,200 per case.

In order to maintain flexibility in responding to changing litigation priorities, resources will be managed and reflected in the Management and Administration Decision Unit total resource availability.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: Appellate
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS						
				FY 1999		FY 2000			
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	Final Plan	Actuals	Initial Plan	Final Plan	FY 2001 Plan	
INPUT	Perm. Pos.		29	29	29	29	29	31	*
	FTE		28	28	28	28	28	29	*
	Amount		$3,156	$3,310	$3,282	$3,557	$3,557	$3,899	*
WORKLOAD OUTPUT/ ACTIVITY	1. Cases/Matters Received	Appellate	202	135	150	145	165	170	*
	2. Supreme Court Briefs & Substantive Papers Filed	Appellate	26	29	31	26	35	40	*
	a. Amicus Briefs		11	9	9	6	13	15	*
	b. Briefs in Opposition to Certiorari		10	13	16	11	20	25	*
	3. Courts of Appeals Briefs & Substantive Papers Filed	Appellate	98	95	86	95	98	105	*
	a. Amicus Briefs		22	21	26	21	30	3,535	*
	b. Briefs as Appellee		22	20	19	25	22	26	*
	c. Briefs as Respondent (defending ALJ decisions)		2	0	0	3	2	2	
	d. Briefs as Intervenor		24	17	13	17	18	23	*
	4. Recommendations to the Solicitor General	Appellate	63	55	58	65	60	64	*
	5. Oral Arguments	Appellate	50	36	45	50	50	58	*
	6. Notices of Appeal Filed	Appellate	13	7	9	7	10	10	
	7. HUD Enforcement Actions	Appellate	0	0	0	2	1	1	
	8. Legal Counsel & Research Assistance	Appellate	87	90	115	74	97	107	*
INTERMEDIATE OUTCOME	9. Supreme Court	Appellate							
	a. Certiorari Granted		3	7	7	3	6	6	
	b. Stay Granted		1	0	0	1	2	2	
	10. Court of Appeals	Appellate							
	a. Rehearing Granted		1	1	1	1	2	2	
	b. Stay Granted		0	0	0	1	2	2	
END OUTCOME	11. Supreme Court Merits Decisions	Appellate	9	12	12	10	16	16	*
	a. Number of Cases Won (Full or Partial Success)		7	9	9	6	12	12	*
	b. Success Rate (%)		78%	75%	75%	60%	75%	75%	
	12. Court of Appeals Merits Decisions	Appellate	48	50	68	48	60	65	*
	a. Number of Cases Won (Full or Partial Success)		42	36	49	36	48	51	*
	b. Success Rate (%)		88%	72%	72%	76%	80%	78%	
	13. Supreme Court Non-Merits Decisions (not including those reported as Intermediate Outcomes)	Appellate	24	25	17	21	22	22	
	14. Court of Appeals Non-Merits Decisions (not including those reported as Intermediate Outcomes)	Appellate	7	10	9	10	9	10	
	15. HUD Judgments Enforced	Appellate	0	0	0	1	0	1	

* Indicators covering a requested program change.

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APPELLATE SECTION

Data Source: All data was obtained from records maintained by the Appellate Section of the Civil Rights Division.

A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.

#1. Cases: Supreme Court and courts of appeals cases in which the Division is a party or amicus.

Matters: Work performed on legal issues principally handled by other Divisions and federal agencies, internal research assistance, and cases we consider but decide not to participate in.

#2. Substantive papers: Non-procedural filings or applications to courts requesting an order or ruling affecting either the "Intermediate Outcome" or "End Outcome" of the case. The subcategories of briefs and substantive papers (e.g. amicus brief, appellee brief, brief as respondent) do not include filings as a party (petitioner/appellant) in the Supreme Court or courts of appeals. The following definitions are provided for only the briefs indicated on the Performance Measurement Table (PMT).

Amicus Brief: A document filed with the court's permission by one who is not a party to the lawsuit and provides information and argument to aid a court in reaching a proper decision or to urge a particular result. Amicus curiae means "friend of the court."

Appellee Brief: A document filed in an appellate court by the prevailing party in the court below arguing against setting aside the judgment. This document is filed in response to brief filed by the Appellant.

Respondent Brief: An answer or response to a application to review a prior judgment. In this instance, review of a decision by an administrative law judge.

Intervenor Brief: A document filed in federal court by one who is not a party to the suit, but claims an interest in the subject matter and comes into the case in order to protect his interest or right.

#3. Recommendations to the Solicitor General: Memoranda to the Solicitor presenting the unit's legal judgment for or against an appeal, petitions for certiorari, or amicus participation.

#7. HUD Enforcement Actions: Cases involving judicial enforcement of final administrative orders.

#8. Legal Counsel and Research Assistance: Formal comments (written and oral) to other Divisions, agencies, or the Solicitor General concerning cases handled by others, as well as other legal and policy memoranda not connected with a particular Division case, prepared at the respect of the Assistant Attorney General.

#9. & #10. Non-Merits Decisions: Determinations of courts which do not affect the substance of a litigant's claim. These decisions are made on procedural motions and can be intermediate or final in result. See #13 & #14 for "End Outcome" non-merits decisions in which the Supreme Court denied certiorari or stay, and the courts of appeals denied stay.

#9a. Certiorari: A means of obtaining review by the Supreme Court.

#9b. & 10b. Stay: A postponement by the court of the right of the winning party to enforce its judgment.

#10a. Rehearing: Reconsideration of the issues by the same court.

B. FY 99 Program Performance Report. Categories reflect increases due to increased litigation in Disability Rights, Voting and Housing areas. This fiscal year, we continue to defend a number of criminal prosecutions, and to successfully defend the constitutionality of the Freedom of Access to Clinic Entrances Act (FACE). Section responsibility has increased as we intervene in cases to defend Congress's abrogation of states Eleventh Amendment immunity under various civil rights statutes (Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964 and the Equal Pay Act). See Output/Activity #3d and #4. Although activity in the Housing area (involving straight forward attacks on illegal housing practices based on race, color, religion, sex, or national origin) has increased, judicial enforcement of final administrative orders has declined. See Output/Activity #7, and see "C" below.

C. Factors Affecting Selection of FY 2000 and 2001 Targets. Estimates or projections for future years in all categories are based on considerations of staffing, production in previous years, and the level of activity in the trial sections. It should be noted, however, that the work of this Program is closely correlated to the Output/Activity of litigative programs, and that its Supreme Court activity is dependent upon the types of cases which the Court decides to hear.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: CIVIL RIGHTS PROSECUTION
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
				FY1999		FY2000		
Type of Indicator	Performance Indicators	Data Source**	FY1998 Actuals	Final Plan	Actual	Initial Plan	Current Plan	FY2001 Plan
Input	Permanent Positions		55	61	61	81	81	89 *
	FTE		54	61	60	71	71	85 *
	Amount		$5,345	$6,690	$6,634	$8,385	$8,385	$10,434 *
Workload	1. Number of Complaints Received		12,188	12,188	12,132	12,188	12,368	12,666
	a. from citizens		8,386	8,386	8,468	8,386	8,468	8,468
	b. from the FBI		3,802	3,802	3,664	3,802	3,918	4,198
Output/Activity	2. Number of Complaints Reviewed		13,152	12,152	12,353	13,951	12,512	13,707 *
	3. Number of Matters Investigated		2,955	2,955	2,547	2,955	2,801	3,081
	4. Number of Matters Closed		2,951	2,951	2,390	3,750	2,549	3,744 *
	5. Number of New Matters to Grand Jury		78	78	72	98	76	112 *
	6. Number of Cases Filed/Defendants Charged		79/153	79	89/138	100	95	139 *
	a. Official Misconduct		39/74	39	36/58	45	39	57 *
	b. Racial/Religious Violence (Hate Crimes)		17/30	28	31/46	40	34	50 *
	c. FACE		02/02	4	06/06	4	6	9 *
	d. Involuntary Servitude/Other		03/20	3	06/18	4	6	9 *
	e. House of Worship Arson/Desecration		18/27	7	10/10	7	10	14 *
	7. Outreach and Prevention Efforts		70	70	74	88	78	78
	a. Attorney hours		210	210	225	267	240	240
Intermediate Outcome	8. Pending Matters		2,617	2,621	2,680	1,826	2,932	2,269 *
	9. Pending Grand Juries		55	55	62	69	66	97 *
Productivity/ Efficiency	10. Success Rate of Cases - Overall		95%	n/a	80%	n/a	n/a	n/a
	a. Official Misconduct		89%	n/a	60%	n/a	n/a	n/a
	b. Racial/Religious Violence (Hate Crimes)		96%	n/a	93%	n/a	n/a	n/a
	c. FACE		100%	n/a	100%	n/a	n/a	n/a
	d. Involuntary Servitude/Other		100%	n/a	100%	n/a	n/a	n/a
	e. House of Worship Arson/Desecration		97%	n/a	100%	n/a	n/a	n/a

* Designates an indicator covering a requested 2001 program change.

CRIMINAL SECTION

A. Definitions of terms or Explanations for Indicators:

**Data Source--The Criminal Section's case management system is the data source for the statistical information.
Item 1--This figure reflects the total of Items 1(a) and 1(b).

Item #1(a)--The 'Number of Complaints Received from Citizens' includes letters received from citizens as well as telephone complaints received and controlled mail referred from the White House, Congress and the Attorney General for review and response.

Item #1(b)--The 'Number of Complaints Received from the FBI' includes less serious, non-brutality complaints called '0178' that are reviewed by paralegals. The remaining complaints are FBI investigations ('Matters Investigated' Item 3) which are assigned to attorneys.

Item #2--This figure includes the total of all forms of complaints reviewed by the Program including FBI investigations, citizen complaints, citizen calls and controlled correspondence such as letters from Congress and the White House as well as letters addressed to the Attorney General. This total may exceed the number of complaints received because it includes complaints received during prior fiscal years.

Item #3--This figure includes investigations conducted by the FBI and referred to the Program for prosecutive review as well as complaints received directly by the Program and referred to the FBI for investigation. This figure is included in 1(b) above.

Item #4--This figure reflects all FBI investigations reviewed and closed in a given fiscal year including incidents prosecuted and closed upon conclusion of litigation. This number may exceed FBI investigations received because it includes investigations received during prior fiscal years which remained active for various reasons, e.g., awaiting results of local/state prosecution to ensure federal interests vindicated, awaiting results of additional investigative developments, awaiting federal prosecution and appeals process.

Item #5--This figure reflects the number of grand jury investigations initiated during a given fiscal year.

Item #6--This performance indicator was modified to include the actual number of defendants charged by type of case.

Item #6(a)--Official misconduct cases reflect cases involving law enforcement officials including, for example, police officers, deputy sheriffs, state and federal prison correctional officers, INS border patrol agents or detention enforcement officers, magistrates or judges.

(d)--'Other' are cases involving offenses not related to racial/religious violence which grew out of racial/religious violence cases; involuntary servitude cases are also included on this line.

Item #6(e)--'Church Arson/Desecration' are cases involving fires or damage to churches. These types of cases were categorized as racial/religious violence (hate crimes) in the past. The creation of the National Church Arson Task Force (NACTF) and the expansion of the statute used to enforce damage to religious property necessitated the need to list this type of case separately.

Item #7--This figure indicates the number of training and outreach programs in which lawyers from the Criminal Section participated, e.g., training law enforcement agencies in an effort to prevent abuse, FBI and INS programs targeting federal, state and local law enforcement supervisors for training on civil rights issues, conferences designed to communicate hate violence activities to public interest organizations.

Item #7a--This figure indicates the number of Criminal Section attorney hours spent conducting presentations at training and outreach programs.

Item #8--This figure reflects the number of investigations pending review and disposition at the end of a given fiscal year. This number includes cases charged but pending litigation.

Item #9--This figure refers to matters awaiting presentation to a federal grand jury or outcome of an on-going grand jury investigation.

Item #10--'Success Rate' = (Convictions + Pleas)/(Convictions + Pleas + Acquittals + Dismissals).
Numbers reflect all activity occurring or projected within a given fiscal year. For example, some of the actual convictions, pleas and acquittals occurring in a given fiscal year, which are used to calculate 'Success Rate', resulted from cases filed in prior fiscal years.

Items #11, #12 & #13--'Productivity/Efficiency' Indicators were based on the number of line attorneys authorized for that fiscal year (or 'n'). For example, the actual number of 'Investigations Closed per Attorney' for FY 97 (98) was derived by dividing the number of 'Matters Closed' (2356) by the number of line attorneys (24).

B. *FY99 Program Performance Report*

Items #1 and #3--FY 1999 figures reflect the actual number of complaints received and matters investigated during FY99. Although we have no control over the number of complaints received and matters investigated during a specific time period, the number of FBI investigations and citizen complaints received during FY 1998 were approximately 10% higher than the number received during fiscal year 97.

Item #2--A large number of citizen complaints were resolved by the paralegal staff during FY98 resulting in a higher than usual total. Citizen complaints continue to be handled at a high rate even though the FY99 total number of complaints reviewed did not exceed FY98 figures.

Item #4--Renewed initiative to review and resolve investigations promptly resulted in an increase in the number of matters closed during FY98. We have been unable to sustain the same pace during FY99 with increased responsibilities, e.g., participating in training and outreach programs, expanded church arson jurisdiction, worker exploitation task force.

Items #5--FY 99 Output Activity reflects actual activities and accomplishments during FY99. We have been unable to initiate the same number of grand jury investigations as during FY98 but have devoted extra attention to resolving some of the ongoing grand jury investigations resulting in an increase in the number of cases filed during FY99.

Item #9--The number of investigations approved for grand jury but not yet charged or closed has increased as attorneys continue to be required to handle many assignments simultaneously.

C. Factors Affecting Selection of FY 00 and 01 Plans.

(Thirteen additional attorney positions were authorized for FY00 to handle increased incidence of official misconduct and hate crimes activity and to coordinate an initiative to combat increased incidence of worker exploitation across the nation as well as to participate in training and outreach programs relating to criminal civil rights enforcement and to continue to close non-meritorious investigations while at the same time developing cases for prosecution. FY01 projections are based on benefit of the full increase of 13 attorneys authorized during FY2000 as well as two of the five attorneys requested for FY2001.)

Item #1a--While it is difficult to estimate how many complaints will be received from citizens, we have based our FY00 and FY01 estimates on the actual number of citizen complaints received during FY99.

Items #1b and #3--An increase in the number of investigations received from FBI was seen when comparing the number received during FY94 to recent years. Although it is difficult to estimate how many investigations will be received from FBI each year, FY00 and FY01 Plans reflect a 10% increase based on prior trends.

Items #2 and #4--FY 00 Current Plan is based on activity during FY99 with full benefit of 2 of the 13 attorneys authorized during FY00. FY01 plan is based on 13 attorneys authorized during FY2000 with allowance for requested enhancement of five additional attorneys for FY01. Although an increase of 13 attorneys was authorized during FY2000, we anticipate the benefit of 2 of the 13 attorneys during FY00. We do not anticipate the full strength benefit until at least FY2001. FY00 targets derived by subtracting #4 from #2 from FY 99 Actuals to obtain complaints reviewed by non-attorney staff and adding projected number of matters closed during FY 00 for total complaints reviewed. The same formula was followed for FY01.

Items #5 and #6--Current Plans for FY00 and FY01 are based on projection of performance during FY99 with allowance for enhancements. However, due to the complex nature of most cases and the uncertainty of the amount of attorney time spent to bring the case to trial, it is difficult to predict exactly how many cases will be filed and how many defendants will be charged each year.

Item #7--FY 00 and 01 targets based on performance during FY 99 with minimal increase allowed for enhancements.
Although 13 attorneys were authorized during FY00 and 5 additional attorneys were requested for FY01, it is unlikely these attorneys will be able to assist with training and outreach efforts immediately. Generally, senior attorneys who have prosecuted federal criminal civil rights cases are utilized for these types of assignments. As newer attorneys gain experience in this area, the group of attorneys enlisted to conduct training and outreach seminars will expand and output activity will increase.

Items #8--Targets for FY 00 and 01 are derived by adding pending matters (#8) from prior year to matters investigated (#3) during current year and subtracting number of matters closed (#4) during that year.

Item #9--Targets for FY 00 and 01 are based on projections of actual performance during FY 99. However, it is difficult to predict the complexity of each grand jury investigation and therefore difficult to determine an investigative timetable.

Except where noted above, all FY 00 and 01 targets are based on FY 99 indicators with requested enhancements.

* *Designates an indicator covering a requested 2001 program change.*

PERFORMANCE MEASUREMENT TABLE

Decision Unit: Special Litigation Section

Strategic Plan FY 1997-2002

Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Final Plan	FY 2001 Plan
INPUT	Perm. Pos.		37	37	46	60	60	71 *
	FTE		34	34	43	50	50	62 *
	Amount ($000)		$3,782	$3,967	$4,727	$5,978	$5,978	$8,269 *
	1. Number of citizen contacts received, including telephone calls:							
	CRIPA	CMS	6,800	3,200	4,000	4,200	4,200	4,200
	FACE	CMS	30	30	30	30	25	30
	Police Misconduct	CMS	100	100	200	250	250	275
	2. Number of new investigations of facilities opened:							
	CRIPA	CMS	10	10	6	10	10	18 *
	FACE	CMS	4	2	4	2	2	1
	Police Misconduct	CMS	3	4	5	6	6	12 *
	3. Number of new cases opened:							
	CRIPA	CMS	5	6	6	8	8	12 *
	FACE	CMS	3	2	0	1	1	1
	Police Misconduct	CMS	0	3	0	6	6	9 *
	4. Number of facilities monitored pursuant to CRIPA consent decrees	CMS	76	76	109	88	88	110 *
	5 *Number of consultant/expert evaluations of* institutions	Sec Accts	125	125	125	134	125	135 *
	6 Number of cases under suit at end of FY							
	CRIPA	CMS	37	37	38	40	40	46 *
	FACE	CMS	17	16	18	19	19	20
	Police Misconduct	CMS	3	4	4	10	10	19 *
	7. Number of facilities monitored pursuant to PLRA requirements	CMS	80	80	80	75	80	75
OUTPUT/ ACTIVITY	8. Number of compliance reports reviewed.	Files	190	200	200	210	210	220
	9. Number of Technical Assistance units offered in FY		n/a	n/a	n/a	n/a	n/a	80 *
	10. Number of speeches, conferences or appearances by staff	Sec Accts	25	12	25	16	16	20 *
	11. Number of referrals to FBI	CMS	20	22	20	33	22	32 *
	12. Number of facilities receiving CRIPA findings letters	CMS	38	12	10	16	12	16 *
	13. Number of Contempt Motions filed	CMS	2	6	4	6	4	7
	14. Number of citizen complaints reviewed	CTS	5,000	3,000	3,750	3,800	3,400	3,700
	15. Number of cases closed	CMS	7	6	6	6	6	6

NAME OF DIVISION UNIT: Special Litigation Section

			1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
INTERMEDIATE OUTCOME	16. Number of CRIPA consent decrees/settlement agreements entered	CMS	10	10	10	12	10	15
	17.Percentage of facilities under CRIPA suit for which consent decrees, settlement agreements, court orders or preliminary injunctions have been achieved.	Files	95.0%	n/a	n/a	n/a	n/a	n/a
	18. Number of FACE Preliminary Injunctions won	CMS	5	5	3	5	n/a	n/a
	19. Of total active consent decrees, settlement agreements, court orders, percentage achieving partial compliance	Files	100%	n/a	100%	n/a	n/a	n/a
END OUTCOME	20. Number of consent decrees, settlement agreements, permanent injunctions or court orders obtained							
	CRIPA	CMS	10	10	10	n/a	8	7
	FACE	CMS	3	2	2	n/a	2	2
	Police Misconduct	CMS	0	1	3	n/a	3	6
	21. Percentage of cases favorably resolved in whole or in substantial part by consent decree, settlement agreement, preliminary injunction or court order	Files	90%	90%	90%	90%	n/a	n/a
	22. Numbers of persons at reduced risk of harm as a result of CRIPA enforcement							
	A) Prisons	Files	125,000	126,000	126,000	127,000	127,000	127,000
	B) Jails	Files	3,600	3,600	3,600	3,600	3,600	4,000
	C) Mental Health	Files	2,800	3,000	3,000	3,200	3,200	3,400 *
	D) Mental Retardation	Files	5,900	6,000	6,000	6,200	6,000	6,000 *
	E) Juvenile Detention	Files	7,600	8,000	8,000	8,500	8,000	8,200 *
	F) Nursing/ Chronic Care	Files	3,300	3,800	3,800	5,200	3,800	5,000 *
	23. Number of consent decrees/ settlement agreements terminated	CMS	2	8	8	7	7	7
	24. Number of investigated facilities closed	CMS	9	n/a	9	n/a	n/a	6
	25. Number of case/investigation closures due to voluntary compliance	Files	7	n/a	7	n/a	n/a	5

* Designates an indicator requesting 2001 program change.

SPECIAL LITIGATION SECTION

A. Definitions of Terms or Explanations for Indicators:

N.B. Data in this chart regarding institutional facilities includes data from seven pre-CRIPA cases still monitored by the Section. Data for target categories are rough estimates.

#2 In view of the workload demands of already open CRIPA investigations and litigation in progress, it is expected that completion of investigations will take several fiscal years. Fewer FACE investigations are expected because of the chilling effect the statute has had on violative activity nationwide.

#3 CRIPA enforcement allows a period of time for voluntary compliance by subject institutions. This period includes time for the promised improvement to be established, re-evaluation tours by consultants, review of the institution's remedial plans, and evaluation of the institution's progress in eliminating identified constitutional deficiencies. Additional findings letters may be issued when unsatisfactory progress is made. Formal settlement agreement negotiations may commence and may take one year or longer to conclude. Each investigation is considered individually and specific responses are made to institutions as required by the facts presented. New CRIPA investigations are taking longer to complete due to the allocation of staff resources to older investigations, PLRA requirements and negotiation of settlement agreements.

The development of cases pursuant to police misconduct authority is delayed by the enormous volume of materials reviewed in the investigation stage. These matters are taking longer than expected to reach the complaint stage.

#6 Due to workload demands of CRIPA, police misconduct and FACE, the Section has filed fewer suits than it would if there were more staff resources.

#8 Compliance reviews analyze, inter alia, incidents of harm and neglect, medical and psychiatric care, use of restraint, staffing ratios, adequacy of professional staffing, staff training and community placement.

#9 We are interpreting a technical assistance unit to mean an instance where technical information on either police practices or institutional policy or practice has been provided.

#10 Speeches and conferences are utilized as outreach to explain to interested groups and parties about Department policies and to solicit views.

#11 Referrals are usually made to the FBI for the purpose of providing criminal history checks or locating present addresses of witnesses in FACE and police misconduct matters.

#12 Initial findings letters are sent at the end of the investigation period of CRIPA enforcement, as statutorily required. Delays in completing investigations are caused by the time required to schedule consultants for tours, conduct of on site evaluations, review of voluminous institutional documents, interviews of staff and other interested parties, etc. Often the unwillingness of state or local officials to cooperate results in numerous negotiation sessions to resolve questions on the appropriateness of the method of the investigation.

#13 Contempt motions are filed when defendants fail to comply with ordered relief. Typically, they occur after a protracted period of non-compliance.

#15 Cases are not closed until minimum constitutional standards of care have been achieved. Lengthy negotiations over the terms of settlements and the degree to which facilities achieve compliance with those terms often takes several years, depending on the efforts made by the defendants. When compliance is achieved, consent decrees are terminated, or orders of dismissal are sought.

B. FY 2000 Program Performance Report.

#1c Police misconduct complaints are increasing due to increased public visibility and Section outreach. The Section is compiling a log of alleged violations by law enforcement officials to determine where investigation is warranted. When approved additional staff comes on board, we anticipate that all performance goals will be met in FY 2000.

#4 The number of facilities monitored pursuant to settlement agreements is increasing. Substantial staff resources are devoted to compliance review and progress evaluation. Due to the volume of information to be analyzed, we are facing increasing difficulties in maintaining an effective and thorough compliance review program. Additional approved staff will assist in meeting performance goals set forth in GPRA table.

C. Factors Affecting Selection of FY 2001 and 2002 Plans.

#8 The number of facilities monitored pursuant to PLRA requirements will decrease in FY 2001 due to expected dismissals of some prison and jail cases.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: Voting Section
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans
PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	FY 2001 Plan
INPUT	1. Perm. Pos. *	see note	82	82	82	94	94	100
	2. FTE*		85	88	82	92	92	104
	3. Amount ($000) *		$8,000	$8,281	$8,211	$10,297	$10,297	$12,926
	4. Entities that make §5 preclearance submissions		10,053	10,053	11,200	10,053	11,250	11,300
	5. Counties subject to minority language requirements		414	414	414	414	414	414
	6. Counties eligible for fed observer election coverage		152	153	157	154	158	159
	7. Cases filed*		4	16	12	14	17	19
	a. § 2*		0	6	3	5	6	6
	b. § 5 enforcement		0	4	3	2	2	1
	c. § 5 declaratory judgment defense*		0	1	0	1	1	3
	d. minority language		1	1	1	1	2	2
	e. NVRA		1	1	0	1	1	1
	f. Shaw/Miller redistricting challenges*		1	2	1	4	3	5
	g UOCAVA		1	1	1	0	0	0
	h bailout		0	0	2	0	2	1
	I. miscellaneous		0	0	1	0	0	0
	8. Active cases*		49	48	44	48	45	49
	a. § 2*		10	12	9	13	12	14
	b. § 5 enforcement		5	7	6	7	4	3
	c. § 5 declaratory judgment defense*		4	2	1	3	2	4
	d. minority language		7	8	8	9	11	12
	e. NVRA		6	5	4	5	4	3
	f. Shaw/Miller redistricting challenges*		13	10	9	11	9	11
	g. UOCAVA		2	3	3	0	0	0
	h. bailout		0	0	2	0	3	2
	I. miscellaneous		2	1	2	0	0	0
	9. Election coverage - investigations		238	235	252	300	300	300

Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	FY 2001 Plan
OUTPUT/ ACTIVITY	10. Trials held		15	18	6	16	10	14
	11. Section 5*							
	a. § 5 submissions reviewed*		4,140	4,050	3,803	4,900	4,900	5,100
	b. § 5 changes reviewed*		18,393	15,600	12,679	19,600	19,600	20,400
	c. §5 redistrictings reviewed*		80	60	61	50	50	1,000
	12. Election coverage							
	a. elections monitored by federal observers		17	18	34	18	24	30
	b. number of federal observers		201	270	428	270	300	400
	13. Cases							
	a. favorable nondispositive rulings		10	n/a	3	n/a	n/a	n/a
	b. unfavorable nondispositive rulings		5	n/a	1	n/a	n/a	n/a
	c. percentage favorable		67%	n/a	75%	n/a	n/a	n/a
	14. Section 5 requests for more information		60	55	22	65	35	70
END OUTCOME	15. Cases							
	a. complex cases successfully litigated		3	n/a	3	n/a	n/a	n/a
	b. complex cases unsuccessfully litigated		2	n/a	1	n/a	n/a	n/a
	c. percent successfully litigated		60%	n/a	75%	n/a	n/a	n/a
	d. standard cases successfully litigated		13	n/a	10	n/a	n/a	n/a
	e. standard cases unsuccessfully litigated		2	n/a	0	n/a	n/a	n/a
	f. percent successfully litigated		87%	n/a	100%	n/a	n/a	n/a
	16. Section 5							
	a. §5 submissions objected to		8	n/a	5	n/a	n/a	n/a
	b voting changes blocked		13	n/a	9	n/a	n/a	n/a
	c. §5 submissions precleared		4132	n/a	3,798	n/a	n/a	n/a
	d. voting changes legalized		16380	n/a	12,870	n/a	n/a	n/a
PRODUCTIVITY/ EFFICIENCY	17. §5 submission actions per attorney-reviewer		1,035	1,013	951	1,125	980	850
	18. §5 change actions per §5 analyst		1,152	1,129	920	1,059	1,227	1,020

*Designates an indicator requesting a program increase in FY 2001.

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VOTING SECTION

Data Source:

4	Voting Section staff calculation based on information in Section 5 database (Submissions Tracking and Processing System or "STAPS")
5	Voting Section staff calculation based on 28 CFR Part 55 Appendix.
6	Voting Section records of certifications by the Attorney General pursuant to Section 6 of the Voting Rights Act (VRA) and of court orders pursuant to Section 3(a) of VRA.
7-10, 13 & 15	Voting Section litigation records.
11, 14 & 16	STAPS
12	Voting Section election coverage records.
17-18	Voting Section staff calculations based on STAPS and personnel records.

A. Definitions of Terms or Explanations for Indicators:

4 Entities that make Section 5 preclearance submissions are those that have made submissions since 1980 and include states and counties covered under Section 4 of the Voting Rights Act (VRA), counties subject to preclearance as a result of Section 3(c), and cities, school districts, and other such entities within them, all of which are counted individually in this measure, since each submits changes independently of the others.

5 Counties subject to minority language requirements are counties and other political subdivisions subject to Section 4(f)(4) or Section 203(c) of the VRA.

6 Counties eligible for federal observer election coverage are counties and other political subdivisions certified under Section 6 of the VRA or under Section 3(a) court order.

7a* Section 2 of the VRA prohibits practices that have a discriminatory result; we use it especially to challenge methods of election and redistricting plans that deny minorities a fair opportunity to elect candidates of their choice.

7b Section 5 of the VRA requires the federal review of voting changes made by specially covered states and counties, cities, school districts, and other political entities to assure that they are not discriminatory. We bring Section 5 enforcement actions to enjoin the enforcement of changes to which an objection has been interposed by the Attorney General or which have not been received for the required review.

7c* A jurisdiction can seek a Section 5 declaratory judgment that an objected-to voting change is not discriminatory. These cases usually are complex, and their defense is a nondiscretionary responsibility of the Program.

7d Sections 4(f)(4) and 203 of the VRA require certain jurisdictions to use specified minority languages in their electoral processes.

7e The National Voter Registration Act (NVRA, or "motor voter" law) requires the states to conduct voter registration by mail, to permit voters to register when they obtain drivers' licenses, and to conduct voter registration at specified government agencies, and requires voter purges to be conducted under very controlled conditions.

7f* The Program seeks to defend redistricting plans that provide minorities fair opportunities to elect candidates of their choice and in which race has been properly used, where such plans have been unfairly characterized as racial gerrymanders prohibited under Shaw v. Reno, Johnson v. Miller, and Bush v. Vera.

7g The Uniformad and Overseas Citizens Absentee Voting Act (UOCAVA) provides a remedy for the late mailing of absentee ballots for federal elections to members of the Armed Forces and other citizens who are abroad.

7h Bailout actions are actions filed under Section 4(a) or Section 203(d) of the VRA to remove a jurisdiction from coverage under special provisions of the VRA.

8 An active case is a case with activity or significant compliance monitoring at some point during the year.

10 Trials include evidentiary and summary judgment and other dispositive hearings and major substantive status conferences.

11a,b* Each Section 5 *submission* contains one or more voting *changes*.

11c* Redistricting plans for states, counties, cities, and school districts are among the complex and time-consuming voting changes that are subject to Section 5 review.

12 Under Section 8 of the VRA federal observers selected by the Office of Personnel Management monitor elections where the Program has determined that observers are necessary to document and deter discrimination. In determining the number of elections monitored by federal observers, we count each time an election conducted by a county, city, or school district is monitored by federal observers.

13 Included under Output/Activity are important but nondispositive court decisions, for example, with respect to motions for preliminary relief and summary judgment.

14 More information from submitting authorities with respect to Section 5 submissions is requested when necessary to enable us to determine whether or not the submitted changes are discriminatory. Section 5 objections are frequently preceded by "more information" requests.

15 Cases are classified complex by supervising attorneys based on the legal and factual issues involved. Cases are classified as *successfully litigated* by supervising attorneys when a consent decree is filed with the complaint, when a court grants the relief that we have sought, or when we otherwise accomplish the objectives of the litigation. Cases may be included even if appeals or compliance monitoring are not completed. Multi-phase cases may be included more than once (either in the same year or in different years) where multiple inclusion is required to accurately reflect the work and accomplishments of the Program.

16a,b Section 5 objections almost always lead to compliance by the submitting jurisdiction. If the jurisdiction refuses to comply, an enforcement lawsuit can be brought, in which it is not necessary to prove that the voting practice in question is discriminatory. Jurisdictions that respond to an objection by requesting reconsideration or filing a declaratory judgment action normally comply with the objection until it is withdrawn or the declaratory judgment is granted.

16c,d By preclearing a proposed voting change submitted under Section 5, the Attorney General makes the change legally enforceable under federal law. The numbers presented are based on #11a & b and #16a & b.

17 Attorney-reviewers are Program attorneys assigned to supervise Section 5 analysts in the review of voting changes and to prepare legal analyses of submissions.

18 Section 5 analysts also assist in litigation support and in election coverage preparation.

B. FY 99 Program Performance Report

4 The number of entities subject to Section 5 has increased as new special districts are created, municipalities are incorporated, and entities that have not in the past made submissions submit voting changes for review.

6 The need for greater than expected federal observer activity (see #12) necessitated additional Section 6 certifications and Section 3 court orders.

7* The number of cases filed was lower than expected because we decided that our participation in some private lawsuits would be in appropriate and because the filing of some authorized lawsuits was postponed to provide opportunity for a negotiated settlement.

8 The number of active cases was lower than expected because the number of cases filed was lower (see #7).

10 Because more jurisdictions than anticipated agreed to consent decrees, and because of the nature of the litigation and the phases of the litigation that predominated during the year, fewer trials have been necessary than was anticipated.

11a,b* The reduced numbers appear to be the result of a greater than expected decline in voting precinct changes as boundaries are frozen in anticipation of the 2000 census and a greater than expected reduction in changes in voter registration procedures as a result of the expanded registration opportunities provided by the NVRA.

12 More elections were monitored by federal observers and more federal observers were used than expected primarily because of increased coverage in Mississippi for the quadrennial primary election, which was the result in part of our first ever monitoring of Choctaw language assistance in 5 counties covered under Section 203 of the Act and less progress than expected by the state in providing a discrimination free election day experience for black voters.

14 The number of requests for more information reflects the nature of the submissions received during the fiscal year.

17, 18 The reduced number of submissions and changes (see #11a,b) resulted in a less burdensome workload for attorney-reviewers and analysts.

C. Factors Affecting Selection of FY 00 and 01 Plans.

4 The number of entities subject to Section 5 will continue to increase as new special districts are created, municipalities are incorporated, and entities that have not in the past made submissions submit voting changes for review.

7* The number of new cases will be higher in 2000 than in 1999 because of conclusion of a number of cases during 1999 and investigations during 1999 that are likely to lead to new litigation in 2000. Another increase in cases is expected in 2001 as redistricting plans based on the 2000 census are adopted and become the subject of litigation.

9 Based on the higher than expected use of federal observers in FY 1999 (see #12), we have increased our predictions for FY 2000 and 2001 for the use of federal observers and thus for election investigations.

11* We expect, based on past experience in comparable years, to have more Section 5 submissions and changes in 2000 than in 1999 and more in 2001 than in 2000. The most dramatic increase (in 2001) will be in the number of redistrictings that are submitted. In the last few years before decennial census results are released, redistricting activity falls to very low levels. Once 2000 census data are released, however, jurisdictions will rush to prepare, adopt, and obtain preclearance for new plans, so that elections held in 2001 and 2002 can be held on schedule under new plans that satisfy the one person, one vote requirement of the Equal Protection Clause of the 14th amendment. While we expect to receive only about 50 redistrictings in FY 2000, following the 1990 census we received 511 in FY 1991, 1,274 in FY 1992, and 514 in FY 1993, a total of 2299 for the three years. We expect even larger numbers after the 2000 census. Not only will all the jurisdictions that redistricted following the 1990 census need to redistrict again, but also at least 500 jurisdictions that changed during the 1990s from electing their governing bodies at large to electing from districts will need to redistrict. In addition, other jurisdictions with single-member districts that did not redistrict following the 1990 census (including those that had changed from at-large to single-member district election during the mid or late 1980s) will adopt new plans. Thus we expect to receive about 3,000 redistricting plans in the first three fiscal years after census results are released (FY 2001, FY 2002, and FY 2003). Finally, because of greater awareness and improved technology, we expect jurisdictions to react more quickly than they have in past decades to the release of census data and thus to receive a higher proportion of the 3,000 plans we anticipate during earlier part of the three year period.

12 We cannot actually set targets but can only project based on past experience the amount of federal observer election coverage; we react to the actions (or inactions) of others. While the amount of federal observer election coverage will vary depending on the amount of election-related activity, long term trends indicate whether discrimination in voting is increasing (if the number of federal observers goes up) or declining (if the number of federal observers goes down). The resources that we must devote to election coverage are only partially reflected by election coverage statistics, as we are required to investigate and sort out problems for which relief under the VRA is required from those that are political in nature or for which a remedy under state law is appropriate (see #9, election coverage - investigations). Based on the higher than expected use of federal observers in FY 1999, we have increased our predictions for FY 2000 and 2001.

14 The number of requests for more information reflects the nature of the submissions received during the fiscal year.

17 Because a substantially higher proportion of the voting changes to be reviewed in 2001 are redistricting plans (see #11c), which are far more time-consuming than most other kinds of changes, the number of submissions reviewed per attorney-reviewer will decline from 2000 to 2001; this will require that attorneys who otherwise would be available to work on litigation will, instead, be used for Section 5 review supervision.

18 Because a substantially higher proportion of the voting changes to be reviewed in 2001 are redistricting plans (see #11c), which are far more time-consuming than most other kinds of changes, the number of changes reviewed per 55 analyst will decline from 2000 to 2001.

* Designates an indicator covering a requested 2001 program change.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: EMPLOYMENT LITIGATION

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
				FY 1999		FY 2000		
Type of Indicator	Performance Indicators	DATA SOURCE	FY 1998 Actuals	Final Plan	Actuals	Initial Plan	Current Plan	FY 2001. Plan
Input	Perm. Pos.		62	62	62	62	62	65*
	FTE		61	61	59	61	61	63*
	Amount (000)		$5,862	$6,121	$6,121	$6,524	$6,524	$6,844*
	1 Number of EEOC referrals received	ELS Rec	253	120	571	115	500	500
	2 Number of right to sue requests received	ELS Rec	4,619	5,000	3,628	5,000	4,000	4,000
	3 Number of pattern or practice investigations commenced	CMS	6	8	5	6	6	6
	4 Number of supplemental investigations of EEOC charges and other agency referrals commenced	ELS Rec	26	30	30	30	40	40
	5 Number of defensive cases and matters received	CMS	9	10	8	10	10	10
	6 Number of congressional and citizen inquiries received	ELS Rec	729	400	453	400	400	400
	7 Number of Consent Decrees actively monitored as of end of year	CMS	75	60	60	60	65	65
Output/ Activity	8 Number of right to sue letters issued	ELS Rec	4,749	4,200	4,328	5,000	4,400	4,600
	9 Number of responses made to controlled mail and citizen inquiries	ELS Rec	789	400	403	400	450	500
	10 Number of extant court orders requiring judicial activity or extensive enforcement efforts	ELS Rec	23	23	23	23	27	27
	11 Number of suits based upon EEOC referrals filed	CMS	6	10	23	10	9	12*
	12 Number of pattern or practice suits approved during the fiscal year	CMS	2	3	3	3	4	5*
Intermediate Outcome	13 Percentage of pattern or practice investigations which lead to lawsuits	ELS Rec	75%	75%	75%	75%	N/A	N/A
	14 Percentage of right to sue letters issued within 30 days of receipt of charge from EEOC	ELS Rec	100%	100%	100%	100%	100%	100%
	15 Percentage of EEOC referrals for which a supplemental investigation is conducted	ELS Rec	10%	15%	5%	15%	8%	8%
	16 Percentage of investigations based on EEOC referrals completed within 12 months of referral	ELS Rec	90%	90%	90%	90%	85%	90%
	17 Percentage of EEOC investigated referrals which led to a lawsuit	ELS Rec	26%	30%	30%	30%	30%	30%

Type of Indicator	Performance Indicators	DATA SOURCE	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	2001 Plan
	18 Number of consent decrees and out-of-court settlements obtained	CMS	7	13	31	11	11	12
	19 Number of court orders (other than consent decrees) obtained	CMS	0	2	0	1	1	1
	20 Monetary relief obtained for victims of discrimination	CMS	$457,452	$500,000	$5.7mil	N/A	N/A	N/A
	21 Number of victims receiving monetary relief	ELS Rec	219	18	2,410	N/A	N/A	N/A
	22 Number of victims receiving job relief	ELS Rec	30	12	400	N/A	N/A	N/A
	23 Percentage of lawsuits resolved by entry of a favorable court order	ELS Rec	85%	85%	85%	90%	90%	90%
	24 Percentage of authorized suits settled without trial	ELS Rec	80%	80%	80%	90%	90%	90%

* Designates an indicator seeking a program enhancement in FY 2001.

A. Definitions of Terms or Explanations for Indicators:

#1 Pursuant to section 706 of Title VII of the Civil Rights Act of 1964, as amended, the Equal Employment Opportunity Commission (EEOC) refers to the Department of Justice charges of discrimination against state and local governments that it believes are worthy of litigation.
#2 Title VII requires that charging parties receive notices of right-to-sue before commencing private litigation. The Employment Litigation Section is responsible for issuing such letters when the charge involves a state or local government employer.
#3 Pattern or practice investigations refer to the Attorney General's self-starting authority set forth in section 707 of Title VII. Included are both preliminary investigations and investigations formally authorized by the Assistant Attorney General.
#1 and #4 Not all EEOC referrals are investigated. Therefore, the numbers of EEOC referrals received and investigated will not be identical.
#18 Represents decrees agreed to by parties during the fiscal year, even though the decree may not have yet enforced by the court.
#A21 Represents monetary relief contained in decrees agreed to during fiscal year.
#22 Represents estimated number of victims who will receive job relief under decrees agreed to during the fiscal year.

B. FY 99 Program Performance Report.

1 The EEOC charge referrals are now handled by the field offices. The field offices no longer are required to forward their referrals to EEOC headquarters for review prior to sending them to Justice. This has caused a significant increase in the number of referrals received in this office. The increase in referrals may also be attributable in part to an increase in the number of charges filed with the EEOC.
#3,4 11, 12 The number of affirmative 706 and 707 investigations and suits commenced is directly correlated to the number of defensive cases, and their complexity, that are filed and must be defended. At the present time, the Section is devoting more than 30% of its resources to defensive litigation. In addition, our defensive responsibilities have affected our ability to initiate new Title VII litigation.
#5 The Program has no control over the number of defensive cases that are filed and which it has a statutory obligation to defend.
#11 and #16 FY1999 Actuals includes 25 suits that were approved against jurisdictions , pursuant to section 709 of Title VII of the Civil Rights Act of 1964 for failure to file EEO-4 forms.

C. Factors Affecting Selection of FY 99 and FY 2000 Targets. Provide information on the selection of target levels of performance, where necessary.

The Program's ability to investigate and litigate violations of Title VII will be affected by the number and complexity of the defensive cases it handles. The Adarand decision has resulted in numerous challenges to federal affirmative action programs. Defending these and other defensive cases requires the program to divert its resources from Title VII enforcement. Therefore, the number of Title VII investigations commenced and completed, as well as the number of Title VII suits initiated, will be inversely correlated to the amount of defensive litigation that is extant.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: Coordination and Review Section (COR)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
Type of Indicator	**Performance Indicators**	**Data Source****	**FY 1998 Actual**	**1999 Final Plan**	**1999 Actual**	**2000 Initial Plan**	**2000 Current Plan**	**2001 Plan**
Input	Perm Pos.	N.A.	20	20	20	22	22	25*
	FTE	N.A.	19	19	19	20	21	23*
	Amount (000)	N.A.	$2,589	$2,708	$2,685	$3,085	$3,085	$3,524*
Workload	1. Complaints against DOJ recipients received	CMS	65	150	150	200	200	250
	2. Citizen correspondence and non-Title VI/Title IX complaints received	CTS	1,277	1,209	1,200	1,200	1,200	1,200
	3. Agency/recipient requests for training received	CTS	30	10	30	35	35	60*
	4. Agency regulations, legal/policy documents received	CTS	125	125	150	150	150	150
	5. Agency requests for technical assistance received	CTS	350	100	400	400	400	600*
Output/ Activity	6. Agency training sessions conducted	CTS	10	10	12	15	15	25*
	7. Technical assistance provided	CTS	350	350	400	500	400	500*
	8. "Clearinghouse" referrals of Title VI/Title IX complaints to appropriate agencies	CTS	650	500	600	600	600	600
	9. Agency regulations, legal/policy documents reviewed	CTS	100	125	150	150	150	250*
	10. DOJ complaint investigations closed	CMS	73	110	155	200	200	250
	11. Percentage of agency training requests fulfilled	CTS	33% (10)	100% (10)	40% (12)	60% (21)	45% (15)	50% (30)
Intermediate Outcome	12. Percentage of technical assistance/legal and policy requests fulfilled (items 4 & 5 above)	CTS	95% (450)	90% (215)	100% (550)	100% (550)	100% (550)	100%* (650)
	13. Percentage of "clearinghouse" complaint referrals and responses to citizen correspondence completed within 30 days (items 2 & 8 above)	CTS	95% (1,216)	90% (585)	95% (1,620)	90% (1,820)	90% (1,820)	90% (1,620)
	14 Percentage of open complaint investigations closed	CMS	90% (73)	50% (110)	50% (155)	57% (200)	60% (213)	64% (250)
End Outcome	15. Federal agency & recipient personnel trained to more effectively enforce civil rights statutes	CTS	300	300	600	850	750	1,000*
	16 Beneficiaries informed of their rights	CTS	150,000	125,000	300,000	300,000	300,000	300,000
Productivity/ Efficiency	17. Open DOJ complaint investigations per investigator	CMS	17	31	31	38	35	39
	18. DOJ complaint closures per investigator	CMS	10	16	22	22	22	25

* Designates an indicator covering a requested 2001 program change.

**Data source: CMS = case management system CTS = correspondence tracking system

Coordination and Review

A. Definitions of Terms or Explanations for Indicators.

"DOJ complaints" (items 1, 10, 14, 17-18) refers to the Section's administrative complaint investigation activities with respect to allegations of discrimination in violation of Title VI, Title IX, and related statutes involving DOJ's federally assisted programs. DOJ, in addition to its government-wide coordination role under E. O. 12250, also is one of the 28 Federal funding agencies. Therefore, it is responsible for enforcing Title VI and related statutes in its own federally assisted programs.

"E.O. 12250" (applicable to activities described in items 2-9, 11-13, and 15-16) is the Executive Order directing the Attorney General to provide for the consistent and effective enforcement by the various federal funding agencies of the civil rights statutes that cover federally assisted programs. The Section carries out a coordination and review, technical assistance, and policy development program to implement the Executive Order. The statutes covered by E.O. 12250 are "Title VI" (Title VI of the Civil Rights Acts of 1964, which prohibits discrimination on the basis of race, color, and national origin in federally assisted programs); "Title IX" (Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in federally assisted programs); and the provisions of various program statutes that prohibits discrimination on the basis of race, color, national origin, sex, or religion in federally assisted programs.

"Clearinghouse" (items 8 and 13) refers to the Section's function with respect to the coordination, assessment, and referral of complaints it receives (in its role as a central federal government reception point) to the appropriate federal funding agency for possible investigation.

B. FY 1999 Program Performance Report.

Items 3, 6, 11 and 15 reflect the positive response and continuing demand for the Section's expanded Title VI training program, which the Section is attempting to meet with existing staff resources. Despite the increase in the number of training sessions offered, however, the Section could not keep pace with the demand for training, so the goal relating to the percentage of training requests fulfilled (item 11) was not met. The Section will assess in 2000 and 2001 a number of options, including the use of video training and train-the-trainers courses to expand the availability of its training.

Items 4,5,7 and 12 reflect the substantial increase in technical assistance connected in large part with the development by the Section of a proposed Title IX joint regulation, in which 24 agencies are participating.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

Items 3, 5-7, 9 and 12 reflect the initiation in 2001, as a result of an increase of two attorneys and one program specialist, of a Title IX training program for federal agencies patterned upon the Section's highly successful Title VI training program, following the issuance of final joint Title IX implementing regulations by 24 federal funding agencies.

Items 9, 14, 17 and 18 reflect the addition in 2000 of two attorneys to focus on the investigation of complex police misconduct and related administrative investigations, which despite anticipated increases in new complaints of 33% in 2000 and 25% in 2001, will result in anticipated increases in closures from 155 in 1999, to 213 in 2000, and 250 in 2001.

PERFORMANCE MEASUREMENT TABLE

Decision Unit: Housing and Civil Enforcement
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
						Performance Plans		
Type of Indicator	Performance Indicator	Data Source	FY1998 Actuals	1999 Final Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 Plan
Input	Perm. Pos.		91	91	82	107	107	107
	FTE		86	86	77	99	99	102
	Amount ($000)		$9,742	$10,063	$9,185	$11,800	$11,800	$13,658
Workload	1. HUD Referrals	CMS						
	A. Election		36	50	24	50	30	40
	B. Prompt Judicial Action		3	5	3	5	4	4
	C. Zoning		10	5	20	5	20	20
	2. Referrals from Bank Regulatory Agencies	CMS	10	20	7	20	15	20
Output/ Activity	3. Non-Discretionary Case Filings	CMS						
	A. HUD Election		31	55	24	65	28	32
	b. HUD Prompt Judicial Action		0	4	0	4	2	3
	C. Defensive Cases		2	1	0	1	1	1
	4. Discretionary Case Filings	CMS						
	A. Pattern or Practice/Zoning Housing Cases		25	25	19	38	27	32
	1. Testing Pattern or Practice		10	10	10	20	11	13
	2. Fair lending Pattern or Practice		1	2	3	3	4	5
	3. Insurance Pattern or Practice		0	0	0	1	0	1
	4. Zoning		1	2	0	3	2	2
	5. Other Pattern or Practice		13	11	6	11	10	11
	B. Amicus Curiae or Intervention in Housing Cases		8	5	4	7	5	6
	C. Public Accommodation Cases		0	2	1	2	2	2
	5. Election Cases Referred to U.S. Attorneys	CMS	28	40	15	40	20	25

NAME OF DECISION UNIT: *Housing and Civil Enforcement*

Type of Indicator	Performance Indicator	Data Source	FY1998 Actuals	1999 Initial Plan	1999 Actual	2000 Initial Plan	2000 Current Plan	2001 Plan
	6. Testing	TPD						
	A. Number of Sites Tested		120	250	125	250	325	375
	B. Number of Tests		150	300	164	450	450	525
	C. Number of Contracts		1	8	0	12	10	10
	7. Trials/Hearings	CF	33	35	35	45	45	50
	A. Trials on the Merits		3	5	4	7	5	7
	B. Other Hearings		30	30	30	38	40	43
	8. Investigations Conducted	CMS	157	210	100	250	120	150
End Outcome	9. Case Resolutions		64		68	N/A	N/A	N/A
	A. HUD Non-Discretionary Cases	CF	28		36	N/A	N/A	N/A
	1. Consent Decrees and Other Settlements in Election Cases		25		24	N/A	N/A	N/A
	2. Trials in Election Cases		1		4	N/A	N/A	N/A
	3. Other Litigated Judgments (e.g. summary judgment; prompt judicial action)		2		6	N/A	N/A	N/A
	B. Pattern or Practice Cases	CF	32		28	N/A	N/A	N/A
	1. Consent Decrees or Other Settlements		26		27	N/A	N/A	N/A
	2. Trials		3		1	N/A	N/A	N/A
	3. Other Litigated Judgments		3		0	N/A	N/A	N/A
	C. Amicus Curiae Cases	CMS	4		4	N/A	N/A	N/A
	10. Total Monetary Relief (in millions)	CMS	$3.26		$3.25	N/A	N/A	N/A
	A. HUD Election Cases		$0.23		$0.28	N/A	N/A	N/A
	B. Pattern or Practice/Zoning Cases		$3.03		$2.97	N/A	N/A	N/A

Data Source: CMS=Case Management System TBD=Section Records, Testing Program Database
CF=Section Records, Case Files

HOUSING AND CIVIL ENFORCEMENT SECTION

A. Definitions of Terms or Explanations for Indicators:

Item #1: In the workload category, the number of election and prompt judicial action referrals has been slightly greater than the cases filed. This is because even though such referrals are required to be filed by the Fair Housing Act, there are occasions when they are not filed (e.g. when the case settles before filing in court; when newly discovered evidence indicates the referral should be returned to HUD for reconsideration.)

Items#4(a)(5) refers to "Other Pattern or Practice" cases. This category includes the pattern or practice cases we file that do not fall into one of the priority categories listed before them, i.e. testing, lending, insurance or zoning. Prior to FY 1998, we did not include in this category election cases in which a pattern or practice count was added. In FY 1998, we started counting such cases as both election cases and "other" pattern or practice cases, as this better reflects our workload.

Item #8: Investigations are defined as matters opened and requiring investigative activity by an attorney or paralegal.

B. *FY 99 Program Performance Report.*

The number of nondiscretionary case filings have continued at lower levels in FY 1999 because of continued low numbers of referrals from HUD. HUD had announced at the beginning of FY 1998 that it expected to double the number of enforcement actions it brings under the Fair Housing Act, including referrals to the Department of Justice, but this has not yet materialized. Thus, we have lowered all our projections for HUD referrals and nondiscretionary cases (which are virtually all based on HUD referrals) for 2000 and beyond. The Section expended resources dealing with 3 potential prompt judicial actions from HUD during the fiscal year. However, we did not file in court any requests for prompt judicial actions because, in two of these cases, and as is our practice if possible, we were able to resolve the issues without resort to court action and, in the other case, we advised HUD that the facts presented to us did not warrant proceeding with such a request. The Housing and Civil Enforcement Section filed 19 pattern or practice cases in FY 1999, which is below the projected target of 25 such cases. A number of factors explain this result. First, resources have been dedicated to handling a number of large cases that have been contested rather than immediately settled. These cases include a suit alleging race discrimination against the City of Milford CT, suits alleging race or national origin discrimination against landlords in Las Vegas, Richmond, Idaho, New Orleans, and Spokane, suits alleging sexual harassment of tenants against landlords in Ohio, Texas, and Mississippi. Some of these cases eventually settled, but often only with the use of ADR, after extended litigation and pre-trial preparation. Staff assigned to those cases had little available time to develop new cases. Second, a number of additional cases were authorized during FY 99 but were not filed during that time because we gave the defendants the opportunity engage in pre-suit negotiations, which extended the filing date past the end of the fiscal year. We also have a number of investigations in which we are alleging that multi-family housing was built without the accessibility features required by the Fair Housing Act. The conclusion of those investigations has been delayed in large part because we have had to rely on outside experts to review blueprints. We anticipate that with the hiring of an in-house architect that these investigations can be concluded, and the cases filed or resolved, more quickly. The Section's FY 2000 performance plan reflects an increase in discretionary case filings based on FY 2000 enhancements to Section staff recently approved. The Section has begun the process of advertising the new positions and making hiring decisions. However, it is anticipated that only a portion of the approved Section enhancement will be in place at the end of the fiscal year.

C. *Factors Affecting Selection of FY 2000 and 2001 Plans.*

We have significantly lowered our projections for the number of non-discretionary cases that we expect to file in light of the actual referrals received from HUD. Prior projections have been significantly higher based on announced HUD plans to bring more enforcement actions, but actual experience indicates HUD has fallen far short of their goals.

With respect to discretionary case filings, we expect an increase in pattern or practice cases to be filed in FY 2001 as a result of FY 2000 enhancements of this program. These enhancements were designed to provide additional resources for these important cases.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: EDUCATIONAL OPPORTUNITIES LITIGATION SECTION
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			FY 1998	FY 1999		FY 2000		FY 2001
Type of Indicator	Performance Indicators	Data** Source	Actuals	Final Plan	Actuals	Initial Plan	Current Plan	Plan
INPUT	Perm. Pos.		30	30	30	36	36	39*
	FTE		30	31	31	34	34	39*
	Amount		$2,828	$2,968	$2,943	$3,589	$3,589	$4,237*
WORKLOAD/ ACTIVITY	1. Number of Cases Pending	CMS	212	212	213	210	212	213
	2. Number of School Districts Involved In Cases	CMS	512	512	513	510	512	513
	a. Assigned to Attorneys		175	170	176	250	196	206*
	b. Assigned to the LSS		337	342	337	260	316	307
	3. Number of Complaints/Inquiries Received	EDO	332	355	331	300	345	355*
	a. Citizens/Community Groups		287	300	279	245	290	300
	b. Congressional Referrals		45	55	52	55	55	55*
	4. Number of Matters Received	CMS	9	5	16	7	20	20
	5. Number of OCR Referrals or Findings from OCR	CMS	3	3	2	4	3	3*
	6. Number of Compliance Reports Received	CMS	165	210	120	100	120	150*
	7. Number of Modification Proposals Received	WK, ADR	30	30	17	25	17	20*
	8. Number of Unitary Status Inquiries Received	ADR	20	30	21	24	23	23
	9. Number of On-going Investigations Pending of DOJ Court Ordered School Districts	CMS	290	340	265	273	290	305
	10. Compliance Review Project Number of School Districts Involved	CMS				65	10	15*
	11. Number of Matters Pending	CMS	37	45	44	43	51	58

Type of Indicator	Performance Indicators	Data** Source	FY 1998 Actuals	FY 1999 Current Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	FY 2001 Plan
OUTPUT/ ACTIVITY	12. Number of Responses to Citizen/ Community Group Complaints	EDO	230	240	200	300	250	300
	13. Number of Responses to Controlled or Congressional Correspondence	EDO	45	55	42	70	50	55
	14. Number of New Matters Opened							
	a. Investigations Initiated	CMS	9	5	16	7	20	20
	15. Number of Complaints Referred to Other Agencies/Sections	EDO	48	50	58	55	55	60
	16. Number of New Cases Filed	CMS	5	5	1	11	1	2*
	a. Motions to Intervene		5	3	1	6	0	1
	b. Supplemental Relief Sought		0	2	0	5	1	1
	17. Number of Responses to Proposals/ Petitions to Modify Desegregation Plan (Approved)	WK, ADR	25	25	20	25	23	25
	18. Number of Responses to OCR's Finding re: Investigation of DOJ Case	ADR	3	3	2	4	3	4
	19. Number of Motions, Pleadings and Proposed Orders Filed	WK, ADR	95	100	87	110	91	100*
	20. Number of Letters to School Districts re: Compliance Status	EDO	25	40	34	70	40	45*
	21. Number of Filings Generated Through Collaborative Efforts with Other Federal Agencies or Sections With Mutual Responsibilities	WK, ADR	1	3	0	4	2	3*
	22. Compliance Review Project Number of School Districts Reviewed	CMS			n/a	n/a	5	10*
	23. Number of Corrective Action Plans Resulting from Letters re: Compliance Status	ADR	5	5	3	5	3	3
INTERMEDIATE OUTCOME	24. Compliance Review Project	CMS						
	a. Enforcement Activities Initiated			n/a	n/a	n/a	n/a	n/a
	b. Administratively Closed[1]			n/a	n/a	n/a	n/a	n/a
	25. Number of Favorable Court Ordered Decisions	WK, ADR						
	a. District Court		35	n/a	40	n/a	n/a	n/a
	26. Number of Consent Decrees Entered	WK, CS	15	n/a	20	n/a	n/a	n/a
	27. Number of Trials/Evidentiary Hearings	WK, ADR	20	n/a	11	n/a	n/a	n/a
	28. Number of Matters Closed	CMS	1	n/a	9	n/a	n/a	n/a
	29. Number of Cases Pending at the End of Year	CMS	213	n/a	212	n/a	n/a	n/a

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data** Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	FY 2001 Plan
END OUTCOME	30. Number of Cases Declared Unitary and/or Dismi	WK, ADR	5	n/a	2	n/a	n/a	n/a
	a. Number of School Districts Involved		0	n/a	2	n/a	n/a	n/a
	b. Number of Universities/Colleges Involved		5					
	31. Number of Cases (Partial Unitary Obtained)	WK, ADR	2	n/a	1	n/a	n/a	n/a
	a. Number of School Districts Involved		10	n/a	12	n/a	n/a	n/a
	32. Number of School Districts Affected by Favorable Judgments/Consent Decrees/ Agreements	ADR	50	n/a	35	n/a	n/a	n/a
	33. Outreach Activities (Workshops, etc.) Conferences Conducted and/or Participated In to Educate the Public on the Work of the Section and School Desegregation Laws)	ADR	5	n/a	4	n/a	n/a	n/a

EDUCATIONAL OPPORTUNITIES LITIGATION SECTION

FY 2001 Plan Column - The asterisk (*) in this column indicates those activities projected to be affected by the FY 2001 program enhancements.

**The data provided in this table is taken from various sources to include the Section's case management system, weekly reports, congressional submissions and attorneys.

A. Definitions of Terms or Explanations for Indicators: (Clarify potentially confusing terms. Assume a low level of familiarity with your program.)

#2b. LSU refers to the Litigation Support Unit of the Educational Opportunities Litigation Section. In the latter part of 1996, our support staff was reorganized to, among other things, provide the maximum litigation support to the attorneys in the Section.

#4. Matter refers to any correspondence given a "good" DJ number; however, the school district involved is not operating under a desegregation order to which the United States is a party. Also, the issue(s) involved has the potential to generate a new case.

#5. OCR refers to the Office for Civil Rights of the U.S. Department of Education who has primary responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits public school districts that receive federal funds from discriminating on the basis of race or national origin in a program or activity. LOF refers to Letter of Finding re: investigation initiated of DOJ case.

#9. Includes those school districts that are being actively monitored.

#10. This is a high priority program initiative for the Section. The purpose of this project is to systematically review the unassigned school districts on the Section's active case docket in an effort to seek compliance of those school districts that are in violation of their extant desegregation orders; and to administratively close those districts that are in compliance, thereby, reducing our massive case docket.

#16. The bulk of our workload -- in addition to the higher education cases -- involves enforcement activities seeking compliance with extant desegregation orders and/or supplemental relief under those plans. Case activity necessary to obtain compliance with the existing court order and/or supplemental relief is prosecuted in the same manner as "new" litigation; and, thus, will be counted as such.

#25b. A school district is "administratively closed" when the review of the report to the court over a five year period has reflected no significant problems in the district.

#26. A "favorable decision" is a decision by the court which affirms the position advocated by the United States.

B. FY 99 Program Performance Report

The Section's heavy non-discretionary workload continues to have a significant impact on efforts to aggressively pursue new program initiatives, i.e., with the performance goal of generating new cases. For FY 99, the Section has had to commit its staff resources to handling our enforcement activities, such as investigating citizen complaints in our extant school desegregation cases; evaluating and responding to various motions, including petitions to modify the desegregation plans imposed by the extant court orders; conducting extensive discovery for trials and evidentiary hearings; managing the preparation of demonstrative exhibits; participating in trial and hearing procedures and many status conferences; and conducting extensive records and facilities' inspections, including reviewing and gathering hundreds of documents and touring schools. In particular, the courts have placed demands on our discretionary efforts by requiring that we review and determine whether a number of districts have achieved unitary status and, if not, put the districts on track to achieve that end. Currently, we are conducting labor intensive reviews of 16 such districts in addition to ten trade schools and junior colleges, while continuing to litigate and monitor the 12 initial school districts. Data for FY 99 reflect the actual workload/output activities to date.

C. Factors affecting selection of FY 00 and FY 01 Performance Target(s)

Should the referenced factors -- including the expected increase in directives from the courts to determine the unitary status of school districts on our active case docket; as well as direct requests from school districts seeking such status -- persist for FY 2000 and FY 2001, it is conceivable that the Section will continue to have difficulty in meeting its performance projections for #10 and #16, even with the proposed enhancements in FY 2000. Accordingly, we have lowered our projections for the referenced workload/out put activities for FY 2000 and FY 2001.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: Disability Rights

Strategic Plan FY 1997-2002

Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Current Plan	FY 2001 Initial Plan
INPUT	Perm. Pos.		56	74	74	82	82	108*
	FTE		69	73	73	81	81	97*
	Amount (000)		$9,490	$10,785	$10,694	$13,389	$13,389	$16,556*
WORKLOAD	1. Litigation Pending	CMS	50	35	66	71	75	78
	2. Litigation Started	CMS	28	25	35	27	29	37*
	3. Investigations Pending	CMS	2,707	2307	2,046	1,596	1,637	1,317
	4. Investigations Started	CMS	922	1200	928	1,200	300	375*
	5. Other Matters Pending	CTS	300	200	300	300	100	100
	6. Other Matters Received	CTS	9,484	4,300	9,950	10,500	10,500	11,000
	7. Certification Matters Pending	DRS Stats	15	15	15	20	15	25
	8. Interagency Coord Matters and Regulations Received	DRS Stats	50	60	60	80	70	80
	9. Technical Assistance (TA) Requests	Sprint	124k	100k	107k	125k	110k	126k
	10. Small Entity Guidance Requests	ADA DB	5,040	4,000	5,192	4,000	4,500	5,000
OUTPUT/ ACTIVITY	11. Litigation Concluded	CMS	12	20	26	22	26	31*
	12. Investigations Concluded	CMS	1,583	1,300	1,337	1,400	620	650*
	13. Other Matters							
	a. Decisions Not to Investigate	CTS	900	900	912	1,000	900	800*
	b. Referrals to Departments/DOJ Units	CMS	376	500	523	400	500	550
	c. Referrals for Mediation	DRS Stats	192	200	346	225	450	525
	d. Congressional Responses	DRS Stats	1,009	1,200	751	1,200	1,000	1,200
	14. Certification Responses	DRS Stats	1	6	0	12	6	10
	15. Interagency Coordination and Regulatory Responses	DRS Stats	37	40	34	50	50	60

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2001 Current Plan	FY 2001 Initial Plan
	16. ADA Information Line Calls							
	a. Served by Automated System	Sprint	122k	100k	105k	120k	105k	121k*
	b. Served by Staff	ACD	42k	30k	43k	35k	40k	45k*
	17. ADA Training/Speeches/Exhibits	DRS Stats	80	70	98	70	80	100*
	18. TA Materials and Internet Development	DRS Stats	59	40	43	40	40	40k
	19. Cumulative Body of TA Documents Developed	DRS Stats	219	220	235	220	240	248
	20. TA Information and Documents Disseminated	DRS Stats	8.3m	8.0m	8.3m	8.0m	8.0m	8.5m*
	21. ADA Website Activity	WWWStats	3.6m	n/a	6.0m	4.0m	5.0m	6.5m*
	22. Small Entity Guidance Provided	ADA DB	5,040	4,000	5,192	4,000	4,500	5000*
END OUTCOME	23. Favorable Court Rulings	DRS Stats	11	n/a	15	n/a	n/a	n/a
	24. Consent Decrees	DRS Stats	12	n/a	0	n/a	n/a	n/a
	25. Formal Settlements	DRS Stats	111	n/a	81	n/a	n/a	n/a
	26. Informal Settlements	DRS Stats	52	n/a	21	n/a	n/a	n/a
	27. Successful Mediations	DRS Stats	101	n/a	209	n/a	n/a	n/a
	28. Title III Civil Penalties	DRS Stats	69,500	n/a	65,000	n/a	n/a	n/a
	29. Money Paid to Individuals and Entities	DRS Stats	503,000	n/a	654,281	n/a	n/a	n/a
	30. Number of Facilities or Programs Affected	DRS Stats	6,500	n/a	4,500	n/a	n/a	n/a
	31. Final Certification Decisions	DRS Stats	2	n/a	0	n/a	n/a	n/a
	32. Final Regulations Issued	DRS Stats	0	n/a	0	n/a	n/a	n/a
	33. Number of People Receiving TA	DRS Stats	1.84m	1.5m	1.85m	1.5m	1.5m	1.9m*
PRODUCTIVITY/ EFFICIENCY	34. People Receiving TA Per TA Staff Person	DRS Stats	116,053	90,000	115,625	90,000	90,000	111,765

* Designates an indicator covering a requested 2001 program change.

DISABILITY RIGHTS SECTION

A. Definitions of Terms or Explanations for Indicators:

Data sources CMS is the Case Management System; CTS is the Correspondence Tracking System; DRS Stats means statistics that have been extracted from CMS, CTS, and manual data compilations, Sprint is the contract telephone company that equips the ADA information line; ADA DB is a database used by information line operators to track telephone calls; ACD is the Automatic Call Distribution system that directs calls to information line staff, and the statistics are provided by JMD; WWW stats are accumulated from the Section web site.

Line 6 "Other Matters Received" includes incoming material logged into CTS, less items reported in Line 4, "Investigations Started." Most of these items become "output" listed in Lines 13 a-d. These items are primarily letters from citizens raising issues not handled by the Section but nevertheless requiring a response and should be processed within 8-1 2 weeks. Thus line 5, "Other Matters Pending," the FY 1999-2001 figures represent the non-processed items.

Line 7: "Certification Matters Pending" includes requests for formal certification that an adopted code is equivalent to the ADA requirements and requests for informal review of codes that have not been formally adopted.

Line 8: "Interagency Coordination Matters and Regulations Pending" projects requests for legal advice, review of regulations, or review of other policy documents from other Federal offices. It also reflects workload demand resulting from the Section's role as the Department representative on the U.S. Architectural and Transportation Barriers Compliance Board and the Department's own regulatory activities.

Line 9: "Technical Assistance (TA) Requests" includes calls to the ADA Information Line, written requests for technical assistance and documents, applications and requests for technical assistance grants, bulk orders for TA documents, requests for ADA speakers, inquiries from Congressional staff, and requests for pre-publication review of ADA documents developed by grantees and other agencies to ensure accuracy. This number does not include the approximately 125,000 hits per week received on the ADA Website on the World Wide Web.

Line 10: "Small Entity Guidance Requests" includes requests pursuant to section 213 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 847), which requires the Section to provide "informal small entity guidance" to answer inquiries concerning information on, and advice about, compliance with the Section's regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. This number reflects requests received through the ADA Information Line. Between 10% and 12% of the callers served by the information line self-identify as representative of small entities.

Line 19. "Cumulative Body of TA Documents Developed" includes all technical assistance documents and videotapes produced by the Section and by its grantees through the end of fiscal year. It does not include documents developed by other agencies.

Line 22: "Small Entity Guidance Responses" reflects requests received through the ADA Information Line. Service is provided as calls are received. See Line 10.

B. FY 99 Program Performance Report.

Line 1 "Litigation Pending" increase during FY 1999 results from fewer cases concluded than estimated in FY 1998 This results in more cases in an active status in FY 1999.

Line 3: "Investigations Pending" shows that, finally, in FY 2000 the number of investigations pending has started to fall, due to increased resources devoted to investigations.

Line 4 "Investigations Started" reflects an actual count of investigations added to investigator caseload, and actually worked upon - thus reflecting a more conservative and realistic view of caseloads (See discussion of Line 3, below)

Line 11. "Litigation Concluded" shows an increase due to several settlements.

Line 13.b: "Referrals to Departments/DOJ Units" The increase in the 1999 actual represents a reversal of recent trends and reflects a rise in corespondence to Disability Rights that needs referring and an increasing number of cases referred to U.S. Attorney's Offices.

Line 13d "Congressional Responses" has decreased somewhat due to a decrease in telephone inquiries from Congressional staff. We do not anticipate this will continue.

Line 14: "Certification Responses" reflects unit resources that have been redirected from certification to interagency coordination to respond to demand for those services from other agencies - particularly those related to the ongoing rule-making activities

C. Factors Affecting Selection of FY 2000 and 2001 Targets.

Lines 1 & 2: The FY 2001 plan increase reflects the major new enforcement initiative program enhancement in FY 2001, a more experienced staff, and increased participation in litigation, especially litigation challenging the constitutionality of the ADA. The increase of 10 cases from FY 2000 to FY 2001 represents the full program initiative staff not being available for the entire year, and the time lag between beginning investigations and actually filing litigation.

Line 3: Our goal in 2000 and 2001 is that Line 3 should decrease to a number approximately equal to the total caseloads of available investigators. More investigations should be concluded than started, a result of increased resources being applied to the large inventory of existing complaints.

Line 4: "Investigations Started" is sharply reduced in FY 2000 and 2001 because it represents a realistic estimate of the number of cases the investigators can actually open (in addition to their regular case load), rather than "complaints received", as in past years.

Line 7: "Certification Matters Pending" The projected increase in FY 2000 and FY 2001 results from a favorable response to a Program initiative in FY 2000 that will encourage states to take advantage of code certification. The small reduction from Initial Plan to Current Plan in FY 2000 is based on current workload trends.

Line 8: "Interagency Coordination Matters and Regulations Pending." This function is normally reactive, but in FY 1999 agencies were required to review their regulations under a Presidential regulatory reform initiative, resulting in a Section obligation to review those revisions. It includes some matters resulting from the Section's obligation to publish regulations implementing titles II and III of the ADA. However, the majority of the items reflected are the result of the Section's obligation to provide legal advice and policy guidance to other agencies, which we anticipate will increase during FY 2000 and 2001 as agencies respond to the National Performance Review directives to revise their regulations.

Line 9: "Technical Assistance (TA) Requests" FY 2001 is projected at 15% higher than FY 2000, due to anticipated increases in demand. The FY 2000 projection was reduced to reflect actual experience in FY 1999.

Line 11: "Litigation Concluded" in FY 2001 increases because of staff efficiencies in FY 2000 and programs enhancements in FY 2001.

Line 12: "Investigations Concluded." -- FY 2000 and 2001 targets reflect a realistic estimate of the number of cases the investigators can successfully conclude in a fiscal year, plus older cases closed for administrative reasons (i.e., complaint withdrawn or cannot be located). The increase from FY 2000 to 2001 represents additional investigator resources, but recognizes they will be available for only part of that year.

Line 14. "Certification Responses." This reflects the product initiated in Line 7, as states submit their building codes for side-by-side comparison with the ADA.

Line 15 "Interagency Coordination and Regulatory Responses." This function is largely reactive. It implements the Section's obligation to provide legal advice as needed by other agencies. Targets for FY 2000 and 2001 are based on the U.S. Architectural and Transportation Barriers Compliance Board plans to revise the ADA Accessibility Guidelines. Because the ADA implementing regulations are required to be consistent with the ADA Accessibility Guidelines, each revision triggers a corresponding change in the Department's regulations.

Lines 16, 17, 20, 21, and 22 reflect the increased demand for technical assistance in FY 2001 resulting from the described outreach initiative as well as increased demand for information about new ADA standards that will be going into effect.

PERFORMANCE MEASUREMENT TABLE

NAME OF DECISION UNIT: Office of Special Counsel for Immigration Related Unfair Employment Practices
Strategic Plan FY 1997-2002
Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
Strategic Goal: Protect the civil rights of all Americans

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Initial Plan	FY 2000 Final Plan	FY 2001 Plan
INPUT	Perm. Pos.		26	26	26	29	29	*37
	FTE		26	27	25	29	29	*34
	Amount		$5,367	$5,517	$5,471	$6,027	$6,027	*$6,906
	1. Number of Charges Investigated	CMSD	144	158	108	130	138	*166
	2. Number of Independent Investigations Initiated	CMSD	22	24	23	22	25	*30
	3. Number of Charges Reviewed	CMSD	182	200	162	147	238	*283
	4. Number of Charges Received	CMSD	348	382	293	299	399	*479
	5. Number of Requests for Information Received	CMSD	360	360	342	497	376	*451
	6. Number of Requests for Public Outreach Received	CMSD	150	150	70	79	77	*92
	7. Number of Worker Hotline Calls	GL	908	1,000	1,173	814	1,290	*1,548
	8. Number of Employer Hotline calls	GL	17,132	18,800	18,879	21,043	20,787	*24,920
	9. Number of Grant Applications Received	GL	47	47	66	73	73	88
OUTPUT/ ACTIVITY	10. Number of Complaints Filed as a Result of:	CMSD						
	a. Charges--filed with ALJ		6	8	9	12	10	*12
	b. Independent Investigations--filed with ALJ		0	8	1	1	1	*1
	c. ACWIA/H-1B Mediations		N/A	N/A	N/A	N/A	0	40
	11. Number of Requests for Information Filled		360	360	342	497	376	*451
	12. Number of Grants Awarded		N/A	8	12	6	12	12
	13. Public Outreach Provided By:	OL						
	a. OSC Attorneys		114	140	66	71	73	*88
	b. OSC Grantees		1,210	500	947	500	1,042	1,250
	c. National Contractor		900	1,500	N/A	N/A	N/A	N/A
INTERMEDIATE	14. Settlement of Charges	CMSD	12	N/A	22	N/A	24	29
	15. Settlement of Independent Investigations	CMSD	5	N/A	7	N/A	8	10
	16. Number of Cases Litigated	CMSD	2	N/A	1	N/A	1	N/A
END OUTCOME	17. Amount of Back Pay Obtained From Workers (in thousands of dollars)	CMSD	36	N/A	141.5	N/A	N/A	N/A
	a. Number of Workers Who Received Back Pay	CL	12	N/A	26	N/A	N/A	N/A
	18. Amount of Civil Penalties Assessed (in thousands of dollars)	CMSD	44	N/A	200.7	N/A	N/A	N/A
	a. Number of Employers Who Were Fined	CL	13	N/A	20	N/A	N/A	N/A
	19. Number of Workers Hired/Reinstated	CL	3	N/A	N/A	N/A	N/A	N/A
	20 a. Telephone Interventions--Individuals	CL	294	220	61	213	67	80
	20 b. Telephone Interventions--Pattern or Practice		354	200	62	187	68	82

CL - Case Logs CMSD--Case Management System GL--Grant Log OL--Outr ..og

OFFICE OF SPECIAL COUNSEL

A. Definitions of Terms or Explanations for Indicators:

Items #1,2 & 3. A "Charge" is the written accusation that a person who thinks he/she has been discriminated against files with OSC. This includes charges that OSC initiates.

1. "Charges Investigated" or "Complete Charges" is a subset of the total number of charges received, and includes charges which proceed to the complaint and/or settlement stage. "Charges Investigated" are charges for which OSC has jurisdiction or reasonable cause to believe that a person or entity has engaged or is engaging in an immigration related unfair employment practice. This includes ACWIA-related charges as described in #4.

2. An "Independent Investigation" is an investigation conducted on the Special Counsel's own initiative where there is reasonable cause to believe that a person or entity has engaged or is engaging in an immigration related unfair employment practice.

3. "Charges Reviewed" are those charges that have been submitted and OSC has are inadequate to constitute a charge as defined in 28 CFR § 44.101(a), after preliminary review/or consultation with the charging party. This item was renamed from "non-actionable charges" because in some instances OSC concludes that the charging party has stated a cause of action, but under a different statute. Those charges are referred by OSC to the appropriate enforcement agency. Some non-actionable charges may be made complete at a later date, and thus, become actionable in the next fiscal year. This includes ACWIA-related charges as described in #4.

4. This is the total number of charges investigated, initiated and reviewed. In FY 00, OSC expects to be delegated the Attorney General's authority under the American Competitiveness and Workforce Improvement Act (ACWIA) to begin investigating charges (expected to peak in FY 01) of U.S. workers whom H-1B dependent employers failed to select for jobs filled by H-1B visa holders.

7 & 8. "Worker" and "Employer Hotlines": OSC operates two nationwide toll-free telephone hot lines specifically designed to assist workers and employers with questions about immigration related unfair employment practices. The worker hotline can be quickly linked with AT&T's translator service to enable our professional staff to assist callers in a language other than English. The employer hotline, which was created in 1994, is fully automated (however, the caller can easily reach an OSC attorney) and includes a "fax back" feature which allows the caller to receive the latest information on INS Form I-9 requirements, etc.

9. "Grants": OSC conducts an annual grant program for governmental and nonprofit organizations throughout the country for the development and implementation of public education programs designed to address the unique needs of employers and communities with high alien and minority language populations.

10c. Under ACWIA (see definition #4), OSC will initiate binding arbitration proceedings in FY 01 through the Federal Mediation Conciliation Service (FMCS) where OSC finds reasonable cause to believe a failure-to-select violation has occurred.

12. "Grants Awarded": Each year OSC publishes a notice of availability of funds in the Federal Register announcing our annual grants program. In response to this announcement OSC receives more than 60 applications from agencies (described in #9) throughout the country. OSC conducts an extensive grant review process involving much of OSC's professional and support staff in order to determine which agencies will be awarded grants.

13c. "National Contractor": OSC also conducts a national outreach campaign through a private contractor which includes television and radio announcements nationwide, as well as production and distribution of materials in many languages. "Outreach provided by the national contractor" is the number of times each paid advertisement has been aired. It should be noted that these advertisements are then often repeated several times free of charge as "public service announcements."

20. "Telephone Interventions" refers to each time an OSC attorney or other professional prevents discrimination from occurring/continuing by providing counsel/information to an employee or employer via our "1-800" telephone lines without a charge having to be filed. The informal intervention can either prevent discrimination against a specific individual or can stop an employer's ongoing illegal practice by providing the employer with information about proper employment eligibility verification practices. As a result of examining data and calculation formulas from the past three years, OSC in FY 99 implemented more stringent definitions and guidelines for activities which fall under the category "Telephone Interventions" in order to obtain a more accurate assessment of time and resources invested into this process.

B. FY 99 Program Performance Report

The number of actual charges received in FY 99 does not yet approach earlier levels of years prior to FY 98. We believe this is caused by the following three factors: 1) increased public attention on illegal immigration has discouraged members of legal immigrant communities from coming forward to exert their rights under the law; 2) the success of our public outreach program to employers and employees informing them of INA's antidiscrimination provisions; and 3) the success of our early intervention program which addresses and prevents discrimination prior to, and in lieu of, a formal charge being filed. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) included an "intent" amendment which now requires charging parties who allege document abuse to prove that the employer intended to discriminate against them based on their national origin and/or citizenship status. The imposition of this higher burden of proof upon charging parties who allege document abuse (our most frequent charge) may also deter immigrants from asserting their rights by filing charges with OSC. As ALJs interpret the intent standard, OSC is including it as a topic in its public education efforts.

As a result of its public service announcement campaign, increased number of educational outreach grant recipients, and its increased partnership efforts with EEOC and state and local civil rights agencies--particularly in states with new or large immigrant populations, OSC anticipates an increase in the number of actual charges received and level of prevention work in FY 00.

The number of charges is not always an exact measure of the performance of the office. First, it does not reflect the prevention work done by the office through increased partnerships with business associations, counseling of employers and educational efforts co-sponsored with other governmental agencies. Second, the office has fostered early intervention and settlement of matters before they reach the complaint or litigation stage. Already in FY 00, although they are not separately counted, job reinstatements by early intervention exceed reinstatements through litigation.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

The data above are derived from OSC's case management system and extrapolations from the case management system. The targets for 2000 and 2001 reflect OSC's expectations regarding demographics, public sentiments regarding immigration, and the unique characteristics of our target populations based on OSC's prior history and experience.

The record number of H-1B visas granted to the high-tech, medical and other industries will inevitably result in OSC receiving an increase in charges of immigration-related job discrimination either under existing OSC law or the new H-1B law. In addition to the anticipated peak in these types of cases in FY01, OSC will be receiving a substantial increase of cases through referrals from new or reinvigorated partnerships with federal agencies (National Labor Relations Board, Equal Employment Opportunity Commission) and with state and local civil rights enforcement agencies in areas of traditionally-high immigrant concentrations (California, Illinois, Florida, Arizona). OSC has stretched its dollars by creating these partnerships to increase reach, accessibility and education nationwide. The effectiveness of these partnerships is contingent upon OSC's ability to be responsive to the cases generated from this increased outreach.

Note: OSC appeals are conducted by the Appellate Program

Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

	Appellate		Civil Rights Prosecution		Special Litigation		Voting		Employment Litigation		Coordination and Review		Housing and Civil Enforcement		Educational Opportunities		Disability Rights		Office of Special Counsel for Immigration Related Unfair Employment Practices		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades																								
GS-14	...	...	...	...	2	149	1	76	...	...	...	...	...	...	...	...	4	298	2	149	1	75	10	747
GS-13	2	147	5	368	7	515	5	369	2	147	2	147	...	...	2	147	10	736	5	368	3	63	43	3,006
GS-12	...	...	...	...	1	53	...	...	...	...	...	...	...	...	...	...	6	319	...	...	4	106	11	478
GS-11	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	44	1	44
GS-9	...	...	2	73	1	37	...	...	1	37	1	37	...	...	1	37	3	110	...	...	3	111	12	442
GS-8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	33	1	33
GS-6	...	...	1	27	...	...	...	...	...	...	...	...	...	...	...	...	3	81	1	27	...	...	5	135
Total Permanent Positions & Annual Rate	2	147	8	468	11	754	6	444	3	184	3	184	...	...	3	184	26	1,544	8	544	13	432	93	4,885
Temporary Positions & Annual Rate	...	...	...	...	...	...	5	173	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	173
Total Positions & Annual Rate	2	147	8	468	11	754	11	617	3	184	3	184	...	...	3	184	26	1,544	8	544	13	432	98	5,058
Lapse (-)	(1)	(73)	(4)	(234)	(6)	(377)	(5)	(308)	(1)	(92)	(1)	(92)	...	...	(1)	(92)	(14)	(782)	(4)	(272)	(4)	(216)	(41)	(2,538)
Total Workyears and Personnel Compensation	1	74	4	234	5	377	6	308	2	92	2	92	...	...	2	92	12	762	4	272	9	216	47	2,520
Overtime/Other Compensation	...	...	...	4	...	1	...	7	...	2	...	2	...	...	...	2	...	8	...	1	...	0	...	27
Personnel Benefits	...	20	...	63	...	103	...	95	...	25	...	25	...	...	...	25	...	206	...	73	...	59	...	696
Travel & Transportation	...	9	...	31	...	46	...	50	...	13	...	13	...	...	...	13	...	102	...	31	...	3	...	313
GSA Rent	...	6	...	21	...	31	...	34	...	6	...	6	...	...	...	6	...	68	...	22	...	25	...	231
Other rent, communications & utilities	...	3	...	13	...	18	...	18	...	5	...	5	...	...	...	5	...	43	...	13	...	15	...	138
Printing and reproduction	...	2	...	8	...	8	...	9	...	2	...	2	...	...	...	2	...	20	...	8	...	7	...	64
Other services	...	5	...	250	...	831	...	1,205	...	184	...	7	...	291	...	7	...	889	...	60	...	0	...	3,529
Purchases from Govt. Accts.	...	6	...	26	...	36	...	39	...	10	...	10	...	...	...	10	...	92	...	27	...	40	...	288
Medical Care (Health Unit)	...	0	...	1	...	1	...	1	...	0	...	0	...	...	...	0	...	1	...	1	...	1	...	6
Operation & Maintenance of Equipment	...	0	...	1	...	1	...	1	...	0	...	0	...	...	...	0	...	1	...	0	...	0	...	4
Supplies and materials	...	2	...	8	...	12	...	19	...	3	...	3	...	...	...	3	...	27	...	8	...	9	...	94
Equipment	...	16	...	57	...	82	...	317	...	22	...	22	...	...	...	22	...	183	...	59	...	66	...	846
Total program workyears & obligations changes requested, 2001	1	143	4	715	5	1,351	6	2,104	2	365	2	169	0	291	2	169	12	2,394	4	573	9	441	47	8,756

Management and Administration reflects four positions and FTE workyears for which no additional funding is sought.

Civil Rights Division
Salaries and expenses
Detail of Permanent Positions
Fiscal Years 1999 - 2001

Category	1999 Enacted		2000 Appropriation Enacted		2001 Estimate		
						Total	
	Author-ized	Reim-bursable	Author-ized	Reim-bursable	Program Increases	Auth.	Reimb.
Attorneys (905)	261	12	301	12	40	341	15
Paralegal Specialists (950)	86	...	94	...	8	102	...
Other Legal and Kindred (900-998)	10	...	10	...	...	10	...
Social Sciences, Economics and Kindred (100-199)	23	...	23	...	...	23	...
General Admin., Clerical and Office Services (300-399)	185	1	223	1	32	255	1
Accounting and Budget (500-599)	5	...	5	...	3	8	...
Architects (808)	2	...	6	...	...	6	...
Information and Arts Group (1000-1099)	3	...	3	...	...	3	...
Mathematics and Statistics Group (1500-1599)	2	...	2	...	...	2	...
General Investigating (1801-1810)	4	...	4	...	...	4	...
Total	581	13	671	13	83	754	16
Washington	581	13	671	13	83	754	16
Total	581	13	671	13	83	754	16

Civil Rights Division
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appellate Activity	18	18	11	10	29	28	2	1	...	...	2	1	20	19	11	10	31	29
Civil Rights Prosecution	50	43	31	28	81	71	5	10	3	4	8	14	55	53	34	32	89	85
Special Litigation	37	33	23	17	60	50	7	7	4	5	11	12	44	40	27	22	71	62
Voting Rights	36	36	58	56	94	92	5	3	1	9	6	12	41	39	59	65	100	104
Employment Litigation	33	32	29	29	62	61	2	1	1	1	3	2	35	33	30	30	65	63
Coordination and Review	7	7	15	13	22	20	2	1	1	2	3	3	9	8	16	15	25	23
Housing and Civil Enforcement	43	36	64	54	107	90	...	5	...	7	...	12	43	41	64	61	107	102
Educational Opportunities	15	13	21	21	36	34	2	2	1	3	3	5	17	15	22	24	39	39
Disability Rights	37	36	45	45	82	81	10	7	18	9	28	16	47	43	61	54	108	97
Office of Special Counsel	13	13	16	16	29	29	5	2	3	3	8	5	18	15	19	19	37	34
Management and Administration	12	12	57	71	69	83	...	...	13	9	13	9	12	12	70	80	82	92
Total	301	279	370	360	671	639	40	39	43	52	83	91	341	318	413	412	754	730

REIMBURSABLE POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Federal Appellate Activity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Civil Rights Prosecution	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Special Litigation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Voting Rights	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Employment Litigation	12	12	1	1	13	13	3	3	...	...	3	3	15	15	1	1	16	16
Coordination and Review	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Housing and Civil Enforcement	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Educational Opportunities	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Disability Rights	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Office of Special Counsel	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	12	12	1	1	13	13	3	3	...	...	3	3	15	15	1	1	16	16

Civil Rights Division

Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & WYs	1999 Actual Amount	2000 Estimate Pos. & WYs	2000 Estimate Amount	2001 Request Pos. & WYs	2001 Request Amount	Increase/Decrease Pos. & WYs	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1		0	
ES-4, $130,200	14		16		16		0	
ES-3, $126,825	2		2		2		0	
ES-2, $121,264	2		...		...		0	
ES-1, $115,811	...		...		...		0	
SL-00, $115,811-$130,200	4		4		4		0	
GS/GM-15, $84,638-$110,028	179		183		183		0	
GS/GM-14, $719540-$93,537	76		119		129		10	
GS/GM-13, $60,890-$79,155	60		57		100		43	
GS-12, $51,204-$66,564	53		75		86		11	
GS-11, $42,724-$55,541	61		58		59		1	
GS-10, $38,885-$50,554	6		6		6		0	
GS-9, $35,310-$45,900	29		49		61		12	
GS-8, $31,968-$41,557	19		19		20		1	
GS-7, $28,866-$37,522	64		73		73		0	
GS-6, $25,976-$33,768	6		6		11		5	
GS-5, $23,304-$30,292	3		3		3		0	
GS-4, $20,829-$27,080	2		...		...		0	
GS-3, $18,555-$24,120	...		...		...		0	
Total, appropriated positions	581		671		754		83	
Average ES Salary		$119,579		$125,319		$130,200		
Average GS/GM Salary		$68,689		$72,196		$75,011		
Average GS/GM Grade		13.06		13.08		13.10		

Civil Rights Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Wyrs	1999 Actual Amount	2000 Estimate Wyrs	2000 Estimate Amount	2001 Request Wyrs	2001 Request Amount	Increase/Decrease Wyrs	Increase/Decrease Amount
11.1 Full-time permanent	502	$33,608	552	$39,067	634	$47,148	82	8,081
11.3 Other than full-time permanent	87	3,663	87	4,833	96	5,033	9	200
11.5 Other personnel compensation	4	517	4	667	4	721	0	54
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	593	37,788	643	44,567	734	52,902	91	8,335
Reimbursable workyears:								
Full-time permanent	[13]	...	[13]	...	[16]	...	...	...
Other objects								
12 Personnel benefits		7,680		10,003		12,322		2,319
13 Benefits for former personnel		4		2		2		0
21 Travel and transportation of persons		2,066		2,726		3,347		621
22 Transporation of things		335		386		450		64
23.1 GSA rent		5,934		7,627		7,700		73
23.2 Rental payments to others		243		435		441		6
23.3 Communications, utilities and miscellaneous charges		1,512		1,666		1,940		274
24 Printing and reproduction		463		504		616		112
25.1 Adivsory & Assistance Services		3,990		2,022		4,088		2,066
25.2 Other Services		7,496		9,419		9,684		265
25.3 Purchases from Govt. Accounts		5,756		744		1,220		476
25.4 Operation & Maintenance		13		62		62		0
25.6 Medical Care		38		45		51		6
25.7 Operation & Maintenance of Equipment		279		703		758		55
26 Supplies and materials		929		977		1,147		170
31 Equipment		295		2,182		1,148		(1,034)
42 Insurance Claimes & Indemn.		0		17		44		27
Total obligations		74,821		84,087		97,922		13,835

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United States National Central Bureau -INTERPOL
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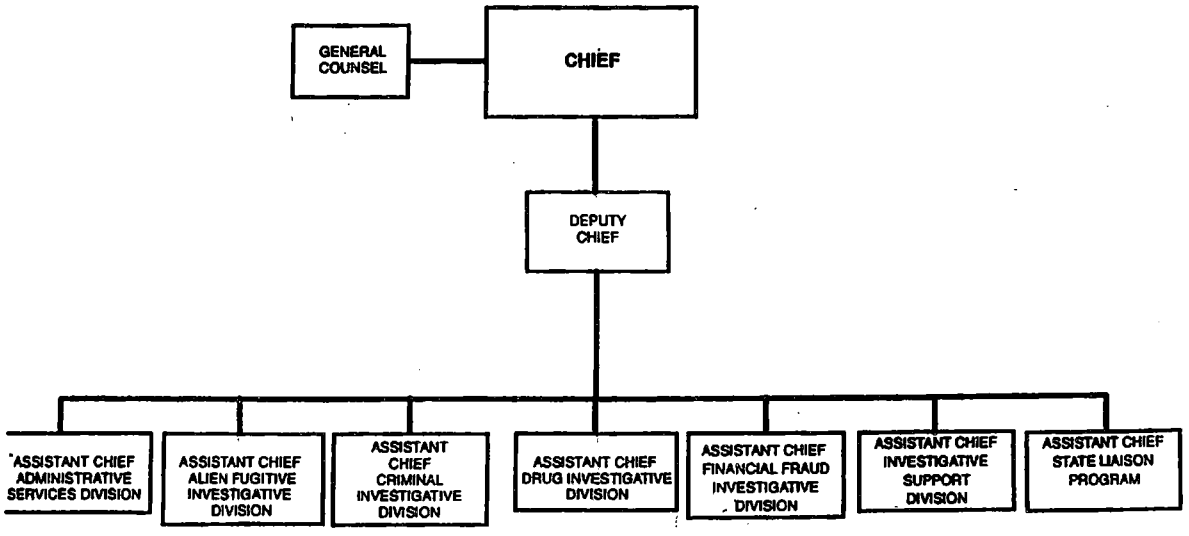
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INTERPOL - U.S. NATIONAL CENTRAL BUREAU



Approved by: _____ Date: 2/3/97

Janet Reno
Attorney General

United States National Central Bureau
International Criminal Police Organization
Summary Statement and Performance Plan
Fiscal Year 2001

The United States National Central Bureau (USNCB) is requesting a total of 62 permanent positions, 64 work years, and $7,686,000 in its Salaries and Expenses Appropriation. This request does not represent an increase over the 2001 base request of $7,686,000. It is an increase of $326,000 over the 2000 appropriations anticipated.

USNCB's 2001 anticipated appropriations of 64 positions, 62 work years, and $7,686,000 supports continued implementation of the Administration's comprehensive criminal prosecution effort that began in 1996. A detailed explanation of the USNCB's FY 2001 base program is described on pages 7-8.

2001 Component Performance Plan and 1999 Accountability Report

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

The USNCB's FY 2001 budget request/performance plan directly supports continued implementation of the Administration's comprehensive international criminal investigative effort that began in 1996. In addition, it incorporates information on performance measurement that should lead to better accountability regarding actual results achieved.

The mission and goals of the United States National Central Bureau are to:

Communicate and exchange criminal investigative information between domestic and foreign law enforcement agencies through the International Criminal Police Organization (INTERPOL);

Ensure that the common interests of U.S. law enforcement are represented in the international enforcement community;

Provide leadership and expertise for global law enforcement symposia, conferences and meetings.

B. Highlights of 1999 Mission Critical Results

INTERPOL Channels Facilitate Capture of Transnational Fugitives:

On July 8th, Jamaican officials escorted a U.S. drug fugitive from prison and turned him over to the U.S. Marshals Service. The subject is alleged to have been one of three leaders of a major drug ring responsible for as many as 1,400 deaths throughout the U.S. He escaped to Jamaica and was placed on the FBI's Most Wanted list. Jamaican authorities arrested him in 1994, remanded him to custody, and rendered him extraditable in 1995. His return to the U.S. followed the rejection of his extradition appeal.

In 1997 INTERPOL Moscow requested the USNCB's assistance in locating a **murder fugitive.** Information regarding his possible location was provided. The USNCB forwarded the information to its domestic colleagues. U.S. Immigration officials subsequently arrested him in Massachusetts. The USNCB coordinated the exchange of deportation evidence. A lengthy hearing resulted in the issuance of a deportation order. He was returned to Moscow on June 25th, accompanied by U.S. Immigration officials.

Colombian authorities facilitated the capture of a **multi-million dollar con artist** by denying him entry, immediately placing him on a flight to the U.S., and alerting U.S. law enforcement. The subject had eluded capture through international travel. Federal authorities immediately arrested him upon his U.S. arrival. The expulsion and capture punctuate renewed levels of cooperation between Colombia and the U.S.

INTERPOL Channels Facilitate Multi-Million Dollar Recovery - In April USNCB sought the assistance of its INTERPOL colleagues in recovering $4.5 million which had been transferred to banks in Germany and the Czech Republic prior to the U.S. bank's discovery that the funds were from fraudulent deposits. INTERPOL Prague was instrumental in the recovery of $2.2 million and the arrest of 4 persons. INTERPOL Wiesbaden was instrumental in the recovery of another $2.2 million and the arrest of 3 persons. The USNCB remains grateful for the prompt and professional assistance provided.

INTERPOL Red Notice Subject Deemed Extraditable - An **African priest** faces extradition to the International Criminal Tribunal for Rwanda, which has indicted him for alleged war crimes.

In a precedent-setting ruling, a U.S. federal court ruled he extraditable even though the U.S. government has no treaty authorizing the extradition. While acknowledging the historical practice of extraditions conducted pursuant to treaties, the court held that the Constitution does not require one. The priest is the former head of the Seventh Day Adventist in Rwanda, and has been indicted for alleged participation in the genocide of ethnic Tutsis during the country's 1994 civil war.

C. FY 2001 Performance Goals and Indicators

The USNCB is proposing an FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goal will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act (GPRA).

Summary Level Performance Indicators

- International criminal investigative cases and assistance in support of U.S. federal, state, and local law enforcement.

USNCB Long Range Goal: Increase the international criminal investigative effectiveness of U.S. Federal, State, and local law enforcement through the use of the INTERPOL investigative services.

D. Data Validation and Verification Issues

Data Collection and Storage: Data on investigative cases statistics are collected automatically; however, reports on the statistics must be manual developed from printouts. The USNCB is planning to develop report generators.

Data Validation and Verification: Data on investigative statistics are reviewed and reconciled. Investigative cases are reviewed for quality by division managers and the compliance officer.

Data Limitation: Under the development, the automated compilation of data is incomplete. Further development is required for the collection of data, development of management reports to identify internal status and changes in the external users, such as what users are requesting investigative service and what types of criminal activity is emerging.

E. Resources .

Strategic Goal	1999			2000			2001		
	Dollars	Pos	FTE	Dollars	Pos	FTE	Dollars	Pos	FTE
Investigative Cases	$8,068	62	64	$7,360	62	64	$7,686	62	64

F. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 1: *INVESTIGATION AND PROSECUTION OF CRIMINAL OFFENSES*

Strategic Goal 1.5: Increase the international criminal investigative effectiveness of U.S. federal, state, and local law enforcement through the use of the INTERPOL investigative services.

Key summary level indicator	**1998 Actual**	**1999 Planned/*Actual**	**2000 Planned**	**2001 Planned**
Number of investigative cases opened	**14,976**	**17,200/18,100**	**20,000**	**22,000**

*** Estimated number of investigative cases opened. During this period, the USNCB systems underwent Y2K upgrades for the investigative case database.**

United States National Central Bureau
Salaries and expenses, General Legal Activities
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Pr	1999 as Enacted			Approved Reprogrammings			Transfers			Final 1999 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
USNCB	62	64	$7,068	...	...	...	...	...	1,000	62	64	$8,068
Total	62	64	$7,068	...	...	...	...	...	1,000	62	64	$8,068
Total Compensable Workyears		64			...			...			64	

Reprogrammings: None

Transfer Between Accounts: This column displays the Y2K transfer of $1,000,000 provided on a a one-time basis.

United States National Central Bureau
Salaries and expenses, General Legal Activities
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
USNCB	62	64	7,567	...	...	-207	...	...	...	62	64	$7,360
Total	62	64	$7,567	...	...	-207	...	...	...	62	64	$7,360

Congressional Appropriatins Action on 2000 Report: Contress reduced the United States National Central Bureau's base level request by $207,000.

United States National Central Bureau
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to the Base:	Perm. Pos.	Work-Years	Amount
2000 Appropriations Enacted	82	64	$7,328
Reprogramming	---	---	$32
2000 Availability	82	64	$7,360
Adjustments-to-base increases:			
2001 Pay Raise	---	---	151
Annualization of 2000 Pay Raise	---	---	62
Within Grade Increases (WGI)	---	---	37
CSRS Employees FERS retirement system	---	---	5
Federal Health Insurance Premiums	---	---	12
GSA Rent	---	---	61
Travel Management Centers Contract Fee	---	---	2
General Pricing Level Adjustments	---	---	16
Total Increases			326
2001 Base	82	64	7,686
Program Changes (See Program Narrative for Details)	0	0	0
2001 Estimate	82	64	$7,686

Activity/Pro	1999 Availability Pos.	WY	Amt.	1999 Actual Pos.	WY	Amt.	2000 President's Budget Request Pos.	WY	Amt.	2001 Base Pos.	WY	Amt.	2001 Estimate Pos.	WY	Amt.	Increase/Decrease Pos.	WY	Amt.
USNCB	82	64	$8,068	82	64	$7,970	82	64	$7,360	82	64	$7,686	82	64	$7,686	0	0	$0

United States National Central Bureau
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collection by Source	1999 Actual			2000 Appropriations Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Air Force Office of Special Investigation	0	0	15	0	0	15	0	0	15	0	0	0
Treasury Department	0	0	20	0	0	0	0	0	0	0	0	0
State Department	0	0	20	0	0	0	0	0	0	0	0	0
Bureau of Alcohol and Tobacco	0	0	1	0	0	3	0	0	3	0	0	0
Agriculture Department	0	0	1	0	0	1	0	0	1	0	0	0
JMD	0	0	65	0	0	0	0	0	0	0	0	0
FINCEN	0	0	0	0	0	2	0	0	2	0	0	0
USMS	0	0	0	0	0	2	0	0	4	0	0	2
USSS	0	0	0	0	0	4	0	0	4	0	0	0
US Mint	0	0	0	0	0	0	0	0	2	0	0	2
Total	0	0	122	0	0	27	0	0	31	0	0	4
Obligation by Program												
USNCB	0	0	122	0	0	27	0	0	31	0	0	4

Program Performance Information

USNCB

USNCB	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	64	62	$7,360
2001 Base	64	62	$7,686
2001 Estimate	62	62	$7,686
Increase/Decrease	0	0	$0

BASE PROGRAM DESCRIPTION: The USNCB has a base program of 64 positions, 62 FTE, and $7,686,000. It is located in Washington, DC. It consists of four major initiatives.

Initiative: Interpol diffusions and Notices U.S. originated INTERPOL Diffusions and Notices represent less than 20% of Diffusions and Notices processed. Federal law enforcement agencies generated most of these cases. Now, the USNCB is working to raise the awareness among the U.S. law enforcement community, of its unique capabilities. The result of this effort will be a substantial increase of the number of diffusions and notices requested by U.S. State and local law enforcement agencies.

Initiative: International Investigative Assistance The demand for International Investigative Assistance services will increase due to the development of user-friendly investigative tools and by raising the awareness of the U.S. law enforcement community. In addition, the complexity and scope of international crime, which is inherently multidistrict and multinational, is burgeoning and will add to USNCB's workload.

Initiative: Strategic Partnership The Strategic Partnerships enhancement will enable the

USNCB to augment its continuing efforts to educate state and local law enforcement agencies about the important and unique services available to them. Domestic law enforcement generates 30% of USNCB's caseload. Studies (surveys) show that this is due, at least in part, to a lack of understanding of the USNCB specifically and INTERPOL overall. The Strategic Partnership strategy will seek to rectify this situation by providing funding for outreach programs that will result in enhanced state and local law enforcement participation.

Initiative: Information Technology The Information Technology program will provide the means to leverage the USNCB scarce detailee and analyst resources by incorporating automation tools. Computer-aided techniques will be used to process and store incoming electronic messages; macros will be used to ease the outgoing response process; and an advanced search capability will be extended to retrieve case specific data and related cases or investigative data. Internet technology in the form of Intranet tools will exchange internal communications and provide access to information. This enhancement will also provide funding to upgrade and implement automation.

Performance Measurement Tables Presented by Decision Unit

USNCB Program

DOJ Core Function: ***INVESTIGATION AND PROSECUTION OF CRIMINAL OFFENSES***

Actual Performance Goal: Increase the international criminal investigative effectiveness of U.S. federal, state, and local law enforcement through the use of the INTERPOL investigative services.

PERFORMANCE INDICATOR INFORMATION							
						Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. USNCB Budget (millions of dollars)	Budget	$6.9	$7.1	$7.1	$7.4	$7.7
	2. Case Worker	Budget	58	58	57	58	58
Output/Activity	3. New Opened Cases (000)	ICTS	15.0	17.2	18.1	20.0	22.0
Intermediate Outcome	4. Open Cases (000)	ICTS	24.8	27.3	24.4	26.9	31.0
End Outcome	5. Locations of fugitives, stolen articles or Individuals based on a humanitarian request. (000)	ICTS	0.1	0.1	0.1	0.1	0.2
Productivity/ Efficiency	6. Number of cases per Case Worker	Ratio	428	470	428	464	534

A. Definitions of Terms or Explanations for Indicators and data sources:
ICTS = INTERPOL Case Tracking System keeps track of all cases and their status.
INTERPOL Diffusions = Similar to U.S. all points bulletin but provides worldwide coverage.
INTERPOL Notices=Formal international criminal notices seeking the arrest of fugitives and recovery of stolen property and laundered monies.

B. Issues Affecting FY 1999 Program Performance. The USNCB absorbed moving expenses in FY 1999.

C. Factors Affecting Selection of FY2000 and FY2001 Plans. Progress is dependant on improvements in the USNCB's information technology and the increased awareness of state and local law enforcement in the use of the INTERPOL international investigative services .

United States National Central Bureau
Salaries and Expenses
2001 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
USNCB	1	Interpol Diffusions and Notice	1
		International Investigative Assistance	2
		Strategic Partnerships	3
		Information Technology	4

Interpol U.S. National Central Bureau
Salaries and expenses, General Legal Activities
Detail of Permanent Positions By Category
Fiscal Years 1999-2001

Category	1999		2000		2001		2001	
			Total			Program	Total	
	Authorized	Reimbursable	Auth	Reimb	Transfers	Increases	Auth	Reimb
Gen. Admin. Clerical and Office Services (300-399)	58	0	58	0	0	0	58	0
Accounting and Budget (500-599)	2	0	2	0	0	0	2	0
Information and Arts Group (1000-1099)	2	0	2	0	0	0	2	0
Total	62	N/A	62	N/A	0	0	62	NA
Washington	62	0	62	0	0	0	62	0
U.S. Field	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0
Total	62	N/A	62	N/A	0	0	62	NA

United States National Central Bureau
Salaries and expenses
Summary of Changes
(Dollars in thousands)

Adjustments to the Base:	Perm. Pos.	Work-Years	Amount
2000 Appropriations Enacted	62	64	7,360
2000 Availability	62	64	7,360
Adjustments-to-base increases:			
2001 Pay Raise	---	---	151
Annualization of 2000 Pay Raise	---	---	62
Within Grade Increases (WIGI)	---	---	37
CSRS Employees FERS retirement system	---	---	5
Federal Health Insurance Premiums	---	---	12
GSA Rent	---	---	41
Travel Management Centers Contract Fee	---	---	2
General Pricing Level Adjustments	---	---	16
Total, increases	---	---	326
2001 Base	62	64	7,686
Program Changes (See Program Narrative for Details)	0	0	0
2001 Estimate	62	64	7,686

Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual Pos. & Wyrs.	1999 Actual Amt.	2000 Estimate Pos. & Wyrs.	2000 Estimate Amt.	2001 Request Pos. & Wyrs.	2001 Request Amt.	Increase/Decrease Pos. & Wyrs.
GS-15, $80,658-104,851	3		3		3		0
GS-14, $68,570-89,142	1		2		2		0
GS-13, $58,027-75,433	7		7		7		0
GS-12, $48,796-63,436	16		15		15		0
GS-11, $40,714-52,927	17		20		20		0
GS-10, $37,057-48,173	...		...		...		...
GS-09, $33,650-43,747	11		10		9		-1
GS-08, $30,465-39,600	...		...		...		...
GS-07, $27,508-35,760	6		2		4		2
GS-06, $24,754-32,181	1		1		2		1
GS-05, $22,2088-28,868	0		2		0		-2
GS-04, $19,849-25,800	...		...		...		...
Ungraded positions	...		...		...		...
Total,appropriated positions	62		62		62		0
Average ES salary		...		...		...	
Average GS Salary		$48,242		$53,835		$57,968	
Average GS Grade		10.90		11.03		11.05	

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1999 Actual		2000 Anticipated		2001 Request		Incr/Decr	
	Pos. & Wyrs.	Amt.	Pos. & Wyrs.	Amt.	Pos. & Wyrs.	Amt.	Pos. & Wyrs.	Amt.
Object Class								
11.1 Total workyears & personnel compensation	62	$2,991	61	3,344	61	3,594	0	250
11.3 Other than full-time permanent	3	116	2	70	2	56	0	
11.5 Other personnel compensation	1	95	1	53	1	67	0	14
Overtime	*0*	*1*	*1*	*1*	*1*	*1*	*0*	*0*
Total	66	3,201	64	3,467	64	3,717	0	250
Reimbursable workyears:								
Full-time Permanent	...	...	...	...	...	...	...	...
Other Object Classes:								
12.0 Personnel benefits		$665		753		770		17
13.0 Benefits to personnel		0		0		0		0
21.0 Travel and transportation of persons		215		112		114		2
22.0 Transportation of things		39		40		40		0
23.1 GSA rent		701		1,111		1,152		41
23.2 Rental payments to others		93		26		26		0
23.3 Comm., utilities, & other misc. charges		293		195		195		0
24.0 Printing and reproduction		5		1		1		0
25.1 Advisory and assistance services		0		0		0		0
25.2 Other services		773		106		122		16
25.3 Purchases of goods & svc. from Govt. accts		228		234		234		0
25.4 Operations and Maintenance of Facilities		1		54		54		0
25.5 Research and Development		0		0		0		0
25.6 Medical Care		4		4		4		0
25.7 Operations and Maintenance of Equipment		9		2		2		0
26.0 Supplies and materials		49		37		37		0
31.0 Equipments		449		31		31		0
32.0 Build Out		0		0		0		0
41.0 Grants		1,245		1,272		1,272		0
Total		$7,970		7,445		7,771		326

Department of Justice
Legal Activities Office Automation (LAOA)
Estimates for Fiscal Year 2001
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Department of Justice
Legal Activities Office Automation (LAOA)
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 As Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Legal Activities Office Automation	—	—	$17,834	—	—	-$65	—	—	—	—	—	$0	—	—	$17,769

Approved Reprogrammings: The Attorney General authorized the reprogramming of $65,000 from the Legal Activities Office Automation fund for the Office of The Solicitor General personnel needs.

Department of Justice
Legal Activities Office Automation (LAOA)
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers			Reprogrammings			2000 Appropriations Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Legal Activities Office Automation	—	—	$55,166	—	—	-$36,595	—	—	$0	—	—	$0	—	—	$18,571

Congressional Appropriations Action on 2000 Request: Congress provided $18,571,000 approximately base level funding, for LAOA.

Department of Justice
Legal Activities Office Automation (LAOA)
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base:

	Perm Pos.	Work-years	Amount
2000 Appropriation Enacted	—	—	$18,571
	—	—	$18,571
2000 Availability			
Adjustments-to-base increases:			
General Pricing Level			306
Total, Increases			306
2001 Base			18,877
Program Changes (None)			0
2001 Estimate			18,877

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget Activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Legal Activities Office Automation	—	—	$17,769	—	—	$13,489	—	—	$18,571	—	—	$18,877	—	—	$18,877[1]	—	—	$0

[1] Should funds be available from Working Capital Fund unobligated balances, $50,000,000 will be provided to the Legal Activities Office Automation Fund for JCON deployment, recapitalization, and infrastructure enhancements.

Department of Justice
Legal Activities Office Automation (LAOA)
Program Performance Information
(Dollars in Thousands)

Activity: JCON

	Perm Pos.	FTE	Amount
LAOA			
2000 Appropriation Enacted	—	—	$18,571
2001 Base	—	—	18,877
2001 Estimate	—	—	18,877

Base Program Description: For the past three years, the Legal Activities Office Automation (LAOA) fund has been focused on the funding requirements for the Justice Consolidated Office Network (JCON) Program. JCON is an enterprise information technology infrastructure program which fulfills the Department's requirement for reliable, robust, standard office automation platform upon which DOJ litigating and management Components operate their mission critical applications. The JCON Program is an important strategic investment for DOJ and a sound business practice because office automation systems are mission critical tools for DOJ attorneys and managers to function effectively. Simply stated, JCON provides DOJ's legal and management offices the tools to perform their jobs.

JCON Program participants include the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions; the United States Attorneys; the Executive Office for Immigration Review; the United States Trustees; the Community Relations Service; the Justice Management Division; and the Department's senior management offices (e.g. Attorney General, Deputy Attorney General, Solicitor General, etc.).

In 1998, DOJ conducted a review of the JCON Program. Based on this review, a new standard architecture was developed for the JCON Program. The JCON standard architecture is comprised of Intel-based servers and workstation running Microsoft NT operating system and electronic mail services complimented by several third-party system management and security enhancement tools. The network protocol is TCP/IP running over a Fast Ethernet backbone. In addition, JCON Components will continue to use the Corel Office Suite for basic office applications (word processing, spreadsheet, etc.) and the Netscape Internet browser. Through the JCON infrastructure, Components will fulfill their specific office automation requirements with other third party client/server applications and legacy systems.

One of the Attorney General's highest priorities is to complete the roll-out of the JCON standard architecture as soon as possible. The urgent need to quickly roll out JCON is based on the fact that several JCON Components including the United States Attorneys are currently operating old office automation systems that are unreliable, lack proper security controls, and can not meet mission critical requirements for data processing and electronic communication. In other words, the current information infrastructure is collapsing. The United States Attorneys and our specialized litigating Components have been hindered by antiquated, inadequate, and unsupportable office automation

systems. The U.S. Attorneys can not communicate electronically in a timely, reliable manner within themselves, nor with other Government agencies that assist in our investigations, prosecutions and other litigation. Attorneys have severely restricted access to the Internet and other electronic media which impedes their ability to research issues and obtain access to the full range of investigation related information. Most of our current equipment and software can neither support, nor be made compliant with, basic computer security standards. The products also are no longer supported by the vendors. The unreliability of our current systems is a constant threat to the attorneys' ability to file briefs and other court papers in a timely, complete manner. In sum, continued use of these systems threatens the Department's ability to enforce the nations laws and protect the interests of the United States, the core mission of this Department. The Department of Justice attorneys must have current office automation technology functioning on a secure, reliable network infrastructure. We will fulfill this requirement through JCON.

By 2001, it will be three years from the time JCON was initially implemented in several of the Components. To maintain the reliability and security of the installed system, JCON must be recapitalized on a scheduled, incremental basis so that equipment and software does not become antiquated. However, before recapitalization can begin the initial deployment of JCON must be completed in all participating components.

The JCON Program is requesting a total of $18,877,000 of base level appropriated resources to support the operation of the Program in 2001. No Program increases are being requested over the anticipated appropriation.

A. Justice Consolidated Office Network (JCON) Mission and Goals, and Relationship to DOJ Strategic Plan:

-Mission: To provide mission critical legal and management tools through a highly reliable, functionally complete, and cost effective office automation system.

-Organizational Goals:

-Provide DOJ attorneys and managers the ability to:
-collect, organize, analyze, and disseminate information;
-maintain data and information integrity; and
-communicate easily and reliably.

-Ensure DOJ Component compliance with the Attorney General's policy of standardizing the legal and law enforcement tools used throughout the Department;

-Obtain implementation, operation and maintenance cost efficiencies.

-Supports DOJ Mission: The JCON will allow DOJ litigating and management Components to continue to fulfill their evolving mission requirements and comply with emerging Federal management mandates consistent with the direction of the Attorney General. By providing the basic information technology (IT) infrastructure for these Components, the JCON Program plays an integral role in the fulfillment of two of the core functions identified in the Department's Strategic Plan: legal representation, enforcement of federal laws, and defense of U.S. interests; and effective management.

The JCON Components[1] are the DOJ organizations who represent the United States in litigation and other legal matters, and who perform the Department's basic management

[1] JCON Program participants include the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions; the United States Attorneys; the Executive Office for Immigration Review; the United States Trustees; the Community Relations Service; the Justice Management Division; and the Department's senior management offices (e.g. Attorney General, Deputy Attorney General, Solicitor General, etc.).

activities. DOJ attorneys and managers must have the ability to collect, organize, analyze, and disseminate information easily and reliably. Because the legal practice today requires these tasks be performed electronically, office automation tools are mission critical tools for DOJ attorneys. JCON is the facility upon which all litigating and management Component computing resources will reside or through which they will be accessed. Likewise, through the Department's office automation and management systems (e.g., Financial Management Information System, the AG's, Correspondence Management System, and the Personal Computer Time & Attendance Remote Entry System - PC-TARE), DOJ is able to complete the myriad of administrative and management responsibilities mandated by law, Executive Order and policy.

JCON is a sound IT investment that will allow the JCON Components to maximize the use of information technology, a DOJ strategic goal within the management core activity. The JCON architecture is robust enough to host most Component administrative and management applications and flexible enough to provide access to all required external systems. The architecture integrates proven enterprise-level, commercial off-the-shelf (COTS) products. It also promotes interoperability, a strategic IRM goal, by conforming to all networking standards identified in the DOJ Information Technology Architecture. The system design and management strategy were developed to fulfill user functionality and system security requirements while holding down the total cost of ownership. In addition, the JCON Program is designed to facilitate an incremental implementation of new mission critical technology.

B. Highlights of 1999 Mission Critical Results

During FY 1999, the JCON system was successfully deployed in the Environment and Natural Resources Division and the United States Trustees. Additionally, JCON deployments were initiated in the United States Attorneys and the Civil and Civil Rights Divisions. The Community Relations Service deployment was completed in October 1999 and the Tax Division deployment was completed in December 1999.

C. Summary Level Performance Indicator: The JCON Program has established the following performance goal which was used to establish a baseline upon which the progress of the JCON project is monitored. The JCON Performance Goal relates to the percentage of JCON II Desktops deployed.

	FY 1998	FY 1999	FY 2000	FY 2001
% JCON Desktops Deployed	7%	14%	34%	87%

D. New 2001 Initiatives: No new initiatives are planned for 2001. The primary goal of the JCON Program in 2001 is to continue deploying JCON in the participating JCON Components.

E. Data Collection/Validation Process: The JCON Program Management Office (PMO) manages the Legal Activities Office Automation (LAOA) account which is used by participating JCON components to obtain hardware, software and services in support of their JCON II system deployments. As part of this process, Components must obtain PMO approval prior to expending any of their JCON LAOA resources. This internal JCON budget process provides the PMO with access to accurate, timely and reliable data which will be used to track the performance of the above mentioned indicator. In addition, the JCON PMO has oversight responsibility for the JCON deployments in each of the Components. As a result, the PMO closely monitors the progress of each JCON deployment.

F. Resources:

Strategic Goal	1999			2000			2001		
	Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE
LAOA	$17,769	—	—	$18,571	—	—	$18,877	—	—

G. JCON Performance Plan, Performance goals, Targets and Actuals

Core Function 1: Legal Representation, enforcement of federal laws, and defense of the U.S. interests

Core Function 2: Effective Management

Key Indicator	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
% JCON Desktops Deployed	7%	14% / 14%	34%	87%

770

Department of Justice
Legal Activities Office Automation (LAOA)
Salaries and Expenses
2001 Priority Rankings
(Dollars in Thousands)

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Program Management	1	--------	---------
JCON Deployment	2	--------	---------

Department of Justice
Legal Activities Office Automation (LAOA)
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

Adjustments to Base:

	Perm Pos.	Work-years	Amount
2000 President's Request			$55,166
Congressional Appropriations Action			-$36,595
2000 Appropriations Enacted			18,571
Adjustments-to-base increases:			
General Pricing Level			306
2001 Base			18,877
Program Changes (None)			0
2001 Estimate			18,877

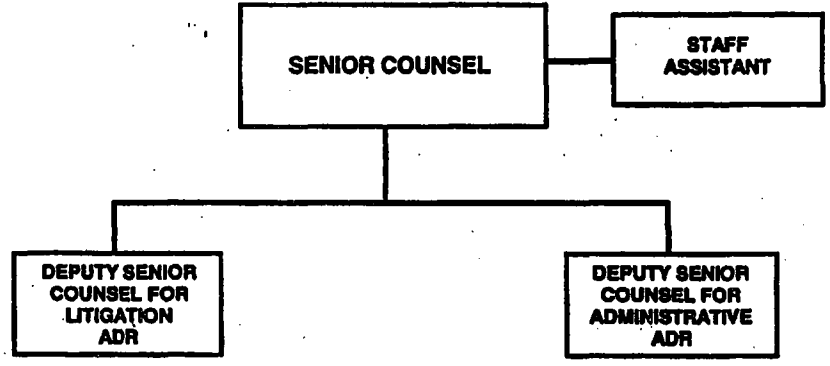
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Legal Activites Office Automation (LAOA)
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

		1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
		Wys.	Amount	Wys.	Amount	Wys.	Amount	Wys.	Amount
Object Classes									
11.1	Full-time permanent	....	....	....	....	....	....	....	....
11.3	Other then Full-time permanent	....	....	....	....	....	....	....	....
11.5	Other personnel compensation	....	....	....	....	....	....	....	....
11.8	Special personal services payment	....	....	....	....	....	....	....	....
	Total	....	....	....	....	....	....	....	....
Reimbursable Workyears:									
	Full-time permanent								
Other Object Classes:									
12	Personnel benefits		....		....		....		....
13	Benefits for former personnel		....		....		....		....
21	Travel and transportation of persons		2		3		3		....
22	Transportation of things		....		....		....		....
23.1	GSA Rent		100		180		185		....
23.2	Rental Payment to Others		....		....		....		....
23.3	Communications, utilities & misc. charges		37		200		225		....
24	Printing and reproduction		....		....		....		....
25.1	Advisory and assistance services		41		237		245		8
25.2	Other services		7,627		11,460		7,372		-4,088
25.3	Purchase of goods and services from Gov't acct		414		684		600		....
25.4	Transportation of things		....		....		....		....
25.5	Research and development contracts		....		....		....		....
25.6	Medical care		....		....		....		....
25.7	Operation and maintenenace of equipment		1		1		1		....
25.8	Subsistence & Support of persons		....		....		....		....
26	Supplies and material		1,696		2,500		2,249		-251
31	Equipment		3,580		11,182		7,997		-3,185
	Total Obligations		13,498		26,447 [1]		18,877		18,877

[1] This includes $7,876,000 in carryover funds.

OFFICE OF DISPUTE RESOLUTION



Approved by: _____ Date: 1/26/98
JANET RENO
Attorney General

Office of Dispute Resolution
Salaries and Expenses, General Legal Activities
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Office of Dispute Resolution	3	3	$300	....	....	....	3	3	$300
Total	3	3	300	....	....	....	3	3	300
Reimbursable Workyears		....			....			....	
Total Workyears		3			....			3	
Other Workyears:									
LEAP		....			....			....	
Overtime		....			....			....	
Total Compensable:									
Workyears		3			....			3	

Office of Dispute Resolution
Salaries and Expenses, General Legal Activities
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Office of Dispute Resolution	3	3	$662	....	....	-350	....	....	....	3	3	$312
Total	3	3	662	....	....	-350	....	....	....	3	3	312

Congressional Appropriation Action on 2000 Request Congress reduced the Office of Dispute Resolution's request level by $350,000.

Office of Dispute Resolution
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	3	3	$312
2001 Pay Raise	...	...	7
Within Grade increases	...	...	1
Position/FTE Adjustment	2	2	...
2001 Base	5	5	320
Program increases (see program narrative for details)	...	...	350
2001 Estimate	5	5	670

	1999 As Enacted			1999 Actual			2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increases/Decreases		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Office of Dispute Resolution	3	3	300	3	3	274	3	3	$312	5	5	$320	5	5	$670	...	...	$350
Other Workyears Overtime		...			...			...			...			...				
Total compensable workyears		3			3[1]			3			5			5				

[1]These workyears reflect workload performed in ADR activities and are provided for illustrative purposes. The employees are currently being reimbursed within the Department and will become official ODR employees in FY 2000.

Office of Dispute Resolution
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Dispute Resolution			
2000 Appropriation Enacted	3	3	$312
2001 Base	5	5	$320
2001 Estimate	5	5	$670
Increase/Decrease	---	---	$350

BASE PROGRAM DESCRIPTION: The major function of the Office of Dispute Resolution (ODR) is to develop policy for and promote the use of alternative dispute resolution within the Department of Justice and in other Federal agencies.

The Office of Dispute Resolution promotes the use of mediation and other forms of dispute resolution for use in appropriate civil cases involving the United States. ODR advises attorneys on dispute resolution strategies; identifies potential private providers of dispute resolution services; conducts training in negotiations and dispute resolution; and serves as the Department's ADR representative in dealing with other agencies, Congress and the public. ODR also represents the Attorney General in monitoring and supervising the activities of the Interagency Working Group on ADR, a Presidentially-established Task Force that promotes the use of dispute resolution throughout the Executive Branch of the Federal government.

The position of Senior Counsel for Alternative Dispute Resolution was established within the Office of Associate Attorney General (ASG) in July 1995. Funding for the Senior Counsel, his staff and the operating expenses of his office has come from a combination of sources including direct funding from the Department's General Administration account and a variety of non-reimbursable funding arrangements with headquarters litigating components, the U.S. Attorneys, and others. Pursuant to a reprogramming in June 1998, the Senior Counsel was moved from the Office of the Associate Attorney General and established as a separate and distinct Office of Dispute Resolution reporting to the ASG. At the direction of Congress, the Office's operational funding is now derived from the General Legal Activities appropriation.

Funding for the services of dispute resolution neutrals in fiscal years 1996-1998 was derived from a $1 million reprogramming from the Fees and Expenses of Witnesses appropriation. Upon exhaustion of that funding in FY 1998, the participating components advanced additional funding for this purpose in anticipation of the approval of another funding transfer for this purpose. House objection to such a request in FY 1998 left these activities without a formal funding source. Another request to make funding available from Working Capital Fund unobligated balance transfers for the services of contract neutrals in FY 1999 was also rejected (the House recommended that funding be transferred from the Fees and Expenses of Witnesses appropriation). In the FY 2000 budget request, a recurring activity within the Fees and Expenses of Witnesses appropriation will make funding for neutrals in the amount of $1 million available in FY 2000; and the 2001 request increases that amount to $2 million.

In November 1998, the Attorney General established within the ODR the position of Director of Community Dispute Resolution. The function of this position is to provide policy guidance and coordinate efforts currently underway within the Department of Justice concerning such initiatives as peer mediation, community policing, the quelling of racial tensions, and promotion of community mediation centers. The Attorney General has expressed particular interest in ensuring that the Department's efforts focus on, among other things, ensuring that school teachers are trained both in how to use dispute resolution techniques to resolve disputes among their students, and in how to teach their students to incorporate dispute resolution into their own lives.

PROGRAM CHANGES: The FY 2001 program increase of $350,000 will ensure full funding for this function as an independent Office reporting to the ASG, while receiving its operational funding entirely from within the resources of the GLA appropriation. This will permit ODR to function administratively in the manner approved in the reprogramming wherein Congress directed that the Office's staff "be funded from within amounts available in the General Legal Activities account."

Office of Dispute Resolution
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001
(Dollars in Thousands)

	1999	2000	Adjustments in Perm. Pos. and FTE	2001
	Total	Total		Total
	Authorized	Authorized		Request
Attorneys. (905)	2	2	1	3
Gen. Admin., Clerical and Office Svc. (300-399)	1	1	1	2
Total	3	3	2	5
Washington	3	3	2	5

779

Office of Dispute Resolution
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 2000 - 2001

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Dispute Resolution	2	2	1	1	3	3	2	2	1	1	3	3	3	3	2	2	5	5
Total	2	2	1	1	3	3	2	2	1	1	3	3	3	3	2	2	5	5

Office of Dispute Resolution
Salaries and expenses
Summary of Requirements by Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Positions & Workyears	1999 Actual Amount	2000 Estimate Positions & Workyears	2000 Estimate Amount	2001 Request Positions & Workyears	2001 Request Amount	Increase/Decrease Positions & Workyears	Increase/Decrease Amount
Executive Level III - $130,200	0		0		0		...	
ES-6 $130,200 -	0		0		0		...	
ES-5 $130,200 -	0		0		0		...	
ES-4 $130,200 -	1		1		1		...	
ES-3 $126,825 -	0		0		0		...	
SL-0 $101,566 - $130,200	0		0		0		...	
GS-15 $84,638 - $110,028	1		1		2		1	
GS-14 $71,954 - $93,537	0		0		0		...	
GS-13 $60,890 - $79,155	0		0		0		...	
GS-12 $51,204 - $66,564	0		0		0		...	
GS-11 $42,724 - $55,541	0		0		0		...	
GS-10 $38,885 - $50,554	0		0		0		...	
GS-9 $35,310 - $45,900	1		1		2		1	
GS-8 $31,968 - $41,557	0		0		0		...	
GS-7 $28,866 - $37,522	0		0		0		...	
Total, appropriated positions	3		3		5		2	
Average ES Salary		$122,824		$130,200		$130,200		
Average GS Salary		$62,806		$65,569		$65,659		
Average GS Grade		12.00		12.00		12.00		

Office of Dispute Resolution
Salaries and expenses
Summary of Requirements by Object Class
(Dollars in Thousands)

Object Class		1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1	Total workyears and personnel compensation	3	121	3	$138	5	$358	...	220
11.3	Other than full-time permanent	...	...	...	...	...	...	...	...
11.5	Other personnel compensation	...	...	...	...	...	...	...	...
11.8	Special personal services payments	...	...	...	...	...	...	...	...
	Total	3	121	3	$138	5	$358	...	220
Reimbursable workyears:									
	Full-time permanent	...		...		...		...	
Other Object Classes:									
12.0	Personnel benefits		43		22		95	...	73
13.0	Benefits to former personnel		0		0		0	...	0
21.0	Travel and transportation of persons		29		38		48	...	10
22.0	Transportation of things		41		38		38	...	0
23.1	GSA rent		30		38		63	...	25
23.3	Comm., util., & other misc. charges		2		5		13	...	8
24.0	Printing and reproduction		2		16		16	...	0
25.1	Advisory & Assistance		2		0		0	...	0
25.2	Other services		2		2		6	...	4
25.3	Purchase of goods & svc from Gov't accounts		1		3		6	...	3
25.5	Research and development contracts		0		0		0	...	0
25.6	Medical care		0		0		0	...	0
25.7	Operation and maintenance of equipment		0		3		3	...	0
26.0	Supplies and materials		1		6		8	...	2
31.0	Equipment		0		3		16	...	13
	Total obligations	3	274	3	312	5	670	...	138

NOTE: Personnel compensation and benefits funding shown in 1999 is sufficient to cover resources needed for one-half of the salary/benefits costs of the three positions assigned to ODR in 1999.

Antitrust Division
Congressional Submission for Fiscal Year 2001
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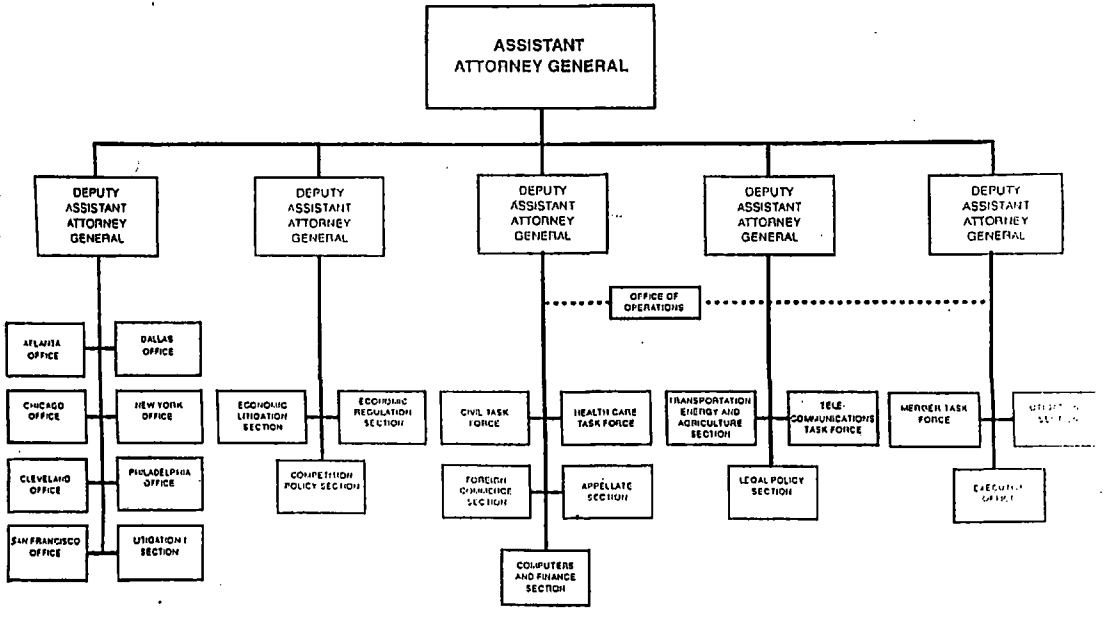
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ANTITRUST DIVISION



Approved by: _____ Date 2/3/94

JANET RENO
Attorney General

The Antitrust Division desperately needs additional resources to keep up with a crushing workload that is without historical precedent. Fundamental changes are occurring in the marketplace, including increasing economic concentration across industries, globalization of markets, and rapidly advancing technology. These factors, added to the existing number and complexity of our investigations, have significantly increased the Division's overall workload, and additional staffing is needed to keep up. **The continuing merger wave is substantially overwhelming current Division resources**, and, in all our enforcement programs, **the Division is litigating more, larger, and more complex cases than ever before**. Indicators of this increased workload include:

- The Antitrust Division currently has the largest number of trials pending in recent history. With six trials pending or ongoing in CY 2000, our litigation activity is at least triple historical levels. This trend is expected to continue, as the rules of global competition are being redefined by the application of U.S. antitrust law to foreign corporations whose illegal behavior affects American consumers and businesses, and through the increasing internationalization of commerce.

- The Division is facing increasingly large and powerful corporations and conglomerates in its investigations. These companies, including American Airlines, Visa/MasterCard, Compuware/Viasoft, and Continental/Northwest are able to hire substantial legal counsel, both in terms of stature and number. The Division is now consistently dealing with leading national and international law firms.

- Companies involved in discussions with the Division are apparently increasingly emboldened by their size and stature and less willing initially to freely negotiate with the Division. Accordingly, discussions are frequently taking longer and requiring more proof in order to reach amicable resolution.

- The business transactions encountered by the Division are more and more complex and intertwined, frequently involving multiple companies and counsel. As such, more investigatory effort is required, and discussions / negotiations are increasingly complex.

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- Based upon the increasing size and complexity of matters, larger amounts of data must be reviewed, commonly involving millions of documents and huge quantities of pricing and other relevant information. In addition, the number of electronic data formats being encountered is exploding, with attendant requirements for creative hardware and software solutions for handling incoming information.

- The commodities and issues involved are raising more difficult issues, frequently in areas that have just undergone deregulation and in which little or no precedent exists (e.g., energy, utilities), or in which behavior is difficult to prove (e.g., monopolization), or in which markets and the competitive issues they raise are changing rapidly (e.g., information technology, electronic commerce, telecommunications).

- The matters encountered increasingly have international aspects and are more complex due to the need for discussions and coordination with foreign governments and emerging international organizations (e.g., the European Union (EU)), foreign document discovery, electronic data sharing (involving myriad hardware and software), foreign travel, and translation of documents from many languages.

- The work of the Antitrust Division in the international arena is increasingly important to the establishment of global trade policy and is helping set the worldwide standards for fair and open business behavior to the benefit of American consumers and businesses.

The increasingly large, complex, and international nature of the matters encountered by the Division is demonstrated by many of the Division's current and recent matters, including:

Civil Non-Merger Enforcement

- Visa/MasterCard in the financial services industry--**trial scheduled, June 2000**

- American Airlines in the airline industry--**trial pending, October 2000**

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- Microsoft in the high-technology industry--**trial ongoing**
- Dentsply International in the health care industry--**trial pending in Fall 2000**
- Federation of Physicians & Dentists in the health care industry--**trial scheduled, April 2000**

Criminal Enforcement

- F. Hoffmann-La Roche--*largest criminal fine in Department history ($500 million)* and BASF (*$225 million fine*) (vitamins)-- **additional matters successfully pursued and pending**
- UCAR International--*$110 million fine* (graphite electrodes used in making steel)--**additional matters successfully pursued and pending**
- Archer Daniels Midland Company (ADM) --*$100 million fine* (food & feed additives)--**additional matters successfully pursued and pending**

Merger Enforcement

- Northwest/Continental in the airline industry--**trial scheduled, October 2000**
- Compuware/Viasoft in the high-technology industry--**merger abandoned in February 2000; trial had been scheduled for April 2000**
- WorldCom MCI/Sprint in the telecommunications industry--*largest merger in history ($130 billion)*
- Lockheed Martin/Northrop Grumman in the defense industry--*largest merger challenged in U.S. history ($11.6 billion)*

- Primestar/News Corporation et al. in the telecommunications industry--*the proposed acquisition would have allowed five of the largest cable companies in the U.S., which control Primestar, to protect their monopolies and keep out new competitors*

- Lockheed Martin/Comsat--*satellite network-based solutions and terrestrial networking technologies that are altering the landscape of data transfer and setting the standards for future communications solutions*

- USA Waste Services/Waste Management in the waste management industry--*largest merger the Division filed suit to block by size of transaction ($13.5 billion)*

- Pacific Enterprise/Enova--*first challenge of a merger between a gas and electric utility*

- WorldCom/MCI and NationsBank/Barnett--*largest divestiture of a company in U.S. history ($1.75 billion) and second largest divestiture ($4.1 billion in deposits associated with 124 branch banks)*

- SBC/Ameritech, Bell Atlantic/GTE, AT&T/British Telecom--*telecommunications mergers that are redefining the industry*

- Cargill/Continental Grain and biotechnology issues--*agricultural issues of critical importance to American farmers and their future competitiveness*

At the beginning of FY 2000, the Division had 166 preliminary inquiries, 89 Grand Juries, 104 criminal investigations, and 30 civil cases in progress. **This represents a phenomenal 20 percent increase in our caseload since the start of FY 1998.** This pace is continuing and can not be sustained without additional resources. As a basis of comparison, Antitrust Division staffing in FY 2000 is less than in FY 1980, when the transactions under the Division's jurisdiction were fewer in number, smaller in size, and less complex than today.

Between premerger filing fees collected and criminal fines obtained from FY 1997 to date, **the Antitrust Division brought in five times its appropriations during the same period.** Investing in Antitrust Division resources will continue this trend and allow for additional returns to the Government and the American public.

The current globalization and consolidation of businesses, both U.S.-owned and foreign, is expected to continue. The resulting markets will be the ones our children inherit. The importance of preserving economic competition in the global marketplace cannot be overstated. The threat to consumers is very real, as **anticompetitive behavior leads directly to higher prices and reduced efficiency and innovation.** The Division must have additional resources to meet these challenges and ensure the responsible enforcement of U.S. antitrust laws.

For FY 2001, the Antitrust Division requests a budget totaling 1,001 positions, 990 workyears, and $134,224,000. The increase of $20,955,000 over the FY 2001 base level will fund an additional 177 positions, including 61 attorneys and 116 paralegals, which are urgently needed as the Division strives to meet the challenges presented by the fundamental structural changes occurring in the global marketplace.

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JUSTIFICATION FOR FY 2001 PROGRAM INCREASE

The requested funds are critical to achieving the Division's three Goals:

- **Enforcement:** Decreasing anticompetitive behavior affecting U.S. businesses and consumers
- **Environment:** Increasing the procompetitiveness of the national and international environment
- **Education:** Increasing the breadth and depth of awareness of antitrust law

These Goals support the Division's Mission and Vision and relate directly to departmental goals.

The funding increase for the Antitrust Division is urgently needed to assure that the antitrust laws are adequately enforced. With multi-billion dollar mergers being announced every week, **the Division's resources are being stretched beyond the limit and corporate America knows it.** There is a danger that corporate counsel will try to exploit this weakness. In October 1999, *The Washington Post* noted "The nation's trustbusters are simply overwhelmed, and Corporate America is catching on."[1] According to the *Post*, "mergers and acquisitions specialists are whispering that this could be an ideal moment to slip through deals that might otherwise ring alarm bells."[2]

As Chart 1 indicates, **the Division's budgetary resources have not kept pace with our rising workload.** The level of funding has been essentially constant over the last five fiscal years, with only marginal increases, while merger filings and major litigation has skyrocketed.

[1]Segal, David. "Merger Deals Swamp Antitrust Regulators," *The Washington Post*, October 23, 1999, p. E01.

[2]Segal, David. "Justice Department Scales a Mountain of Work," *The Washington Post*, May 29, 1998, p. F1.

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To remedy this problem, the Antitrust Division's FY 2001 budget request includes a program increase of 177 positions, 177 workyears, and $20,955,000. These resources would be allocated as follows:

- Preservation of a Competitive Market Structure Program: 113 positions, 113 workyears, and $13,292,000
- Termination & Prevention of Private Cartel Behavior Program: 64 positions, 64 workyears, and $7,663,000 (specifically for investigating and prosecuting international criminal cartel activity)

The 177 new hires will consist of 61 attorneys and 116 paralegals. This hiring plan is in accordance with the Division's effort to increase our efficiency by utilizing lower level paralegal staff where feasible, thus allowing our attorneys more time to interpret and apply complex antitrust law. Given that paralegals are hired for two-year terms, the Division's increased use of this staffing pool enables us to more flexibly manage our resources.

With workload increasing at a rapid rate, the Division has not estimated a lapse for recruiting efforts. It is anticipated that preliminary recruiting efforts will be made prior to the start of the fiscal year with new hires coming on board early in FY 2001.

The Antitrust Division's work toward our three Goals--Enforcement, Environment and Education--which impact U.S. competitiveness in its broadest sense, is tremendously dependent upon outside factors. **Several external trends have been identified which add to the level and complexity of the Division's workload and ultimately increase costs.** These trends include:

- Increasing economic concentration across industries
- Globalization of markets
- Rapidly advancing technology

A look at the unique challenges presented to the Division by each of these trends follows.

New Records Set in FY 1999

The value of mergers occurring globally continued to climb to record levels, **reaching $3.4 trillion in CY 1999, a 36 percent increase over CY 1998 (itself a record year).** According to Thomson Financial Securities Data, this is seven times the value of worldwide mergers in 1990. The steady annual climb in merger value reflects increasing consolidation among industry leaders. The merger frenzy "in this country translated into more than **one merger an hour for the past 24 months** - [and] established sweeping, global powerhouses in critical industries such as oil, telecommunications, media, and defense."[3]

In the U.S., although the number of merger deals in CY 1999 declined slightly from CY 1998, their value surpassed $1.79 trillion, topping the $1.6 trillion in announced U.S. transactions occurring in CY 1998, which itself represented a 78 percent increase over CY 1997. Between FY 1995 and FY 1999, the value of U.S. merger transactions increased 357 percent. (*See Chart 2, "Value of U.S. Merger Activity."*) According to Thomson Financial Securities Data, "more than half of the value of all announced domestic mergers in the past decade have occurred in the last twenty-four months."[4]

Although merger activity abated somewhat in the beginning of FY 1999 which resulted in a slight decline in premerger filings from FY 1998 levels, it has since regained momentum. In FY 1998, premerger filings increased over 30 percent, setting a new record and following increases of 20 percent in FY 1997, and 10 percent in FY 1996. Since FY 1990, chargeable premerger filings have more than tripled. (*See Chart 3, "Chargeable Hart-Scott-Rodino Premerger Filings."*) Merger reviews under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR) are conducted under statutorily-mandated time frames. This workload is not discretionary; it results from the number of premerger filings we receive.

[3]Sugawara, Sandra. "Merger Wave Accelerated in '99," *The Washington Post*, December 31, 1999, p. E1.

[4]Peterson, Richard. "The World Is Not Enough To Merge," *Thomson Financial Securities Data Press Release*, January 5, 2000.

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HSR Premerger Investigations

Between FY 1990 and FY 1999, HSR investigations increased from 59 to 172, an increase of 191 percent. **Of the six largest mergers in history, the Antitrust Division was responsible for reviewing five.** In two other merger matters, Lockheed Martin/Northrop Grumman and Primestar/News Corporation et al., the Division was prepared for litigation against substantial legal representation for the parties. Of the ten largest merger deals in 1999, as recorded by Mergerstat, the Division has been involved in the review of seven.

Record Number of Merger Challenges

In the midst of a record-breaking merger wave, the Antitrust Division challenged 48 mergers either formally or informally in FY 1999, close to the record 51 merger challenges in FY 1998. In FY 2000, the Division is on pace to meet or exceed the FY 1999 level.

Unprecedented Workload in FY 2000

In FY 2000, the Division's workload includes many large, proposed mergers which will have a profound impact on the structure of their respective industries. For instance, the Division is currently reviewing WorldCom MCI/Spring (telecommunications), ATT/Media One (telecommunications), CBS/Viacom (media), Alcoa/Reynolds (energy), and numerous proposed mergers in the agriculture, utility, and banking industries. In the first quarter of FY 2000 alone, lawsuits have been filed to block 10 mergers. This is significantly higher than FY 1999 when, for the entire year, 21 lawsuits were filed to block proposed mergers. At the current rate, the number of merger lawsuits filed in FY 2000 will be almost double that of last year.

As trade barriers fall and deregulation across industries continues, corporate consolidation is expected to remain rapid throughout 2000 and into 2001. "The dealmaking frenzy is a reflection of a brave new business world in which most things happen at Internet speed, acquisitions are funded by stunning stock market riches and boardrooms are in a panic at the thought of being left behind."[5] "You think you've seen merger mania? Well, you ain't seen nothin' yet. By late this year, the odds are high that buyers will be chasing new partners at a pace that

[5]Sugawara, Sandra. "Merger Wave Accelerated in '99", *The Washington Post*, December 31, 1999, p. E1.

could make today's brisk mating dance look stately by comparison."[6] Mergers in the media, telecommunications and high-technology sectors are expected to lead the way.

Civil Non-Merger Enforcement

The Division is entrusted with the responsibility of enforcing the Sherman Act in civil non-merger cases where the anticompetitive activities typically pursued include group boycotts, exclusive dealing, and tying arrangements. Within the civil non-merger enforcement area, the Division has been involved with, among other things:

- investigating (and now litigating) alleged predatory conduct in the pricing and scheduling practices of American Airlines against small, low-cost airlines;
- pursuing the ongoing case against Microsoft;
- investigating (and now litigating) an arrangement between Visa and MasterCard; and
- investigating (and now litigating) the conduct of both Dentsply International and the Federation of Physicians and Dentists in the health care industry.

The level of civil litigation activity underway at the Division is unprecedented in the last 20 years. If the schedules for these pending cases hold, **we will have at least six large civil matters at trial in FY 2000, and more cases are in the pipeline.**

GLOBALIZATION OF MARKETS

More Cases Against International Cartels

The effect of increasing internationalization on our Criminal Enforcement Strategy is reflected in the fact that over **30 percent of grand juries in FY 1999 are associated with investigations having subjects or targets located in foreign countries**.

[6]Tully, Shawn. "It's Time for Merger Mania II," *Fortune*, June 7, 1999 (http://www.pathfinder.com/fortune/investor/1999/06/07/str.html).

As recently as FY 1991, only one percent of corporate defendants were foreign and no foreign individuals were charged that year. In FY 1997, 32 percent of the corporate defendants in our criminal cases were foreign-based; and **in FY 1998 and FY 1999, roughly 50 percent of corporate defendants were foreign-based.**

Chart 4, "Locations of International Cartel Meetings Affecting United States Commerce" (February 1999), lists 30 countries and 77 cities, up from 24 countries and 60 cities one year earlier. The map shows **conspiratorial meetings occurring in nearly every country in Western Europe and most of the Far East**, including 31 European and 15 Asian cities. The actual number of international cartel meetings affecting U.S. commerce is actually far greater than even these numbers reflect, because the map does not reflect the fact that more than one international cartel may have met on one or more occasions in any given city.

Costs of Internationalization

Since our work no longer takes place solely within the geographic borders of the U.S., we find parties, targets, witnesses, and potential evidence in foreign countries. As a result, the Antitrust Division must spend more for translators, interpreters, and communications. Division staff must travel greater distances to reach the people and information necessary to conduct investigations. (*See Chart 4, "Locations of International Cartel Meetings Affecting United States Commerce."*) Extensive inter-governmental negotiations are required to depose foreign nationals, obtain evidence and have searches and seizures conducted on our behalf. All of these elements of complexity add to the funding, personnel, and time required to enforce the law.

The effect of increased internationalization on the Antitrust Division's workload manifests itself in several other ways. The number of merger transactions and opportunities for conduct that adversely affect U.S. consumers and businesses also increases, so the Division must be more vigilant. Also, as indicated above, the value of merger transactions and the scope of criminal conspiracies are larger. Most importantly, the complexity of these investigations significantly increases the resources necessary to enforce the law effectively. **In FY 1999, 27 percent of the preliminary investigations opened in the Division's merger enforcement program and 31 percent of those opened in the civil non-merger enforcement program were international.**

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Fines from International Cartel Prosecutions

During the past several years the Division has uncovered international cartels operating in a broad spectrum of commerce, including vitamins, food and feed additives, chemicals, graphite electrodes (used in making steel), and marine construction and transportation services. In many of the prosecutions, the conspirator corporations were fined multiple millions of dollars:

- F. Hoffmann-La Roche and BASF agreed to pay a total of $725 million for their participation in the vitamins conspiracy (May 1999);
- SGL was fined $135 million for its role in the graphite electrodes conspiracy;
- UCAR paid a $110 million fine for its participation in the graphite electrodes conspiracy; and
- ADM was fined $100 million for its role in the lysine and citric acid conspiracy.

Of the criminal antitrust fines secured by the Division since FY 1997, **well over 90 percent were imposed in connection with the prosecution of international cartel activity, and the value of each fine has steadily been increasing from tens to hundreds of millions of dollars.** The impact of this heightened penalty has been an increase in the participation of large firms in the Division's Corporate Leniency Program, bringing more and larger conspiracies to the Division's attention. *(See Chart 5, "Sherman Act Violations Yielding a Fine of $10 Million or More.")*

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RAPIDLY ADVANCING TECHNOLOGY

In addition to the complexity resulting from globalization, rapidly changing technology poses special challenges to the Division. Given that the pace of information flow has greatly accelerated, the collection and review of evidence has become even more laborious. In addition, as the marketplace becomes more technologically sophisticated, the methods used to constrain competition become more complex.

On a more fundamental level, the emergence of new technologies at breakneck speed has created new industries virtually overnight. A prime example of this is the global economy's growing dependence upon sophisticated Internet technology. "The [Internet] industry is graduating from a speculative casino into a measurable force that is changing nearly every corner of modern capitalism... The precise impact of the Internet is still hard to quantify.

One reason is its sheer rate of growth: Every second, another seven people around the globe tap in for the first time. But enough data have begun to emerge...that the glimmerings of a new business era are becoming visible, one that should endure through eventual recessions."[7] The Antitrust Division must keep abreast of all new developments, applying our expertise and ensuring a fair and competitive marketplace where innovation is fostered.

Additional layers of complexity result from the increasing burdens on the Antitrust Division. For example, the courts are increasingly demanding stronger "proof" of the anticompetitive effects of transactions; estimating the potential price increase from a prospective transaction requires large quantities of data and sophisticated econometric modeling. In addition, assessing the legality and competitive effects of a variety of types of transactions is more and more complicated by an ever-changing, increasingly interwoven web of national and international markets, regulatory agencies, and inter- and intra-governmental bodies, all of which may have bearing on a particular transaction. These complexities translate into additional expenditures of time and money by the Division, and the need for additional staff.

REVENUE ASSUMPTIONS

Filing fees of $45,000 are paid by persons acquiring voting securities or assets who are required under HSR, 15 U.S.C. 18a, and the regulations promulgated thereunder, to file premerger notifications. The filing fees are divided evenly between and credited to the appropriations of the Antitrust Division and the Federal Trade Commission (FTC).

In terms of revenue projections, the average annual growth in premerger filings from FY 1993 to FY 1998 has been approximately 14 percent. Because merger activity abated somewhat in the beginning of FY 1999, we realized a 3 percent decline in premerger filings in FY 1999 below the FY 1998 level. However, the rate of filings has since regained its earlier momentum. **The strength of the U.S. economy and continuing consolidation across industries lead us to estimate a 14 percent increase in filings in both FY 2000 and FY 2001.**

[7]Leibovich, Mark; Smart, Tim; and Dugan, Ianthe Jeanne. "Internet's E-conomy Gets Real," *The Washington Post*, June 20, 1999, A1.

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Our revenue estimate for FY 2001 reflects a restructuring of the HSR premerger filing fee structure which has been proposed in the FTC's budget request. The restructuring proposal would replace the current flat fee with a graduated fee scale based on transaction value. We have assumed that this proposal would be implemented at the start of FY 2001.

SUMMARY

The exponential growth in workload experienced by the Division in recent years as industries consolidate, companies expand their reach across geographic borders, and new industries and products grow out of technological advancements has severely strained current resources. Our staff has been stretched thin as the result of funding levels which have not kept pace with workload increases. The requested FY 2001 budget of $134,224,000 would allow the Division to increase staffing by 177 positions (61 attorneys and 116 paralegals) critically needed to continue the effective enforcement on the Nation's antitrust laws. While the Division is seeking a 22 percent funding increase (3 percent adjustment to annual base costs and 19 percent to address workload), in the last fiscal year, the Division's overall caseload has increased substantially, with our trial activity at least triple historical levels. Our funding increase reflects the fact that, over the last few years, the Division's resource levels have not kept pace with this skyrocketing workload.

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Chart 1

ANTITRUST DIVISION					
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Budget	$89,414,000	$85,074,000	$92,447,000	$93,495,000	$101,640,000
Criminal Fines	$41,433,000	$26,817,000	$205,178,000	$244,144,000	$972,139,000
Merger Filings	2,816	3,094	3,702	4,728	4,679
Merger Investigations	133	237	277	228	229
Major Litigations	FAX PAPER GEL CLAY	None	MICROSOFT L.I. HOSPITALS	MICROSOFT LOCKHEED-MARTIN PRIMESTAR ADM TELECOMM ACT APPEALS	MICROSOFT ADM DENTSPLY LAMINATES VISA / MASTERCARD NORTHWEST / CONTINENTAL WASTE MANAGEMENT REAL ESTATE GENERAL ELECTRIC CITICORP / TRANSACTIVE UTILITY CONTRACTORS IRON TELECOMM ACT APPEALS
Major Investigations	ADM	ADM NASDAQ PUBLISHING	ADM MICROSOFT VISA / MASTERCARD SECTION 271 MATTERS BELL ATLANTIC / NYNEX RAYTHEON	MICROSOFT LOCKHEED-MARTIN VISA / MASTERCARD SECTION 271 MATTERS GRAPHITE ELECTRODES SBC / AMERITECH WORLDCOM / MCI CRIMINAL (Many Matters) AIRLINES (Many Matters) BANKING (Many Matters)	SECTION 271 MATTERS VITAMINS GRAPHITE ELECTRODES CARGILL / CONT. GRAIN AETNA HEALTH / PRUDENTIAL INTL PAPER/UNION CAMP AT&T / IBM AT&T / TCI AT&T / BT MICROSOFT BELL ATLANTIC / GTE AOL / NETSCAPE / SUN LOCKHEED-MARTIN / COMSAT SBC / AMERITECH BIOTECH. SEEDS STOCKS, SECURITIES OPTIONS EXCHANGES FCC AUCTION BIDDING UTILITIES CANCER DRUGS AIRLINE PREDATION AIRLINE MERGERS AIRLINE ALLIANCES CRIMINAL (Many Matters) RADIO (Many Matters) BANKING (Many Matters)

Chart 2

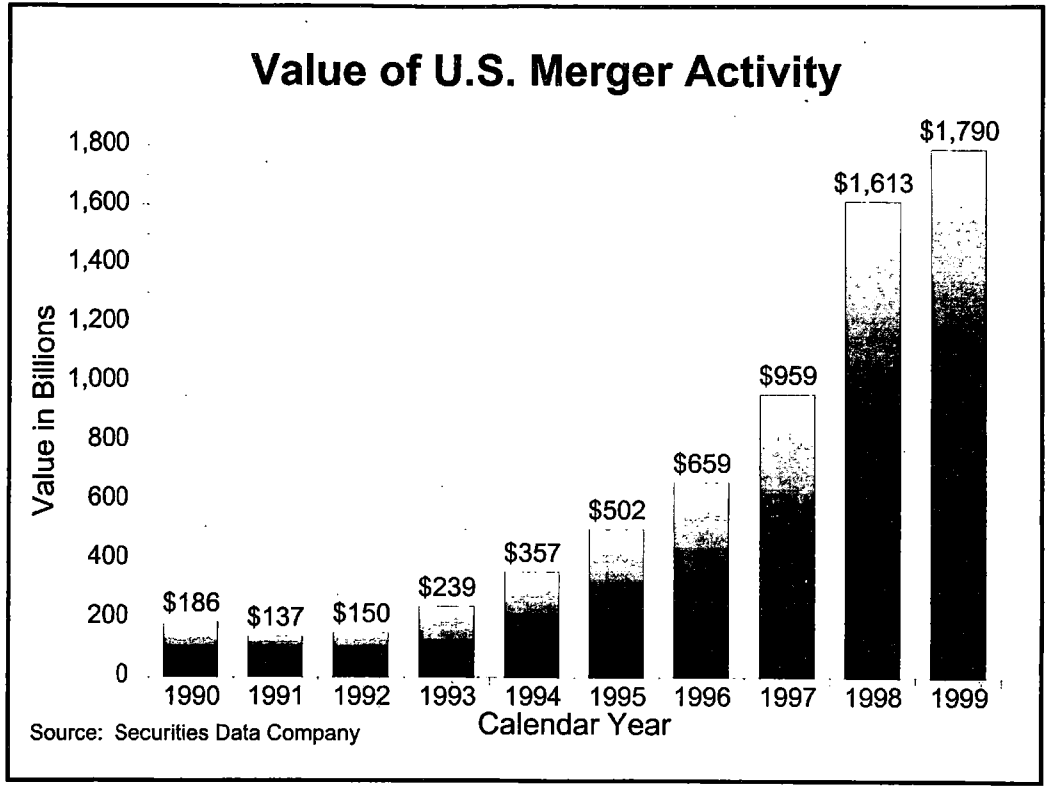
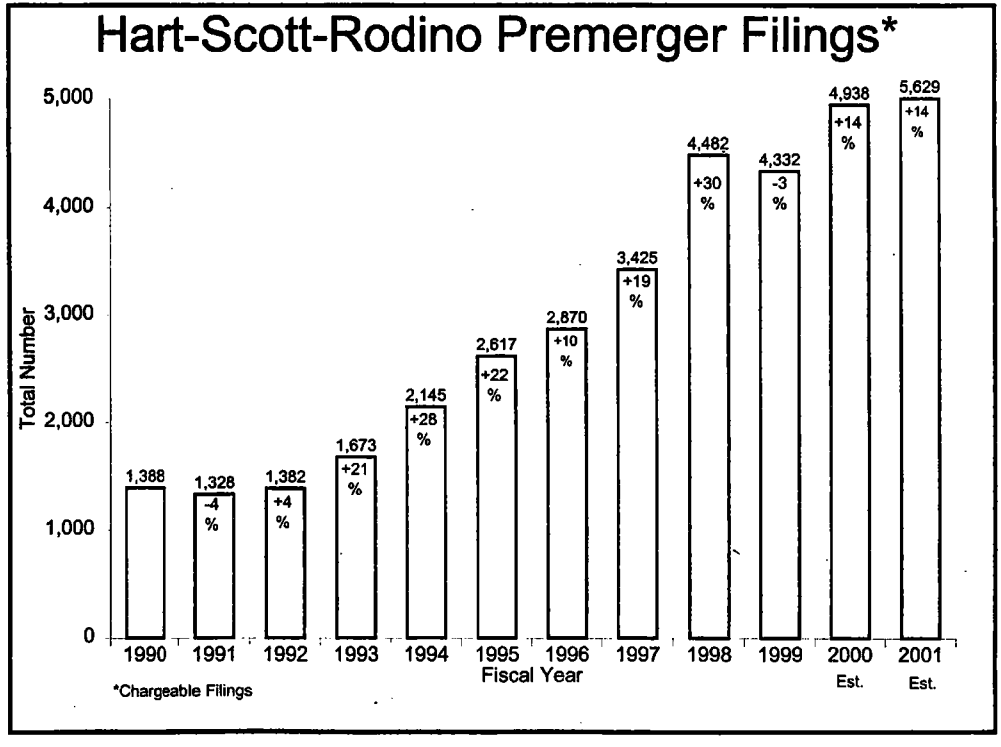
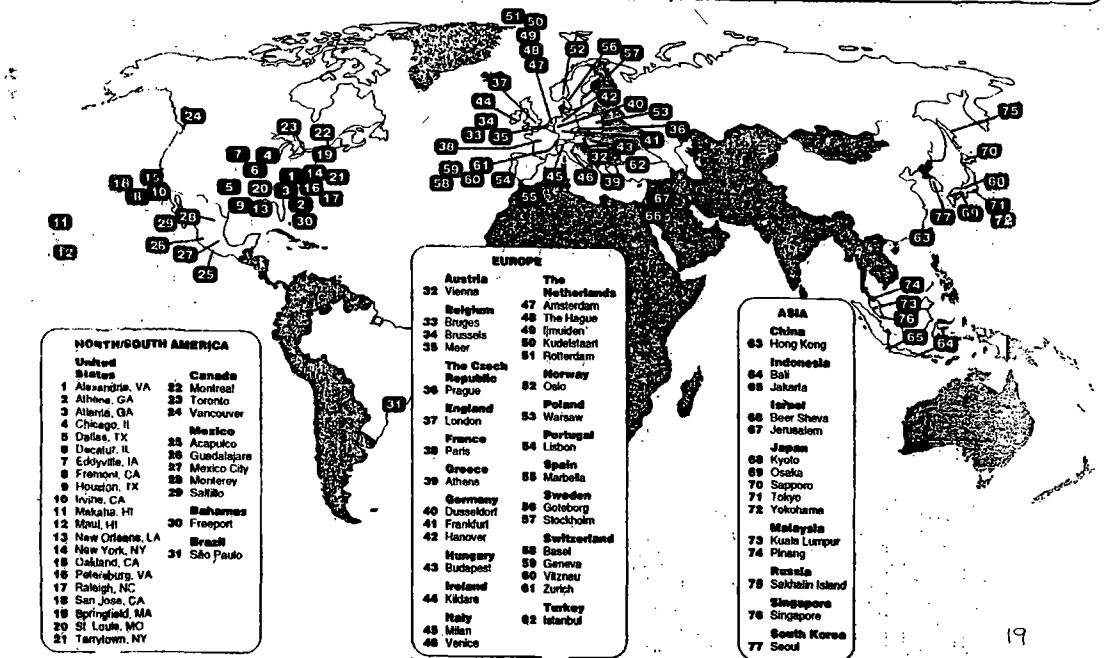

Value of U.S. Merger Activity
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
Value in Billions
$186
$137
$150
$239
$357
$502
$659
$959
$1,613
$1,790
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
Calendar Year
Source: Securities Data Company

Chart 3


Hart-Scott-Rodino Premerger Filings*
Total Number
5,000
4,000
3,000
2,000
1,000
0
1,388
1,328
-4 %
1,382
+4 %
1,673
+21 %
2,145
+28 %
2,617
+22 %
2,870
+10 %
3,425
+19 %
4,482
+30 %
4,332
-3 %
4,938
+14 %
5,629
+14 %
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000 Est.
2001 Est.
Fiscal Year
*Chargeable Filings

Locations of International Cartel Meetings Affecting United States Commerce



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February 199

Chart 5

ANTITRUST DIVISION Sherman Act Violations Yielding a Fine of $10 Million or More				
Defendant (FY)	**Product**	**Fine ($ Millions)**	**Geographic Scope**	**Country**
F. Hoffmann-La Roche Ltd. (1999)	Vitamins	$500	International	Switzerland
BASF AG (1999)	Vitamins	$225	International	Germany
SGL Carbon AG (1999)	Graphite Electrodes	$135	International	Germany
UCAR International, Inc. (1998)	Graphite Electrodes	$110	International	U.S.
Archer Daniels Midland Co. (1997)	Lysine & Citric Acid	$100	International	U.S.
Takeda Chemical Industries, Ltd. (1999)	Vitamins	$72	International	Japan
Haarmann & Reimer Corp. (1997)	Citric Acid	$50	International	German Parent
HeereMac v.o.f. (1998)	Marine Construction	$49	International	Netherlands
Eisai Co., Ltd. (1999)	Vitamins	$40	International	Japan
Hoechst AG (1999)	Sorbates	$36	International	Germany
Showa Denko Carbon, Inc. (1998)	Graphite Electrodes	$32.5	International	Japan
Daiichi Pharmaceutical Co., Ltd. (1999)	Vitamins	$25	International	Japan
Nippon Gohsei (1999)	Sorbates	$21	International	Japan
Pfizer Inc. (1999)	Maltol/Sodium Erythorbate	$20	International	U.S.
Fujisawa Pharmaceuticals Co. (1998)	Sodium Gluconate	$20	International	Japan
Dockwise N.V. (1998)	Marine Transportation	$15	International	Belgium

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ANTITRUST DIVISION Sherman Act Violations Yielding a Fine of $10 Million or More				
Dyno Nobel (1996)	Explosives	$15	Domestic	Norwegian Parent
F. Hoffmann-La Roche, Ltd. (1997)	Citric Acid	$14	International	Switzerland
Eastman Chemical Co. (1998)	Sorbates	$11	International	U.S.
Jungbunzlauer International AG (1997)	Citric Acid	$11	International	Switzerland
Lonza AG (1998)	Vitamins	$10.5	International	Switzerland
Akzo Nobel Chemicals, BV & Glucona, BV (1997)	Sodium Gluconate	$10	International	Netherlands
ICI Explosives (1995)	Explosives	$10	Domestic	British Parent
Mrs. Baird's Bakeries (1996)	Bread	$10	Domestic	U.S.
Ajinomoto Co., Inc. (1996)	Lysine	$10	International	Japan
Kyowa Hakko Kogyo, Co., Ltd. (1996)	Lysine	$10	International	Japan

PROGRAM CHANGES BY INITIATIVE

INITIATIVE 1: MERGER ENFORCEMENT STRATEGY
Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2000 Annual Performance Goal 3.3.1

Program Area	Positions	Workyears	Amount
Preservation of Competitive Market Structure	69	69	$8,053,000

The speed at which companies are merging coupled with rapid advances in technology have served to increase not only the amount of work facing the Antitrust Division but also its complexity. The Division must strive to keep abreast of new technologies as existing industries are transformed and new ones are created. We request additional funding of $8,053,000 to support the hiring of 23 attorneys and 46 paralegals. This request is based on FY 2001 modular cost estimates for these staffing groups. Because workload is increasing at such a rapid rate, the Division has not estimated a lapse for recruiting efforts. It is anticipated that preliminary recruiting efforts will be made prior to the start of the fiscal year with new hires coming on board early in FY 2001.

Although the number of staff assigned to a particular case varies according to the phase of the investigation and the scope and complexity of the matter, the average staffing level per matter is approximately 5 positions. During intense phases such as the Preliminary Investigation, the average staffing level is closer to 9 positions. Of course, for particularly large and complicated cases like Lockheed Martin/Northrop Grumman and Northwest/Continental Airlines, which are rapidly becoming the Division's "standard" merger matter, the number of staff on the teams has reached 20 or more. We have observed that, in most cases, for each attorney on the team, there are two paralegals. In calculating the budget request for our Merger Enforcement Strategy, we have estimated that at least three additional major cases (over the number handled in FY 2000) will be underway in FY 2001 necessitating an additional 20 attorneys and 40 paralegals. The remaining 3 attorneys and 6 paralegals will be needed to staff two additional cases of smaller size and scope.

A key component of the Antitrust Division's work to preserve the competitive forces that have shaped this country's economy involves the review of proposed mergers. Section 7 of the Clayton Act, as amended by HSR, requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the FTC of their intention, and to submit certain information to us. These notifications allow the Division to identify and block any potentially anticompetitive transactions before they are consummated. Since these HSR reviews must be completed within statutorily-mandated timeframes, the Division's workload is not completely within our control. In addition to HSR merger reviews, the Division also reviews non-HSR transactions which are not subject to HSR reporting thresholds, as well as bank mergers.

INITIATIVE 2: CIVIL NON-MERGER ENFORCEMENT STRATEGY

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2000 Annual Performance Goal 3.3.1

Program Area	Positions	Workyears	Amount
Preservation of Competitive Market Structure	44	44	$5,239,000

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To ensure our capacity to appropriately conduct our Civil Non-Merger Enforcement Strategy, we request an additional $5,239,000 which will support the hiring of 16 attorneys and 28 paralegals. This request is based on FY 2001 modular cost estimates for these staffing groups. Because workload is increasing at such a rapid rate, the Antitrust Division has not estimated a lapse for recruiting efforts. It is anticipated that preliminary recruiting efforts will be made prior to the start of the fiscal year with new hires coming on board early in FY 2001.

As mentioned previously, although the number of staff assigned to a particular case varies according to the phase of the investigation and the scope and complexity of the matter, the average staffing level per matter is approximately 5 positions. During intense phases of investigation such as the Civil Investigative Demand process, the average staffing level is closer to 9 positions. Of course, for particularly large and complicated

cases, which are rapidly becoming the Division's "standard," the number of staff on the teams has reached 20 or more, and the matters are still not fully staffed. We have observed that, in most cases, for each attorney on the team, there are two paralegals. In calculating the budget request for our Civil Non-Merger Enforcement Strategy, we have estimated that at least two additional major cases (over the number handled in FY 2000) will be underway in FY 2001 necessitating an additional 16 attorneys and 28 paralegals.

The Antitrust Division pursues matters under Section 1 of the Sherman Act in instances where the allegedly illegal behavior falls outside the traditional per se violations that fall under the Criminal Enforcement Strategy. The anticompetitive activities typically pursued under our Civil Non-Merger Enforcement Strategy include, for example, group boycotts and exclusive dealing arrangements. Given the worldwide business restructuring going on today, the application of antitrust laws to rapidly realigning industries presents new challenges. The level of civil litigation activity underway at the Division presently is unprecedented in the last 20 years. Today, in addition to the Microsoft case, we have active civil litigations challenging the conduct of Visa and MasterCard, the Federation of Physicians and Dentists, and Dentsply. The Antitrust Division must scrutinize these deals to ensure that predatory pricing and collusion does not occur and fair competition is preserved.

INITIATIVE 3: CRIMINAL ENFORCEMENT STRATEGY--INTERNATIONAL CRIMINAL CARTEL INVESTIGATIONS
Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2000 Annual Performance Goal 3.3.1

Program Area	Positions	Workyears	Amount
Termination & Prevention of Private Cartel Behavior	63	62.5	$7,569,000

The Antitrust Division requests a program increase of $7,569,000 to support an additional 21 attorneys and 42 paralegals working against international criminal cartels. This request is based on FY 2001 modular cost estimates for these staffing groups. Because workload is increasing at such a rapid rate, the Division has not

estimated a lapse for recruiting efforts. It is anticipated that preliminary recruiting efforts will be made prior to the start of the fiscal year with new hires coming on board early in FY 2001.

As mentioned previously, although the number of staff assigned to a particular case varies according to the phase of the investigation and the scope and complexity of the matter, the average staffing level per matter is approximately 5 positions. During intense phases of investigation such as grand jury investigations, the average staffing level is closer to 9 positions. Of course, for particularly large and complicated cases like ADM, which are rapidly becoming the Division's "standard" criminal matter, the number of staff on the teams has reached 20 or more, and the matters are still not fully staffed. We have observed that, in most cases, for each attorney on the team, there are two paralegals. In calculating the budget request for our Criminal Enforcement Strategy, we have estimated that at least three additional major cases (over the number currently being handled in FY 2000) will be underway in FY 2001 necessitating an additional 21 attorneys and 42 paralegals.

As part of our Criminal Enforcement Strategy, the Antitrust Division pursues illegal behavior as outlined under Section 1 of the Sherman Act, including price fixing, bid rigging, and horizontal customer and territorial allocations. These behaviors are per se violations of the antitrust laws, meaning that they are always considered to be illegal given the economic harm they inflict on consumers. As industries undergo global restructuring and endure ever-increasing competition, the prevalence and complexity of these schemes increases. State and local law enforcement efforts, while contributing to the prevention of locally-oriented cartel behavior, cannot cope with the complex interstate and international nature of conspiracies, and thus the responsibility for enforcement falls to the Antitrust Division.

Crosscutting Budget Committee--International Crime

This Initiative supports Goal 5, "Prevent Criminal Exploitation of International Trade," and Goal 8, "Optimize the Full Range of U.S. Efforts," of the President's International Crime Control Strategy. Although the Antitrust Division coordinates with various Department components in these investigations and cases (e.g., the Criminal Division, the Federal Bureau of Investigation, and the U.S. Attorneys), most of Initiative 3 does not rise to the level of a crosscutting issue. However, $361,000 of this Initiative is included in the Department's International

Crime Crosscutting Budget Committee's resource request for FY 2001 to fund the increasing amount of translation and interpretation related to the burgeoning number of international criminal cartel investigations and cases.

INITIATIVE 4: CRIMINAL ENFORCEMENT STRATEGY--INTERNATIONAL AGREEMENTS
Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2000 Annual Performance Goal 3.3.1

Program Area	Positions	Workyears	Amount
Termination & Prevention of Private Cartel Behavior	1	0.5	$94,000

The Antitrust Division requests a program increase of $94,000 to support an additional attorney to handle increasing workload related to existing and new international enforcement agreements as our overall workload becomes increasingly global in scope. As discussed previously, the Division's workload is becoming increasingly global as trade barriers collapse and cross-border deals proliferate. In order to protect competition in the United States and encourage similar protection outside the country, the Division seeks to establish international enforcement agreements of various types. The increasing number of international matters across all of the Division's enforcement programs and the amount of coordination required to utilize an existing enforcement agreement in any one matter necessitates additional resources. It is anticipated that the new hire will come on board halfway through FY 2001.

Crosscutting Budget Committee--International Crime

This Initiative supports Goal 3, "Deny Safe Haven to International Criminals," of the President's International Crime Control Strategy, and is included for the Antitrust Division in the Department's International Crime Crosscutting Budget Committee's resource request for FY 2001. Our efforts support the President's goal of fostering international cooperation.

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SECTION A: ENVIRONMENTAL ASSESSMENT AND WORKLOAD IMPACT

INTRODUCTION

The Division is tasked with carrying out its Mission in the face of several environmental trends that affect everything from the scope of criminal investigations, which routinely have international ramifications, to the number of merger transactions that require review, to the amount of resources required to provide timely feedback to the Federal Communications Commission (FCC) with regard to transactions in the wake of the Telecommunications Act of 1996. These are but a few of many critical areas that must be addressed. Following is a description of the most important and challenging trends, and a discussion of how each impacts both the work and the overall workload of the Antitrust Division.

ECONOMIC TRENDS

Globalization of Markets

Today, the definitions of the "U.S. economy" and the "U.S. market" are less straightforward. More and more there is a recognition that economic activity, whether initiated in the U.S. or abroad, is global in scope. More fluid capital markets and the advent of instantaneous, worldwide communications are two of many reasons for this trend. Other contributing factors show no signs of waning. We already see regional economic alliances, such as the EU, the Asia Pacific Economic Cooperation (APEC), the North American Free Trade Agreement (NAFTA), and the still developing Free Trade Area of the Americas (FTAA), replacing strictly national economies. All signs point to the increasing interconnection among all national economies as part of an enormous international web of markets.

This trend is having several major impacts on the work of the Antitrust Division. First, it means that our work no longer takes place solely within the geographic borders of the U.S. In our enforcement efforts we find parties, potential evidence, and even impacts abroad, all of which add complexity, and ultimately cost, to the pursuit of matters. Whether that complexity--and cost--results from having to physically collect evidence overseas or from having to undertake extensive inter-governmental negotiations in order to depose a foreign national, it makes for a very different, and generally more difficult, investigatory process than would be the case

if our efforts were restricted to conduct and individuals in the U.S. The markets and competitors affecting U.S. business and consumers are more international in scope, and the variety of languages and business cultures which the Division encounters has increased. Consequently, the Division must spend more for translators, interpreters, and communications, and Division staff must travel greater distances to reach the people and information required to effectively conduct an investigation, and expend more resources to coordinate our international enforcement efforts with other countries and international organizations.

Second, it means that our matters involve companies and industries that are bigger and affect more dollars of commerce than ever before. Whether investigating an alleged international conspiracy or analyzing a transnational merger, the Division is dealing with businesses of a scale and scope not previously encountered. There are significant workload impacts, such as more documents to review, more employees to interview, and more competitors to survey. In such cases there are clearly more resource costs--time, money, and staff--involved in pursuing these matters.

Economic Expansion and Growth Through Mergers

The U.S. is in the midst of one of the most sustained periods of economic expansion in its history. Existing companies are growing in size and profitability, and start-up companies are emerging at an astonishing rate. One way companies are growing, be they large vertical or horizontal conglomerates, or small single-industry businesses, is through strategic mergers. Companies of all stripes are seeking to grow and enhance owner or shareholder value through combination with other concerns where there is some relationship between or among the goods and/or services created. In the U.S., the value of mergers taking place in CY 1999 surpassed $1.79 trillion, topping the $1.6 trillion in announced U.S. transactions occurring in CY 1998, which itself represented a 78 percent increase over CY 1997. Between FY 1995 and FY 1999, the value of U.S. merger transactions increased 257 percent. *(See Chart 2, "Value of U.S. Merger Activity," in the Executive Summary.)* Areas with the largest volume of activity in CY 1999 included telecommunications and financial services. Activity likely will continue in these sectors, as well as in technology and energy. In fact, "information technology, communications and media companies announced 2,900 deals valued at $545 billion in the first six months of [1999]...That exceeds

the $488 billion in tech-related deals for all of last year and is nearly double the $283 billion in mergers and acquisitions in the first six months of 1998."[8]

This trend significantly impacts the work of the Antitrust Division in several ways. First, there is the impact on workload. As one of two bodies in the U.S. charged with reviewing all merger transactions of a certain size or scope, there is a correlation between the number of mergers taking place and the amount of work the Division must handle. It is worth noting, in addition, that the bulk of the Division's Merger Enforcement Strategy must be executed within statutorily-mandated time frames, so resource requirements to fulfill our obligations are externally driven. This workload is not discretionary; it results from the number of premerger filings we receive. *(See Chart 3, "Chargeable Hart-Scott-Rodino Premerger Filings," in the Executive Summary.)* Second, with the strategic mergers of the 1990's, where there is a competitive relationship between or among the goods and/or services produced by the parties, the analysis necessary for thorough merger review becomes more complex. Competitive issues and efficiency defenses are more likely to surface in such reviews, adding complexity and cost to the Division's work.

TECHNOLOGICAL TRENDS

Technological Change and Information Flows

Technological change is occurring at a blistering pace, whether viewed in the capabilities of faster, higher-capacity computers that render the ones produced six months ago obsolete, or in the ability to hold an international meeting using teleconferencing equipment that allows simultaneous voice and data transmission. People and goods move at a fixed speed; however, information, ideas, and data move with almost immeasurable speed.

This is a trend that shows up in the techniques of anticompetitive behavior taking place. As the tools of the trade become more sophisticated, there appears to be a corresponding growth in the subtlety and complexity with

[8] Thurm, Scott. "Internet Sparks Unrivaled Surge in Technology-Related Mergers", *Wall Street Journal*, July 28, 1999.

which prices are fixed, bids are rigged, and market allocation schemes are devised. One way in which this first came to light was the increased use of electronic mail (e-mail), and even faster, more direct methods of communication. The evolution of electronic communication also results in an increase in the amount and variety of data and materials that the Antitrust Division must obtain and review in the course of an investigation. In addition to hard copy documents, telephone logs, and other information from public sources, including the Internet, the Division frequently receives magnetic tapes, computer diskettes, and CD-ROMs of a company's e-mail traffic and documents.

These changes in the technological environment bring with them a whole new set of challenges, for the Antitrust Division, e.g., data storage, as we seek to obtain and review evidence of anticompetitive behavior. At the same time, the increasing amounts and new forms of information present the Division with additional opportunities for detecting and investigating possible violations of the antitrust laws. Meeting the challenges and taking advantage of the opportunities both add to the Division's existing work and increase the Division's need for additional staffing with which to successfully pursue our Goals.

Technological Change and the Changing Face of Industry

Another outgrowth of the speed with which technological change is happening is the number and type of new industries emerging. One example is the rapid evolution from new businesses dealing in computer software to manage e-mail systems to new businesses dealing with the restoration of (accidentally or otherwise) deleted e-mail messages. A second example is seen in the seemingly overnight expansion of the Internet, where one moment universities were the sole practitioners and providers of the service and the next, private Internet service providers sprang up locallly, nationally, and internationally.

Technological change is creating new businesses and industries virtually overnight. "[I]nformation technology industries are having a huge impact on the economy, contributing more than one-third of U.S. economic growth between 1995 and 1998..."[9] Certainly we will see even more advances in this area in coming years. "The

[9]Kenworthy, Tom. "An Economic Engine," *The Washington Post*, June 23, 1999, E4.

[Internet] industry is graduating from a speculative casino into a measurable force that is changing nearly every corner of modern capitalism... The precise impact of the Internet is still hard to quantify. One reason is its sheer rate of growth: Every second, another seven people around the globe tap in for the first time. But enough data have begun to emerge...that the glimmerings of a new business era are becoming visible, one that should endure through eventual recessions."[10]

This trend poses quite a challenge to the work of the Antitrust Division. Familiarity with and knowledge of an industry allows our staff to effectively and efficiently identify, investigate, and prosecute anticompetitive behavior. Industry expertise takes time to acquire, and while we believe we have significant strength in emerging areas, there is an unavoidable learning curve that comes with each new industry springing up as a result of rapid technological change. There is clearly additional work involved in traveling that learning curve, along with concomitant costs, particularly in terms of staff time.

LEGAL TRENDS

Increasing Deregulation

Recent years have seen an increase in the number of key industries deregulated in whole or in part. Telecommunications, banking, and transportation are just a few examples. The trend is expected to continue, with major deregulatory efforts underway in the energy/utility industry, for example. "After an uncertain start, energy deregulation is finally picking up steam in the U.S. with an increasing number of what were once heavily regulated gas pipeline companies re-creating themselves as gas and electricity marketing companies."[11]

This trend is having two major impacts on the work of the Antitrust Division. First, in newly deregulated industries, the Antitrust Division often shares responsibility for the oversight of competitive market development

[10]Leibovich, Mark; Smart, Tim; and Dugan, Ianthe Jeanne. "Internet's E-conomy Gets Real," *The Washington Post*, June 20, 1999, A1.

[11]Morton, Peter. "Low Prices Driving Energy Mergers: $11 Billion of Deals Announced," *National Post*, February 23, 1999, C10.

with other Federal or state agencies. Under the Telecommunications Act of 1996, for example, the Division has a statutory role in reviewing certain transactions and providing advice and guidance to the FCC with regard to those transactions. While our participation in such interagency processes entails analyses we are used to conducting, the level of coordination and interaction, not to mention effort in terms of sheer volume of work, is something quite new. Second, newly deregulated industries, even those whose deregulation is done via lengthy legislation with proscribed rules and regulations, face a degree of uncertainly as they venture out in a newly competitive environment. The Antitrust Division is presented with questions and concerns about what will and will not pass antitrust muster in industries in which such questions have not previously been asked. The Division is thus called upon to devote time and resources to providing information and clarifying the new rules of the game.

Doctrinal Abyss

The foundation of antitrust law rests on the Sherman and Clayton Acts, both of which are broadly phrased. As a result, case law developed through the years has had a significant interpretive effect on those Acts, establishing parameters of acceptable and unacceptable behavior. In recent years, however, the trend has been toward settlement of matters prior to reaching court. While in some cases settlement is clearly an appropriate course of action, in other cases it only addresses an immediate issue while providing no longer-term guidance. For example, "By settling now, the FTC can more quickly force Intel to change some of its practices. But without a judicial ruling, the larger question of how to apply decades-old antitrust statutes to today's fast-moving tech industry remains. Perhaps the Microsoft case will offer an answer."[12] There has been little evolution of antitrust doctrine in the recent past, and the discrepancy between what existing case law covers and what today's businesses face in an international environment is growing ever larger.

This trend requires a thoughtful and thorough response from the Antitrust Division. Charged with enforcing the antitrust laws, we have a responsibility to contribute to the continual evolution of antitrust doctrine and to ensure

[12]Wilke, John R.; Takahashi, Dean; and Perine, Keith. "Short-Circuited: Accord Lets Intel Avoid Trial and a Beating Such as Microsoft is Taking," *The Wall Street Journal*, March 9, 1999, A1.

that the development of case law proceeds in a coherent manner that demonstrates applicability to current economic trends and industry practice. At the same time, litigation is a tool that we must strive to use only when and where it is appropriate. **The challenge for the Division is finding appropriate ways to advance antitrust doctrine in the course of our work without making it the point of our work.** In the Microsoft case, "Although...any sanctions the judge orders could be delayed two or three years by appeals--many in the computer business believe the courtroom battle itself has already helped to fundamentally reshape the technology industry."[13]

POLITICAL TRENDS

Increasing Democratization and Capitalism Worldwide

In recent history, and since the fall of the Berlin Wall and the break up of the former Soviet Union in particular, the world has seen the spread of democracy and the beginnings of capitalist economies in a number of countries. Central Europe is one area that stands out as making these long-term, difficult transitions. As these processes take place, we often see infusions of foreign capital and businesses. New regimes generally welcome the investment, and are pleased to have the products and services of existing businesses available to their populations.

This trend affects the workload of the Antitrust Division, primarily in increasing the demand for technical assistance. As newly-democratized countries take their first steps toward establishing free market economies, there is a recognized need for rules and regulations to promote open and competitive international markets. The Antitrust Division receives requests for government-to-government assistance, including everything from giving speeches and seminars to drafting competition laws to providing resident advisors, and must weigh the resource and alternative-use costs of undertaking this work against the benefits of helping to **increase the competitive environment** in which businesses, including U.S. businesses, operate.

[13]Chandrasekaran, Rajiv. "Microsoft Trial Ends with Firm Chastened," *The Washington Post*, June 25, 1999, A1.

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International Governing Bodies

As the business community watches its horizons spread across the globe, the political community recognizes both the challenges and opportunities of increased interconnectedness and interdependencies on a scale not previously known. The resulting approach to managing this growth has been an increased emphasis on existing international governing bodies, such as the Organization for Economic Cooperation and Development (OECD), and the development of new international governing bodies, such as the World Trade Organization (WTO). These groups have begun carving out issues and making their presence felt. It is clear that the work of these bodies will have impacts far and wide for all businesses competing in the international arena.

The Antitrust Division has an important role in response to this trend, as these organizations present both challenges and opportunities. On one hand, we certainly do not want to be in a position of having competition policies or practices that fly in the face of or dilute U.S. antitrust laws dictated to us by an international governing body. On the other hand, to the extent that we can influence other countries to adopt policies and practices we feel advance competitive principles on a world scale, our efforts provide major benefits to the U.S. and other countries. Finding the right balance between these two positions means devoting time and resources to the issue. Whether increasingly pressed to attend key meetings of such organizations or to research and develop position papers on the U.S. position vis-a-vis such organizations, the end result is additional work for the Division. The investment of time and effort at this point is money well spent in attempting to limit violations of antitrust laws in the future, and in establishing level international playing fields for U.S. businesses.

In response to the effects of increasing globalization, in November 1997, Attorney General Janet Reno and Assistant Attorney General Joel Klein announced the formation of a new committee to help tackle the international antitrust problems of the 21st Century. The International Competition Policy Advisory Committee (ICPAC) is the first-ever on competition-related matters. It will advise the Attorney General and the Assistant Attorney General on international antitrust issues, including attacking transnational cartels, managing merger reviews across multiple jurisdictions, and dealing with anticompetitive practices that restrict international trade. Its report is due in early 2000, and it is expected to strongly underline the critical importance of international antitrust cooperation and enforcement to ensuring that global markets are open and freely competitive for U.S. businesses and consumers.

SUMMARY

The confluence of these environmental trends has created a surge in the Antitrust Division's workload of unprecedented proportion. Although the spike in merger activity has been widely noted, it should be pointed out that **the Division has experienced a significant rise in workload in all three of its enforcement areas: merger, criminal, and civil non-merger**. Keeping pace with this crushing workload has substantially strained the Division's resources, highlighting the need for additional professional staff.

Over the past few years, the Division has been doing more with relatively fewer resources. However, the inexorable rise in the incidence and complexity of anticompetitive activity occurring both domestically and internationally makes the continued effective enforcement of antitrust law impossible. Our ongoing investigations and pending litigation in such global industries as telecommunications, airlines, and vitamins have required a phenomenal amount of resources, and we expect our caseload to continue to grow in FY 2000 and beyond. To ensure that the Division is prepared to meet the challenges of tomorrow, we must have an additional $20,955,000 and 177 positions in FY 2001, providing an annual budget of $134,224,000 and 1,001 positions. Without these resources, the Division will be unable to adequately protect the U.S. economy and consumers from anticompetitive behavior which would endanger economic growth and cost the American people millions of dollars through higher prices and reduced innovation.

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While the Results Act has been in force for seven years, it is fair to say that agencies across the Federal Government still are struggling with its implementation to varying degrees. Law enforcement bodies, in particular, have been singled out in a variety of fora as having special challenges in their attempts to measure results. One of these challenges stems from the fact that most law enforcement bodies share the ultimate goal of deterring behavior, and thus ideally would capture as results the *absence* of that behavior. Another challenge arises as law enforcement bodies make thoughtful decisions about what to do and, equally important, what *not* to do; quantifying or even describing anecdotally the often important results of action *not* taken is difficult, at best. The Antitrust Division faces both of these challenges. Since there is no "antitrust crime rate," there is no single or simple way to measure antitrust "crimes" and thus no easy way to portray the effectiveness of the Division's work.

Despite these challenges, the Antitrust Division is committed to fulfilling the letter of the Results Act and to implementing it for the benefit of the Division and for a wider audience. Although we have had to step back from the notion of deterrence to develop a more workable paradigm for viewing our work and the results of that work, we have done so in a thoughtful way. We have surveyed our external operating environment to identify current trends that impact our work. We have taken an approach that looks not only at what we *can* measure, but also at what we *should* measure, whether it be for internal management or external review purposes. We continue to address the processes through which we will measure results in a more meaningful way over time. We believe that our efforts--however hampered by limited resources, inadequate data, or other obstacles--ultimately will make a difference to the Division and to those who care about effective antitrust enforcement.

The framework that has been developed--as set forth below and presented on the chart following this Section--starts with Mission and Vision Statements for the Division. Cascading from these, we have articulated Goals and related Performance Indicators at several levels, which provide both institutional constancy and the flexibility needed as our operating environment changes. The three High-Level Goals and associated Performance Indicators speak to the long-term, and each is supported by a list of Strategies that comprise the

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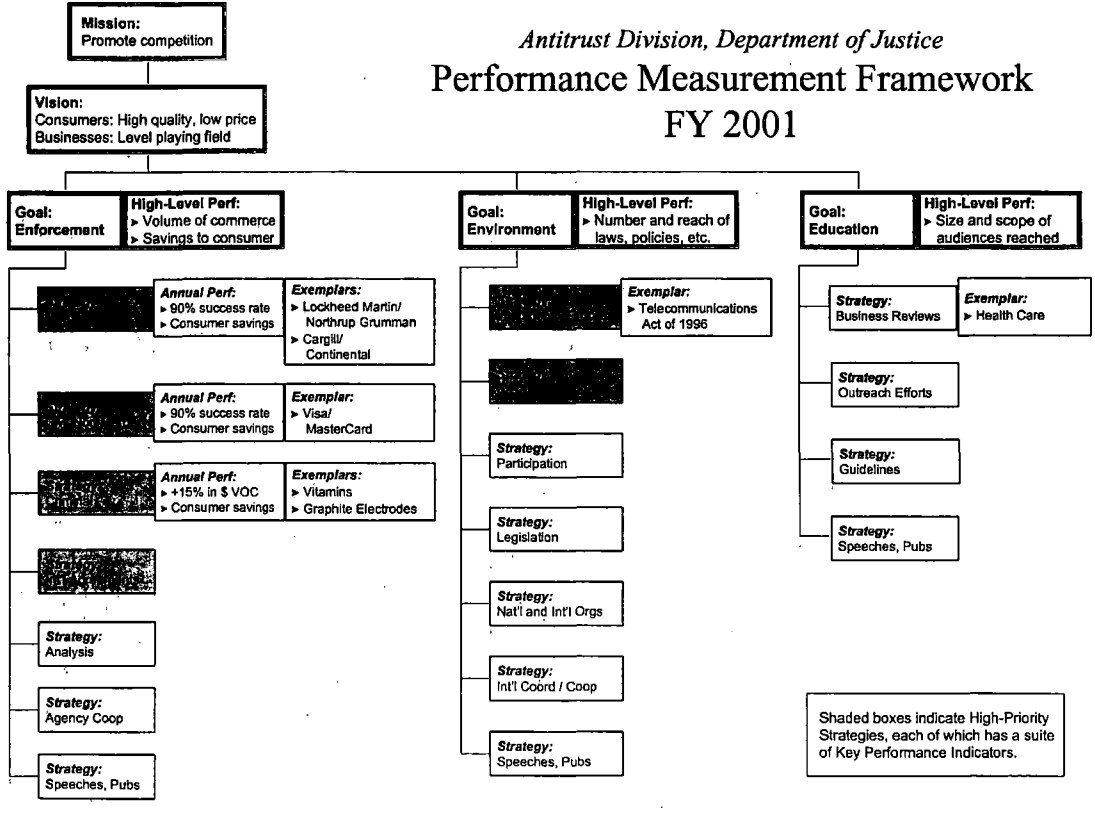
tools needed to achieve that Goal.[14] The High-Priority Strategies and associated Key Performance Indicators speak to the short-term, and represent the current focus of the work of the Division. In addition, we present Annual Performance Goals and associated Performance Indicators, which address just the fiscal year for which we are requesting funds. We note that this framework comports fully with the Department's Strategic Plan (FY 1997 - 2002) and FY 2001 Summary Performance Plan, and with the Departmentwide Goals set forth by the Attorney General.[15] (*See the Executive Summary for highlights of mission-critical results.*)

[14]The Antitrust Division's Performance Plan and Performance Measurement Tables complement the Department's Strategic Plan (FY 1997 - 2002) and FY 2001 Summary Performance Plan. We note, however, there are two High-Level Performance Indicators listed in the Department's Strategic Plan that do not appear to coincide with our presentation: (1) judgments, convictions, or settlements in high-priority enforcement areas that impact consumers, and (2) use of Alternative Dispute Resolution (ADR) and other settlement techniques, where appropriate, as an alternative to litigation. The Division's Performance Measurement Table for our Criminal Enforcement Strategy includes a variety of Intermediate Outcome Indicators that address the former issue; the Performance Measurement Table for our Merger Enforcement Strategy includes a variety of Intermediate Outcome Indicators that address the latter.

[15]The Department's Strategic Plan (FY 1997-2002), Departmentwide Goals (FY 1999-2001), and FY 2001 Summary Performance Plan include references to the work of the Antitrust Division. In the Strategic Plan, the Division is represented principally under core function 3, "Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests," and specifically under goal 3, "Promote competition in the United States economy through enforcement of, improvements to, and education about antitrust laws and principles." In the Departmentwide Goals, the Division is represented in goal 3: "*Reduce traditional and newly-emerging forms of* white collar crime, including cyber crime, health care fraud, pension fraud, telemarketing fraud, tax fraud, and *antitrust violations*" (emphasis added). In the FY 2001 Summary Performance Plan, the Division is represented in strategic goal 3 of core function 3 (corresponding to the Strategic Plan), and the Division is cited in the narrative for core function 1, "Investigation and Prosecution of Criminal Offenses." In each instance there is a clear, direct relationship between the Department's overall mission and goals and the Division's Mission, Vision, and Goals.

Antitrust Division, Department of Justice

Performance Measurement Framework
FY 2001



MISSION STATEMENT

The Mission of the Antitrust Division is to promote competition in the U.S. economy through enforcement of, improvements to, and education about antitrust laws and principles. The statutory authority for the Division's Mission includes Sections 1 and 2 of the Sherman Act, Section 7 of the Clayton Act, as amended by HSR, and a variety of other competition laws and regulations.

VISION STATEMENT

The Vision of the Antitrust Division is an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price, and in which U.S. businesses compete on a level playing field nationally and internationally.

HIGH-LEVEL GOALS, PERFORMANCE INDICATORS, AND ASSOCIATED STRATEGIES

Goal 1: **Decrease anticompetitive behavior affecting U.S. businesses and consumers. [Enforcement]**

High-Level Performance Indicator: **Total dollar volume of U.S. commerce affected** in instances where the Antitrust Division has taken specific action that resulted in *less anticompetitive behavior*.

High-Level Performance Indicator: **Total dollar value of savings to U.S. consumers** in instances where the Antitrust Division has taken specific action that resulted in *less anticompetitive behavior*.

Strategies in Support of Goal 1:

- Merger Enforcement
- Civil Non-Merger Enforcement
- Criminal Enforcement
- Establishment and Use of International Enforcement Agreements

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- Enhancement of Analytical Framework
- Cooperation with Federal, State, and Local Law Enforcement Agencies
- Speeches, Publications, and Press

Goal 2: **Increase the procompetitiveness of the national and international environment. [Environment]**

High-Level Performance Indicator: **Number and reach of national and international laws, policies, practices and procedures** in instances where the Antitrust Division has played a role in the establishment or development of such laws, policies, practices or procedures that resulted in *increased procompetitiveness of the national or international environment*.

Strategies in Support of Goal 2:
- Participation in Interagency Regulatory Processes
- Development of Procompetitive Case Law
- Participation in Interagency Rulemakings, Task Forces, and Policy Development Efforts
- Participation in Legislative Development
- Participation in National and International Organizations
- Consultation and Coordination with International Antitrust Authorities
- Speeches, Publications, and Press

Goal 3: **Increase the breadth and depth of awareness of antitrust law. [Education]**

High-Level Performance Indicator: **Size and scope of audiences reached** in instances where the Antitrust Division has undertaken activities that resulted in a *greater awareness of antitrust law.*

Strategies in Support of Goal 3:
- Guidance to the Business Community via the Business Review Program
- Outreach Efforts to Federal, State, and Local Agencies, Business Groups, and Consumers

- Development and Publication of Antitrust Guidelines and Policy Statements
- Speeches, Publications, and Press

HIGH-PRIORITY STRATEGIES, KEY PERFORMANCE INDICATORS, AND EXEMPLARS

The High-Priority Strategies represent the current focus of the work of the Division and, as such, are the Strategies against which we intend to measure progress in the short-term. The Division has thus gathered a variety of Key Performance Indicators for these High-Priority Strategies, which are listed in the Performance Measurement Tables in this document. Unlike the Division's Mission and Vision Statements, High-Level Goals, associated Performance Indicators, and related Strategies, which are designed to be institutional and timeless, we fully anticipate that the suite of High-Priority Strategies will change over time, as will the Key Performance Indicators for each Strategy, providing maximum flexibility for the Division to respond to changes in our operating environment and in identified priorities. Included in Sections C, D, and E of this document, Exemplars demonstrate the ways in the which the Antitrust Division employs a variety of Strategies in light of the changing operating environment in order to achieve our Goals.

FY 2001 PERFORMANCE GOALS AND PERFORMANCE INDICATORS

The Antitrust Division has developed Key Performance Indicators for our High-Priority Strategies, as discussed above. In compliance with the Results Act and departmental instruction, we provide four FY 2001 Performance Goals and Indicators. Drawn from the universe of Key Performance Indicators for our High-Priority Strategies, these Annual Goals and Indicators establish expectations for FY 2001 for critical activities in our Merger, Civil Non-Merger, and Criminal Enforcement Strategies in support of our Enforcement Goal, for which we are seeking a program increase in FY 2001. *(See "Program Changes by Initiative.")* Thus, the Division is proposing an FY 2001 Performance Plan that we believe is attainable within the requested level of resources and with demonstrable results, as shown below. We expect these FY 2001 Performance Goals will establish a baseline upon which future performance may be tracked and reported, as required by the Results Act.

FY 2001 Annual Performance Goal	FY 2001 Annual Performance Indicator
Achieve **a success rate of at least 90 percent** in merger transactions challenged, taking into account continued increases in the number of transactions taking place that we are required to review, as well as continued growth in the value, international scope, and investigatory complexity of those transactions.	Success rate for merger transactions challenged. Successes include mergers that are abandoned, "fixed first," filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed as cases and litigated successfully.[16]
Achieve **a success rate of at least 90 percent** in civil non-merger matters where the Division expressed concern, taking into account continued growth in the value, international scope, and investigatory complexity of those civil non-merger matters.	Success rate for civil non-merger matters where the Division expressed concern. Successes include matters where practices changed after investigation initiated, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed as cases and litigated successfully.[17]
Intensify our focus on detecting and successfully prosecuting massive criminal conspiracies that affect major markets and ultimately harm significant numbers of U.S. consumers, demonstrating **a 15 percent increase in the dollar volume of U.S. commerce affected** in relevant markets where positive outcomes are achieved over 1999.	Dollar volume of U.S. commerce affected in relevant markets where positive outcome achieved in criminal matters.[18]
Continue to provide substantial savings to U.S. consumers across all three of our Enforcement Strategies–Merger, Civil Non-Merger, and Criminal.	Total dollar value of savings to U.S. consumers in instances where the Antitrust Division has taken a specific action that resulted in less anticompetitive behavior.[19]

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[16]See the Performance Measurement Table for our Merger Enforcement Strategy in Section C for the complete suite of Key Performance Indicators related to this FY 2001 Performance Goal.

[17]See the Performance Measurement Table for our Civil Non-Merger Enforcement Strategy in Section C for the complete suite of Key Performance Indicators related to this FY 2001 Performance Goal.

[18]See the Performance Measurement Table for our Criminal Enforcement Strategy in Section C for the complete suite of Key Performance Indicators related to this FY 2001 Performance Goal.

[19]See High-Level Performance Indicator 4 and Footnote A in the Performance Measurement Table for our General Goals in this Section for a comprehensive description of this FY 2001 Performance Goal.

CROSSCUTTING PROGRAMS AND OTHER COORDINATION EFFORTS

Based on our understanding of the Results Act, the Division participates in just one interagency crosscutting program: by law and in practice we share responsibility for merger enforcement with the Federal Trade Commission (FTC). Section 7 of the Clayton Act, as amended by HSR, requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the FTC of their intention, and to submit certain information to those authorities. Once premerger notification has been made, the Division and the FTC employ a clearance process, based largely on complementary areas of expertise, in order quickly to determine which body will review a particular transaction. Following clearance, the transaction is reviewed to determine whether there are any competitive issues at stake.

While we work closely with the FTC on an almost-daily basis, we exist as separate entities with all the differences that implies. Accordingly, it is not surprising that we have taken separate and different approaches to implementation of the Results Act. We have, nonetheless, ended up with very similar frameworks for measuring the results of our work; we believe this provides a significant level of confidence in our individual approaches. We have also maintained communication throughout the development of our respective Performance Plans, and expect that we will continue to define and refine common and complementary Performance Indicators as these plans evolve.

With respect to other coordination efforts, the Division has cultivated and will maintain contacts with the Federal Bureau of Investigation (FBI) and the Criminal Division (CRM), as well as the Justice Management Division (JMD), to discuss and coordinate approaches to performance measurement in such areas as our Criminal Enforcement and International Enforcement Agreements Strategies. Most recently, the Division participated on the FY 2001 International Crime Crosscutting Budget Committee. (*See "Program Changes by Initiative."*)

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Core Function 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

Strategic Plan Goal 3.3: Promote competition in the United States economy through enforcement of, improvements to, and education about antitrust laws and principles.

Key Summary Level Indicators	FY 1997 Actual	FY 1998 Actual	FY 1999 Planned	FY 1999 Actual	FY 2000 Planned	FY 2001 Planned
Success rate for merger transactions challenged. Successes include mergers that are "fixed first," filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed as cases and litigated successfully.	94%	98%	90%	97%	90%	90%
Success rate for civil non-merger matters where the Antitrust Division expressed concern. Successes include matters where practices changed after investigation initiated, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed as cases and litigated successfully.	N/A	93%	90%	100%	90%	90%
Dollar amount of U.S. commerce affected in relevant markets where positive outcome was achieved in criminal matters.[20]	N/A	$2.32 billion	N/A	$2.45 billion	Not Projected	Not Projected

[20]The dollar amount of U.S. commerce affected in criminal matters is estimated by the Antitrust Division based upon the best available information from investigative and public sources. It serves as a proxy for the potential effect of anticompetitive behavior. Suspect conspiracies usually are more extensive, sometimes far more extensive, than are formally charged in an indictment; hence, we believe that the dollar amount of commerce affected is significantly understated. These values are estimates for the specific fiscal year and reflect only U.S. commerce. Previously reported data (for FY 1997 Actual, FY 1998 Actual, and FY 1999 Planned) included estimates of the dollar amount of commerce affected over the duration of the conspiracy and included global commerce. Our methodology for estimating the dollar amount of commerce affected in criminal matters changed in order to be consistent with calculations for dollar amount of commerce affected in merger and civil non-merger matters. The "N/A" for FY 1997 Actual and FY 1999 Planned result from this change, since we lack revised data for FY 1997.

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Key Summary Level Indicators	FY 1997 Actual	FY 1998 Actual	FY 1999 Planned	FY 1999 Actual	FY 2000 Planned	FY 2001 Planned
Number of Division requests for assistance from international antitrust enforcement authorities.[21]	15	11	15-20	12	10-15	10-15

[21]Though the planned level of performance was not achieved due to external factors, there was no effect on overall program performance as a result. Indeed, as noted in the Executive Summary, the Division experienced a record year in international antitrust enforcement. The decline in Division requests for assistance in FY 1999 was due in part to an increase in the use of the Division's Corporate Leniency Program. Instituted in 1993, this program accords leniency to corporations reporting their illegal antitrust activities directly to the Division at an early stage, if certain conditions are met. The majority of international matters–including the record-setting vitamins price-fixing prosecutions–had one or more conspirators use this program in FY 1999. This had the practical effect of reducing the number of Division requests for assistance from foreign government authorities as the Division was able to work closely and cooperatively with many of the identified conspirators.

Other external factors contributing to this level of performance include the fact that international antitrust enforcement cooperation is in its early stages in many respects. Thus, even though assistance from a foreign country might otherwise be desirable, we may not have a formal mechanism available to use to pursue evidence, witnesses, or information that may be critical to the investigation. International enforcement agreements require a considerable amount of time to negotiate with foreign governments, and to coordinate within and between the executive and legislative branches of each government. Certain formal agreements require public comment periods, or, in some cases, Senate approval. Indeed, a formal enforcement agreement may result from years of discussion, negotiation, coordination, and approvals.

In addition, this Performance Indicator is extremely difficult to estimate since the number of requests are in part determined by the facts of each international matter the Division investigates and how the alleged conspiracy is identified to the Division. While the increasingly international nature of the Division's operating environment suggests that the need for foreign-located information should increase over time, "requests for assistance" are only one indicator, and it may not be the most appropriate performance measure. Performance levels for this indicator are being adjusted downward in future years to reflect actual performance in FY 1999, and possible alternate indicators are being pursued.

Key Summary Level Indicators	FY 1997 Actual	FY 1998 Actual	FY 1999 Planned	FY 1999 Actual	FY 2000 Planned	FY 2001 Planned
Total dollar value of savings to U.S. consumers in instances where the Antitrust Division has taken a specific action that resulted in less anticompetitive behavior[22]	N/A	$4.4 billion	N/A	$2.8 billion	Not Projected	Not Projected

VERIFICATION AND VALIDATION OF PERFORMANCE INDICATORS AND OTHER DATA ISSUES

The Results Act poses formidable measurement and analytical challenges. The Antitrust Division continues to engage these myriad opportunities. As discussed in Footnotes B and C for each of our Performance Measurement Tables, it is extremely difficult to isolate the effects of Division Strategies from other events and external factors that affect outcomes and over which the Division has little control. As a result, we remain concerned that performance information is interpreted and used with appropriate caution. Nonetheless, this section of the Division's FY 2001 Performance Plan highlights our measurement challenges, existing and initial efforts, and future plans.

The Results Act emphasizes outcome measurement. However, frequently it is not feasible to establish realistic outcome indicators on an annualized basis. This is particularly true in the area of law enforcement, where many outcomes occur over a longer time horizon than one year. As a result, some of our FY 2001 Performance

[22]It is difficult to fully or precisely capture in a single number, or even a variety of numbers, the ultimate outcome of the Antitrust Division's enforcement efforts. It is not always clear just how far-reaching are the effects of a particular conspiracy or a proposed transaction or an anticompetitive behavior. Nonetheless, we believe that an end outcome, if not the ultimate outcome, of our work is the savings to U.S. consumers that arise from our successful enforcement actions. In calculating consumer savings across our enforcement areas, key input measures, such as market elasticities of demand, if not actually estimated in the investigation or case, often had to be estimated based on anecdotal information and observations. These values are both conservative and consistently estimated over time. Note that we believe our consumer savings figure to be a very conservative estimate in that it attempts to measure direct consumer benefits. That is, we have not attempted to value either the "spillover" effects or the deterrent effects of our successful enforcement efforts, though we and those who have written on the subject believe that such effects exist and are significant. Although there are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price, and in which U.S. businesses compete on a level playing field.

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Indicators are outputs, not outcomes. We believe that, over time, experience will improve our identification of Performance Indicators that provide program managers, policymakers, and taxpayers with information on our performance.

In accordance with departmental guidance, we have not established numerical targets in a number of areas. We are very concerned that estimated levels of performance not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. As a result, although we will report actual data after the fact, we will not set quantified targets for convictions and fines, in particular. In many areas, however, we have made projections for outyear data. In doing so, we have relied on a variety of tools and information. We started with a basic formula that captures factors for changes in productivity, FTE, inflation (where applicable), and trend, and then tailored this formula to individual Performance Indicators. We have relied largely on historic data in our analysis, and supplemented that with information gleaned from relevant program managers. We acknowledge that we are in the early stages of working with this projection methodology, but anticipate that this fairly objective approach--which delivers projections, rather than targets--will be fine-tuned over time and will allow us to more accurately describe the direction and magnitude of anticipated changes in performance.

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Emphasis on Time Reporting and Other Data

In the short-term, we will continue to rely significantly on existing sources of Division statistics. These internal systems principally track workload, time reporting, and administrative activities; however, some outcome data also is collected. For the most part, baseline data exists for our Key Performance Indicators, which is used in the ordinary course of business. Much of the data comes from our internal Matter Tracking System (MTS), an Oracle-based system being phased in as a replacement for the Antitrust Management Information System (AMIS). We also rely upon forms generated by staff as matters are opened and closed. We will continue to improve existing data collection systems, including their accuracy and reliability.

We are developing a new, online, daily Time Reporting System (TRS) designed to provide comprehensive data for all Antitrust Division employees. It will interface with the Division's budget structure, and our performance measurement and management initiatives. A phased implementation of TRS began in FY 1999, and it has replaced the paralegal Time Accounting System. In January 2000, TRS also replaced the time reporting function

of AMIS. Currently, about 90 percent of Division staff uses TRS. We expect all Division staff will utilize TRS by the end of FY 2000. We have seized opportunities to improve other data collection systems, from adding new data fields to existing online forms, to establishing online systems for tracking Key Performance Indicators for certain Performance Measurement Tables. We are working to better integrate our financial reporting systems with our performance measurement and management initiatives.

Development of Additional Measures

We are also working to develop definitions and quantifiable measures, or at least more advanced qualitative methods, to track certain inherent aspects of the Antitrust Division's work, such as, "complexity," "savings to the consumer," and "deterrence." Several years ago we established groups in each of our three enforcement areas: merger, civil non-merger, and criminal. Comprised of the appropriate Deputy Assistant Attorney General, a Chief from one appropriate section and an Assistant Chief from another, the Chief of the Division's Economic Litigation Section, and other key individuals, these groups have served a variety of roles in our performance measurement efforts.

Complexity

These groups participated in the development of a complexity matrix that was designed to identify specific attributes of matters in each enforcement area that suggested complexity on either an intellectual or resource level, or both. This was the starting point for ongoing efforts to objectively quantify both the increasing number of complex matters handled by the Division and the increasing complexity of those matters.

Armed with our draft complexity matrix we designed and executed a test. We asked mid-level managers across the Division to review a number of largely historical matters and rank the ten most and ten least complex of those. We then contacted lead attorneys who staffed the matters and asked them to complete checklists, noting which of a list of specific attributes applied to those matters. (Those specific attributes were developed as part of the complexity matrix, described above.) An in-house economist then used several statistical and econometric software packages to analyze the results of the managers' rankings and the attorneys' checklists.

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Our second test was designed to mitigate somewhat our concerns about sample size and a number of other variables that may have adversely affected the results of the first test. We recently asked high-level managers in our enforcement areas to review a number of more recent and mostly current matters and rank the most and least complex of them. We contacted lead attorneys for more detailed information, and asked our economic staff to analyze these results both in isolation of the first test results and in conjunction with them. We anticipate that this latest effort will give us a greater level of confidence in moving forward with lists of attributes in each enforcement area that suggest complexity, and we hope to begin surveying the Division's workload for baseline complexity data in FY 2000.

Savings to the Consumer

The Division has consulted with the FTC on its methodology for projecting a true outcome measure in the crosscutting area of merger enforcement, savings to the consumer, and we are actively developing a methodology for each of the Division's three core Enforcement Strategies. **As a result of the Antitrust Division's actions in FY 1999, estimated savings to the consumer totaled $2.8 billion across all three enforcement areas.** This represents a decline in consumer savings from the FY 1998 estimate of $4.4 billion caused by the fact that the abandoned merger between Lockheed Martin and Northrop Grumman accounted for nearly 40 percent of the FY 1998 estimated savings.

Deterrence

We firmly believe that deterrence is perhaps the single most important ultimate outcome of the Division's work. We are just as sure that it presents the most significant measurement challenges, both to us in the area of antitrust law enforcement and to others across the Federal Government and across the globe in myriad contexts. Our determination to make some progress in this difficult area of performance measurement has led us, however, to something "soft" but nonetheless quantifiable. We spent time reviewing both antitrust and economic literature for clues as to how to tackle the measurement of deterrence, and we generated and discarded a number of "new" approaches. We were pleased to discover an external resource to devote to the question: a master's degree candidate at an Ivy League university participating in a thesis program that essentially lends students out to organizations to consult on public policy issues.

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Our highly-qualified "consultant," paired with a leading antitrust scholar who is also a professor at the university, researched measuring deterrence in the field of antitrust law enforcement and decided that there was a clear gap between near-universal recognition of the so-called deterrent effect and its quantification. He set out to begin building a bridge by designing a survey of very specific questions intended to elicit numbers, however broad, describing the effects of the Antitrust Division's enforcement efforts in the criminal area over a particular time period. Attorneys in private law firms across the country who specialize in criminal antitrust law were targeted, and they were asked to complete the two-page survey designed by our consultant. While acknowledging a fairly low survey response rate, we nonetheless feel there is a great deal of general value to the specific results of the survey: primarily, that **if the Division stopped enforcing Section 1 of the Sherman Act there would be an estimated 150 percent increase in the number of conspiracies over the next five years,** and an increase in the aggressiveness of those conspiracies.

It is perhaps the general thoughts and ideas behind the survey and the results it garnered, and the momentum gained by having gotten this far, that are the most valuable outcomes of our efforts to measure deterrence, to date. We learned perhaps as much as our consultant did through this project, and have a number of ideas for follow-on research. Whether we are able to devote in-house resources to pursuing these ideas, or we reach back into the pool of "consultants," our hope is to refine both the questions about the Division's deterrent effect and the resulting answers in order to demonstrate more clearly the very strong link between both our presence and our enforcement activities and their very real deterrence of anticompetitive activities.

Data Collection & Storage

Data is collected and stored on Antitrust Division's management information systems, primarily in the MTS and its companion user interfaces. Data is collected both manually and electronically using various forms, memoranda, etc., as well as on an ad hoc basis.

Data Validation and Verification

Data accuracy and validation for the Antitrust Division's management information systems occurs on three levels: manual, procedural, and automated. These levels include user training, software user's guides, on-line

data validation, batch data analysis, and ad hoc reviews. One of the most important automated solutions is on-line validation. Any errors which the system detects at this point can be quickly and efficiently corrected. Types of instantaneous on-line data validation employed by Division systems include date validity, inter-element cross-checks, numeric range checks, single element list-of-value checks, multi-element list-of-value checks, data type checks, and mandatory data elements. Systematic data validation checks are performed as part of the normal systems development life cycle, or an ad hoc basis.

CROSSCUT OF POSITIONS, FTE, AND DOLLARS BY CORE FUNCTION AND STRATEGIC GOAL

For fiscal years 1999, 2000 and 2001, all Antitrust Division resources are attributable to Core Function 3 and Strategic Goal 3.3 in the DOJ FY 2001 Summary Performance Plan.

Strategic Goal	FY 1999			FY 2000			FY 2001		
	$1,000s	Pos.	FTE	$1,000s	Pos.	FTE	$1,000s	Pos.	FTE
3.3: Promote Competition	$101,427	766	800	$110,000	824	813	$134,224	1,001	990

The accomplishment of this Strategic Goal requires experienced attorneys, economists, paralegals, and support staff. It also requires the Antitrust Division's MTS and its companion user interfaces; office systems, including our network and infrastructure; litigation support tools and applications, including those for courtroom presentations; and data storage capacity related to all of these technologies.

Management Challenges

No "high-risk" or other mission-critical management problems affecting our FY 2001 Performance Plan.

Future Evaluations

There are no ongoing or planned evaluations bearing upon our FY 2001 Performance Plan.

Performance Measurement Table: Presented by General Goal

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Summary Performance Plan Strategic Goal 3.3

General Goal 1 (Enforcement): Decrease anticompetitive behavior affecting U.S. businesses and consumers.
General Goal 2 (Environment): Increase the procompetitiveness of the national and international environment.
General Goal 3 (Education): Increase the breadth and depth of awareness of antitrust law.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
	High-Level Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Goal 1	1. Enforcement Dollars ($ in thousands)	Budget & Fiscal Unit	78,697	69,830 - 77,180	80,423	91,168 - 100,764	83,727 - 92,541	108,703 - 120,431
	2. Enforcement FTE	Budget & Fiscal Unit	619	611 - 647	640	667 - 707	640 - 645	640 - 822
	3. **Total Dollar Volume of U.S. Commerce Affected** in instances where the Antitrust Division has taken specific action that resulted in less anticompetitive behavior. ($ in millions)	Matter Tracking System, Sections, and Field Offices	47,959	140,135 -154,887	20,064	TBD	Not Projected	Not Projected
	4. **Total Dollar Value of Savings to the U.S. Consumer** in instances where the Antitrust Division has taken specific action that resulted in less anticompetitive behavior. ($ in millions)	Matter Tracking System, Sections, and Field Offices	4,389	N/A	2,806	TBD	Not Projected	Not Projected

	High-Level Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Final Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Goal 2	5. Environment Dollars ($ in thousands)	Budget & Fiscal Unit	13,940	12,278 -13,570	11,704	11,896 - 13,148	11,927 - 13,182	12,409 - 13,715
	6. Environment FTE	Budget & Fiscal Unit	101	99 - 104	86	87 - 91	86 - 91	87 - 91
	7. **Number and Reach of National and International Laws, Policies, Practices and Procedures** in instances where the Antitrust Division has played a role in the establishment or development of such laws, policies, practices or procedures that resulted in increased procompetitiveness of the national or international environment.	Sections and Field Offices	20	TBD	20	19-21	–	19-21
Goal 3	8. Education Dollars ($ in thousands)	Budget & Fiscal Unit	7,543	6,713 - 7,419	5,513	5,591 - 6,180	5,661 - 6,257	5,897 - 6,518
	9. Education FTE	Budget & Fiscal Unit	57	57 - 60	42	43 - 45	42 - 43	42 - 45
	10. **Size and Scope of Audiences Reached** in instances where the Antitrust Division has undertaken activities that resulted in a greater awareness of antitrust law.	Consumer Information Center, Office of Operations, Field Offices, and Division Website	The Division performs a variety of activities to educate the business community, Federal, State, and local agencies, consumers, and others about antitrust regulations. These activities include but are not limited to preparing Business Review letters, responding to requests for public information and FOIA inquiries, disseminating program literature through the Consumer Information Center, delivering numerous speeches and presentations, and developing a Division website. See Footnote A for FY 1999 workload data regarding our Education efforts.					

A. Definitions of Terms or Explanations for Indicators:
Dollar Range for FY 2000 Revised Plan and FY 2001 Plan: The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitment to each Initiative in each of those fiscal years, plus or minus five percent. Hence, the lower end of the range is five percent less than the estimated Dollars, and the upper end of the range is five percent more than the estimated Dollars.

FTE Range for FY 2000 Revised Plan and FY 2001 Plan: It is unlikely that FTE levels will decrease for any of these Initiatives in FY 2000 or FY 2001 given the overall rise in the Antitrust Division's workload. Therefore, the range of FTE for the FY 2000 Revised Plan and FY 2001 Plan includes the FY 1999 Actual FTE for the lower end of the range, and the upper end of the range is based on projected FTE commitments to this Strategy, assuming maximum utilization of authorized or requested FTE.

Goal 1: Decrease anticompetitive behavior affecting U.S. business and consumers.

- Efforts to improve the accuracy and completeness of the Division's time reporting data and the roll out of a new Time Reporting System is enabling the Division to more accurately relate our resource expenditures. The dollars and FTE shown on this Performance Measurement Table for FY 1998 - FY 2001 is based on actual hours reported by program area in FY 1998.

- There is no antitrust "crime rate" against which to measure the Division's achievements in Enforcement. There is, likewise, no easy or established methodology for calculating the deterrent effect of our Enforcement Strategies, though we firmly believe in the existence of such an effect. We are thus using--as a very high-level proxy--the **Total Dollar Volume of U.S. Commerce Affected** by our Enforcement Strategies to measure our effectiveness in achieving Goal 1--a decrease in anticompetitive behavior affecting U.S. businesses and consumers. While not an exactly correlated measure, Total Dollar Volume of U.S. Commerce Affected does give some indication of the magnitude of our Enforcement work, and speaks in part to the economic reach of our efforts.

- This indicator is an aggregate value comprised of the Total Dollar Volume of U.S. Commerce Affected for our "wins" (instances where we have taken specific action that resulted in less anticompetitive behavior) in all three enforcement areas including bank merger enforcement activities. Although we are aggregating several different values, we believe that we have selected the most meaningful sub-measure for each type of Enforcement Strategy, given the nature of the program, be it Criminal, Civil Non-Merger, or one of several types of Merger Enforcement.

- While we have used existing data sources in the Division to compile this High-Level Performance Indicator, we acknowledge some limitations in our data that result in the cumulative underestimate of the value presented here. In the HSR merger and bank merger areas, we are required to review a significant number of applications, many of which are determined to pose no competitive issues. No investigation is opened in these cases, but Division resources are still employed to ensure that the transactions being proposed will do no harm to the competitive environment. We currently do not include any measure of our Enforcement activity for these "quick looks," which are nonetheless critical to antitrust law enforcement. For the all three of the Division's Enforcement areas, we have improved our data collection efforts and no longer rely upon a central database which historically held incomplete information to collect Volume of U.S. Commerce data. We collect this data directly from the attorneys and economists who work on the

cases and therefore have greater confidence in its accuracy.

- For our Merger, Civil Non-Merger, and Criminal Enforcement areas we include the annualized U.S. Volume of Commerce affected in our "wins." The FY 1999 Actual is significantly below the FY 1998 Actual since the latter included the abandonment of the proposed merger between Lockheed Martin and Northrop Grumman which, by itself, accounted for nearly 25 percent of the estimated volume of commerce for FY 1998.

- It is very difficult to quantify the seemingly apparent market effects of our Enforcement actions; so many factors determine prices that it is extremely challenging to determine the precise effect of our intervention. However, we have developed a methodology for determining the appropriate data to estimate the **Total Dollar Value of Savings to the U.S. Consumer** from our Enforcement Strategies. ***Data for FY 1998 and FY 1999 are included in this Performance Measurement Table. Please also refer to the Performance Measurement Tables for our Merger, Civil Non-Merger, and Criminal Enforcement Strategies in Section C for comprehensive descriptions of this Key Performance Indicator.***

- It should be noted that the quantitative projections shown in this and the other GPRA charts in the Enforcement area rely upon internal calculations based upon prior year data and assumed trends as well as the subjective predictions of subject matter experts. We have combined these two methodologies to maximize the meaningfulness of our outyear projections. We continue to refine our projection methodologies as actual data indicates changing trends.

Goal 2: Increase the procompetitiveness of the national and international environment.

- The Division undertakes a wide variety of activities that we believe contribute to the procompetitiveness of the Environment both here and abroad, from participation in interagency rulemakings and task forces, to proactive contributions to the development of legislation or case law, to integrated efforts with national and international organizations or antitrust enforcement authorities. In all these instances we strive to influence the laws, policies, practices, and procedures discussed and implemented to the benefit of competition. We do so in fora both in the U.S. and overseas, knowing that as the world gets smaller and smaller, activities here affect others, and events elsewhere affect us in significant ways. We think it is valuable to attempt to measure our progress in effectively making our global Environment more conducive to competition.

- This High-Level Performance Indicator is a tally of the **Number and Reach of National and International Laws, Policies, Practices, and Procedures** which the Division has had some role in establishing or developing. We have not included every submission of comments to the FCC, nor have we counted every interagency task force in which we participate. We have instead tried to capture in this High-Level Performance Indicator situations in which we believe our comments were adopted and have resulted in a rule that encourages competition, and in which our task force participation led to a policy that promotes competitive behavior. In other words, we are attempting to capture the intermediate outcomes that arise from Division participation in a large number of fora and on a variety of planes, which we believe make the world a more competitive place and ultimately ensure the benefits of competition for consumers.

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Goal 3: Increase the breadth and depth of awareness of antitrust law.

- The Division supports our Enforcement and Environment Goals with our Education Goal. In providing guidance to the business community through our Business Review program, in conducting outreach to Federal, state, and local agencies, business groups, and consumers, in developing and publishing antitrust guidelines and policy statements, and in speaking, publishing, and generating press about our activities, we believe we deter would-be antitrust violators and educate well-intentioned businesses and interested consumers alike. We view these activities as an integral component of our work that enhances our efforts in the Enforcement and Environment arenas.

- Since we do not believe it is possible nor particularly informative to develop one numerical measure for the **Size and Scope of Audiences Reached** given the breadth of the Division's activities, we have taken a more qualitative approach. The development of a qualitative measure combined with specific quantitative data on our activities is in accordance with OMB guidance and in line with the plans of other agencies. We have expanded our efforts to measure the specific Education activities undertaken by our staff. Although our existing data collection systems have limitations which make the capture of accurate and specific information on our Education efforts difficult, we have endeavored to provide data on several activities which will give the reader the flavor of our work in this area. However, due to the difficulty of tracking all formal and informal outreach efforts and estimating the multiplier effect of these efforts, such as the number of clients who benefit from the information in a single Business Review letter sent by the Division to an attorney in a law firm, we assert that the full size and scope of our audience exceeds that which we are capable of tracking. The number of website hits is based on data available on www.usdoj.gov/atr/admin which is slightly incomplete due to the fact that statistics for several weeks during FY 1999 are unavailable. The following information reflects actual data from FY 1999. It should be noted that the Division's outreach efforts have been severely curtailed during this period due to funding constraints.

Number of Internet website hits	7,879,013
Number of requests for public information (non-FOIA)	8,786
Number of "Antitrust Enforcement and the Consumer" pamphlets distributed by the Consumer Information Center	1,800
Number of FOIA requests received	247
Number of speeches given by headquarters staff	56
Number of Business Review letters issued	6
Field Office Outreach Efforts:	
Number of mailings	7
Number of presentations	65
Number of investigation referral/lead resulting from outreach efforts	8

B. Factors Affecting FY 1999 Program Performance:
Goal 1: The FY 1999 Actual for Total Dollar Volume of U.S. Commerce Affected is lower than the FY 1998 Actual since FY 1998 data included the proposed megamerger between Lockheed Martin and Northrop Grumman which was ultimately abandoned. This single case accounted for nearly 25 percent of the total FY 1998 volume of commerce.
Goal 2: Final data supporting the FY 1999 Actual for the Number and Reach of National and International Laws, Policies, Practices and Procedures is reflected here.
Goal 3: Final data supporting the FY 1999 Actual for the Size and Scope of Audiences Reached is listed in Footnote A. However, the data does not reflect the multiplier effects of our work which we believe are significant. It should be noted that the Division's outreach efforts have been severely curtailed during this period due to funding constraints.

C. Factors Affecting Selection of FY 2000 and FY 2001 Plans: It is exceptionally difficult to predict FY 2000 and FY 2001 Performance Plan values due to the significant number of external factors affecting each of the four High-Level Performance Indicators. Many of the matters that result in Enforcement actions, such as HSR mergers, are generated independently of Division activities and come to us in numbers beyond our control. In addition, Total Dollar Volume of Commerce Affected does not always approximate the significance of an Enforcement action. Our work with others, both in the U.S. and overseas, on laws, policies, practices and procedures that contribute to a procompetitive Environment, is largely dependent on the processes and politics of those with whom we work. A myriad of other factors--also beyond our control--dictate the level of outside interest in our work and the magnitude of our Education efforts. The Division has nonetheless attempted to employ an objective model in arriving at these estimates, where appropriate. We expect to refine this methodology over time to allow us to project with greater confidence the outcomes of activities in support of each of our three Goals.

SECTION C: GOAL 1 -- ENFORCEMENT

In order to **decrease anticompetitive behavior affecting U.S. businesses and consumers,** the Antitrust Division employs a number of Strategies, including pursuing our three core Enforcement Strategies--Merger, Civil Non-Merger and Criminal. Certain Strategies, such as Establishing and Using International Enforcement Agreements and Cooperating with State and Local Law Enforcement Agencies, are initiatives devised by the Antitrust Division to further efficiency and effectiveness in achieving the cessation and deterrence of anticompetitive behavior in all its forms. Given the continuing expansion of the economy and the continuing rise in the number of mergers, especially strategic and transnational mergers, the Division currently is emphasizing our Merger Enforcement Strategy. *(See Chart 3, "Chargeable Hart-Scott-Rodino Premerger Filings," in the Executive Summary.)* The Civil Non-Merger Enforcement Strategy is another strategic focus under this Goal. In addition, in response to the increasing globalization of the economy and the necessity for international antitrust coordination, the Division currently is targeting international cartels through our Criminal Enforcement Strategy and Establishing and Using International Enforcement Agreements.

The full complement of Antitrust Division Strategies employed in pursuit of this Goal is listed below, and each Strategy is subsequently described more fully. Following that, four Exemplars demonstrate the Division's use of these Strategies in response to environmental trends and in pursuit of the Division's overarching Goals, and show the wide impact of the Division's programs. Finally, there are more specific Performance Measurement Tables for each of the current high-priority Strategies being pursued in support of this Goal, as indicated in the list of Strategies by an asterisk.

STRATEGIES

- Merger Enforcement*
- Civil Non-Merger Enforcement*
- Criminal Enforcement*
- Establishment and Use of International Enforcement Agreements*
- Enhancement of Analytical Framework
- Cooperation with State, Federal, and Local Law Enforcement Agencies
- Speeches, Publications, and Press

* Indicates a High-priority Strategy

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Merger Enforcement*

The Division's merger work is performed by six Washington, DC, Sections and two Field Offices, although the bulk of the work is handled by one Section in Washington. Our Merger Enforcement Strategy serves to maintain the competitive structure of the national economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition. Work under the Division's Merger Enforcement Strategy can be divided into roughly three categories:

- review of HSR transactions brought to our attention by statutorily mandated filings;
- review of non-HSR transactions (those not subject to HSR reporting thresholds); and
- review of bank merger transactions.

Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the FTC of their intention, and to submit certain information to us. These HSR premerger notifications provide advance notice of potentially anticompetitive transactions and allow the Division to identify and block such transactions before they are consummated. HSR premerger reviews are conducted under statutorily-mandated time frames. This workload is not discretionary; it results from the number of premerger filings we receive. *(See Chart 3, "Chargeable Hart-Scott-Rodino Premerger Filings," in the Executive Summary.)*

The number of HSR transactions reviewed includes all HSR filings the Division reviews, not just chargeable filings which provide revenue for the Division. HSR and Non-HSR transactions may be investigated and prosecuted under Section 7 of the Clayton Act, or under Sections 1 and 2 of the Sherman Act. Referrals for Non-HSR matters both come from outside the Division, via competitors or consumers, and are generated from within the Division, based on staff knowledge of industries and information about current events. Bank Merger Applications, brought to our attention statutorily via the Bank Merger Act, the Bank Holding Company Act, the

Home Owners Loan Act, and the Bridge Bank section of the Federal Deposit Insurance Act, are reviewed through a somewhat different process. It is the Division's statutory responsibility, under three of the four statutes, to provide appropriate bank regulatory authorities with a report on the competitive effects of all depository institution merger and acquisition transactions that are submitted to those agencies for approval.

Civil Non-Merger Enforcement*

A single Section in Washington, DC, performs the majority of the Division's activities under the Civil Non-Merger Enforcement Strategy. Another four Sections located in Washington also support this Strategy. The Civil Non-Merger Enforcement Strategy picks up, to some degree, where the Antitrust Division's Criminal Enforcement Strategy leaves off, pursuing matters under Section 1 of the Sherman Act in instances in which the allegedly illegal behavior falls outside bid rigging, price fixing, and market allocation schemes, the areas traditionally covered by criminal prosecutory processes. Other behavior, such as group boycotts or exclusive dealing arrangements, that constitutes "...contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce..." is also illegal under Section 1 of the Sherman Act. It is typically prosecuted through the Division's Civil Non-Merger Enforcement Strategy.

A distinction between the Criminal and Civil Non-Merger Enforcement Strategies is that all conduct prosecuted through the Criminal Enforcement Strategy is considered a per se violation of the law, whereas conduct reviewed under the Civil Non-Merger Enforcement Strategy may constitute a per se violation of the law or may be brought using a rule of reason analysis. Per se violations are, in and of themselves, illegal. They are violations considered so clearly anticompetitive that the Division must prove only that they occurred. Violations brought under a rule of reason analysis, on the other hand, are those that may or may not, depending on the factual situation, be illegal. In these instances, the Division must not only prove that the violation occurred, but must also demonstrate that the violation resulted in anticompetitive effects. In addition to picking up matters under Section 1 of the Sherman Act, the Civil Non-Merger Enforcement Strategy also prosecutes violations of Section 2 of the Sherman Act, which prohibits monopolization and attempted monopolization, and Section 3 of the Clayton Act, which prohibits tying. Whether pursuing matters under Sections 1 or 2 of the Sherman Act or Section 3 of the Clayton Act, the Civil Non-Merger Enforcement Strategy relies on civil compulsory process to investigate the alleged violation.

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Criminal Enforcement*

Utilizing seven geographically dispersed Field Offices and one Section in Washington, DC, the Antitrust Division deters private cartel behavior by investigating and challenging violations of Section 1 of the Sherman Act, including such per se violations as price fixing, bid rigging, and horizontal customer and territorial allocations. A wide range of investigatory techniques is used to detect collusion and bid rigging, including joint investigations with the FBI and grand jury investigations. Staff economists collect and analyze market and pricing data, and provide expert testimony where appropriate. Once we detect and successfully prosecute collusion, we may obtain civil damages, criminal fines, or injunctive relief. The Division must monitor the firms subject to injunctions to ensure that they abide by the injunctive provisions of such relief. *(See Chart 4, "Locations of International Cartel Meetings Affecting United States Commerce," and Chart 5, "Sherman Act Violations Yielding a Fine of $10 Million or More," in the Executive Summary.)*

Establishment and Use of International Enforcement Agreements*

With the passage of the International Antitrust Enforcement Assistance Act of 1994 (IAEAA), the Antitrust Division's Strategy of international cooperation entered a new era. Through the establishment of international enforcement agreements, via the IAEAA, Mutual Legal Assistance Treaties (MLATs), letters rogatory, and other types of formal and informal accords, the Division and our foreign counterparts more effectively combat anticompetitive behavior. These agreements provide for depositions of foreign nationals, search and seizure of critical evidence located in foreign countries, and punishment of foreign companies and individuals who act to harm U.S. businesses and consumers. The Division and the FTC completed the first enforcement agreement under the IAEAA with Australia, and also have been successful at trial against Canadian and Japanese companies and individuals. This Strategy of establishing international enforcement agreements provides Division staff with a critical tool for fighting and deterring anticompetitive behavior internationally.

Enhancement of Analytical Framework

In conducting our Merger Enforcement Strategy, the Antitrust Division strives to enhance the framework of analysis while ensuring against undue burden to the business community whose transactions are subject to that framework. Generally, to reach a decision about a particular matter, the Division looks at certain factors to anticipate competitive outcomes, such as product and geographic markets, substitution, market shares,

efficiencies, innovation, entry, competitive impacts (e.g., volume of commerce affected and price data), and so forth. In each of these areas, the Division seeks to improve the collection of relevant data, refine methodology, and develop new means of analysis. This is due to the Division's own emphasis on quality in our investigatory efforts, and in response to the changing environment around the Merger Enforcement Strategy. In response to changes in the law and judicial emphasis, the development of competitive effects theories, and technological advancement, the Division continuously strives to enhance the framework of analysis, and our efforts are on the cutting edge. As the courts have changed over time, and have more strongly emphasized price data and efficiencies analysis as critical to their deliberations in certain cases, the Division seeks to address these new issues and further our own analytical methods. In doing so we strive to maintain currency in our approach to antitrust law enforcement and adapt to the changing nature of competition. At its core, merger analysis is economic analysis, and the Division's economists play a central role in our enforcement efforts. The Division enjoys the benefits of an economic staff that is well-regarded by professionals outside the Division, and which includes specialists in particular industries and cutting-edge methods of analysis.

Cooperation with Federal, State, and Local Law Enforcement Agencies

An essential Strategy in support of the Antitrust Division's work is the establishment and ongoing development of cooperative relationships with other Federal, state, and local law enforcement agencies and officials who play critical roles in the processes of identifying and prosecuting anticompetitive behavior. With respect to the Division's Criminal Enforcement Strategy, through the Division's Quality Criminal Cases Initiative (QCCI), we actively seek to educate other law enforcement agencies about the antitrust laws, to encourage them to refer possible cases to the Division, and to enhance communication and cooperation between and among agencies. With respect to the Division's Merger and Civil Non-Merger Enforcement Strategies, cooperative efforts are no less important. In these enforcement areas, too, the Division proactively works to share information and even pursue matters jointly where the synergy between state or local and Federal resources means better results. All of these efforts have proven very effective, resulting in a more consistent and efficient Federal and state antitrust enforcement presence across the country, serving to assure conservation of government resources at all levels, deter violations of the antitrust laws, and provide greater consistency in law enforcement policy to enable businesses to flourish.

Speeches, Publications, and Press

The Antitrust Division routinely communicates with the media and the public through the issuance of press releases describing significant matters such as case filings, consent decrees, and judgement terminations. In addition, Division officials give speeches and grant interviews that relate to activities in our three core Enforcement Strategies (Criminal, Merger, and Civil Non-Merger), or that address enforcement activities in a particular industry. Through these mechanisms the Division publicizes the active enforcement of antitrust law and deters future anticompetitive behavior.

Introduction

An outstanding example of the Antitrust Division's commitment to combating illegal private cartel activity is our investigation of a worldwide vitamin conspiracy which artificially inflated vitamins prices, harming consumers around the globe. The vitamin conspiracy is the largest and most pervasive cartel ever prosecuted by the Justice Department. By September 30, 1999, 14 criminal cases had been filed. Affected vitamins, specifically, A, B_2, B_3, B_4, B_5, C, and E, are among the most essential vitamins and those most commonly used as nutritional supplements and food enrichers. These vitamins, and especially mixes of them (vitamin premixes), find their way into the daily lives of every consumer in the United States. This cartel affected anyone who ever ate a bowl of cereal, drank a glass of milk or orange juice, or took a daily vitamin supplement.

Participants in the cartel included some of the largest multinational companies in the world, including companies headquartered in the United States, Japan, Germany, Switzerland, France, and Canada. As a result of widespread price fixing and sales allocation, U.S. businesses and ultimately U.S. consumers paid more for a host of products than they would have in a freely competitive market. The vitamins cartel was a highly sophisticated and elaborate conspiracy in which members took pains to conceal their illegal activities from detection in order to continue colluding and avoid prosecution.

Total fines assessed in our ongoing investigation amount to more than $875 million. The Division's work has generated record-level criminal fines levied against leading chemical and pharmaceutical giants F. Hoffmann-La Roche Ltd. of Switzerland, and BASF of Germany. These fines will be deposited into the Crime Victims Fund used to fund block grants to states.

The Investigation

The Antitrust Division's vitamin investigation began several years ago after a team of Division attorneys and FBI agents uncovered evidence of an international price fixing conspiracy. As the investigation progressed, the Division's Dallas Field Office and the FBI conducted approximately 100 interviews in nearly 20 states across the country, using teams of FBI agents and attorneys. In pursuing the investigation and collecting evidence, a Dallas

Field Office attorney-FBI agent team traveled abroad to deal with and obtain necessary information from key foreign executives of cartel companies who would not subject themselves to U.S. jurisdiction for these purposes. This effort is ongoing.

Initial Results

In March 1999, the Division announced the prosecution of six cases involving vitamins B_3 (niacin/niacinamide) and B_4 (choline chloride) resulting from the vitamins investigation. One of these cases was U.S. v. Lonza AG which was filed in September 1998 but held under seal pending continued investigative activity. Pursuant to a plea agreement, this major Swiss chemical and pharmaceutical firm agreed to plead guilty and pay a $10.5 million fine for its role in an international conspiracy to raise and fix prices and allocate the market for vitamin B_3. High ranking Lonza executives agreed to cooperate with the investigation as part of that agreement.

The five additional cases involved vitamin B_4. Three executives of Ducoa, Inc., a U.S. vitamin manufacturer based in Illinois, and two executives of Chinook Group, Inc., the U.S. subsidiary of a Canadian vitamin producer, agreed to plead guilty for their roles in an international conspiracy to raise and fix prices and rig bids to U.S. customers for vitamin B_4. All of the executives agreed to cooperate with the Division's investigation and all agreed to sentences requiring them to pay fines and possibly serve jail time. Jail terms totaling over three years have been imposed, or are pending sentencing, in these five cases.

In May 1999, F. Hoffman-La Roche pleaded guilty and was fined $500 million for its leading role in a worldwide conspiracy to raise and fix prices and allocate sales of vitamins A, B_2 (Riboflavin), B_5 (CalPan), C, E, and vitamin premixes. **The half-billion dollar fine was not only the largest criminal antitrust fine in history, it is the largest fine ever obtained by the Department of Justice in any criminal matter.** The same day, BASF agreed to plead guilty to raising and fixing prices and allocating sales of vitamins A, B_5, C, E, and vitamin premixes and pay a $225 million fine, the second largest fine ever obtained in an Antitrust Division prosecution. These prosecutions send a message around the world that if companies are involved in international cartels that hurt U.S. businesses and consumers, they will be investigated and prosecuted to the fullest extent of the law.

In addition to the corporate charges against F. Hoffman-La Roche and BASF, Dr. Kuno Sommer, the former Director of Worldwide Marketing for the Fine Chemicals Division of La Roche, agreed to plead guilty, voluntarily subject himself to U.S. jurisdiction, and spend four months in a U.S. prison. Sommer also agreed to pay a $100,000 fine for his role in the worldwide vitamin conspiracy and for lying to Antitrust Division investigators. He was the first European executive to submit to such punishment for an antitrust offense.

Subsequent successes

In August 1999, Sommer's superior, Dr. Roland Brönnimann, former President of La Roche's Fine Chemicals Division, also agreed to plead guilty, submit to U.S. jurisdiction, serve a five-month jail term and pay a $150,000 fine. This case, charging yet another Swiss citizen and resident, underscores the Justice Department's resolve to prosecute and obtain significant sentences against foreign executives engaged in international cartel activities that raise prices paid by American consumers.

In September 1999, cases were filed in Dallas against three of Japan's leading chemical and pharmaceutical companies for their roles in fixing the prices and allocating sales volumes of certain major vitamins. The companies agreed to plead guilty and pay fines totaling $137 million. Takeda Chemical Industries, Ltd. (Osaka, Japan) pled guilty and was sentenced to pay a $72 million fine for price fixing and allocation activities involving vitamins B_2 (riboflavin) and C in the U.S. and worldwide. Eisai Co., Ltd. (Tokyo), pled guilty and was sentenced to pay a $40 million fine for cartel conduct involving vitamin E. The third company, Daiichi Pharmaceutical Co., Ltd. (Tokyo), pled guilty and was sentenced to pay a $25 million fine for its cartel activities involving vitamin B_5. All three companies agreed to cooperate with the Antitrust Division's investigation.

Finally, on September 29, 1999, Chinook Group Limited, a Canadian vitamin company, was charged and agreed to plead guilty and pay a $5 million fine for its participation in an international conspiracy to raise and fix prices and allocate market shares of vitamin B_4 sold in the United States and elsewhere. The conduct of Chinook and its co-conspirators included agreeing to divide the world markets for vitamin B_4 and rigging bids on contracts to supply vitamin B_4 to U.S. customers, primarily companies engaged in the animal feed and nutrition industry.

Current Status and Related Events

The vitamins investigation is continuing with additional cases against individuals and corporations expected to be filed beginning in early CY 2000. Pursuant to its plea agreement with Division prosecutors, Takeda Chemical of Japan, is cooperating with the Department in an investigation of the food flavor enhancers industry. Food flavor enhancers, such as MSG and ribonucleotides, are sold in the U.S. by Japanese and Korean producers for use in various food products (e.g., canned soups).

Domestically, more than 80 independent civil lawsuits seeking damages have been filed in the United States, including more than 20 class action suits. The plaintiffs claim they were overcharged tens of millions of dollars for vitamins over a multi-year period. In September 1999, six of the largest vitamin purveyors in the world, including F. Hoffman-La Roche, BASF, and Rhone-Poulenc, agreed to settle civil claims brought by numerous corporate customers for $1.1 billion. Other customer filed cases are still pending disposition, and are likely to result in further damage recoveries by victim U.S. companies.

Internationally, competition authorities in the EU, Canada, the United Kingdom, Taiwan, Australia, Brazil, Germany, Switzerland, and Japan have begun or are considering conducting their own vitamins investigations as a direct result of the Division's investigation and prosecutions.

To date the vitamins investigation involves 29 companies from around the world, 12 different vitamin products, and food flavor enhancer products. The investigation has been long, complex, and resource intensive, occupying at various times as many as 10 attorneys, more than six paralegals, numerous translators, 40 FBI agents, and various support staff over the last several years. The efforts needed to successfully complete the investigation will require the expenditure of substantial additional resources.

Introduction and Background

The Antitrust Division's cases against UCAR International, Inc. (UCAR); Showa Denko Carbon, Inc. (Showa Denko); SGL Carbon AG (SGL) and its CEO Robert J. Koehler; Tokai Carbon Co., Ltd. (Tokai); UCAR's former CEO Robert P. Krass and UCAR's former COO Robert J. Hart; Nippon Carbon Co., Ltd. (Nippon); and SEC Corporation (SEC) highlight our Criminal Enforcement Strategy and demonstrate our success in decreasing anticompetitive behavior affecting U.S. businesses and consumers even when faced with complex conspiracies that are carried out both here and abroad. UCAR manufactures graphite electrodes in Clarksville, Tennessee. Showa Denko is located in South Carolina and is a U.S. subsidiary of a Japanese company. SGL, a German corporation, and Tokai, Nippon, and SEC, Japanese corporations, are manufacturers of graphite electrodes. These are large carbon columns used by steel-making "mini mills" in electric arc furnaces to conduct electricity and generate the heat necessary to melt scrap steel. SGL is the world's second largest producer of graphite electrodes and ranked second in sales in the United States behind UCAR. Total sales of graphite electrodes in the U.S. alone were estimated at $500 million in 1996.

The Investigation

In early 1997, the Division initiated an investigation of the graphite electrode industry based on certain indications of anticompetitive behavior from sources in the steel industry. Shortly thereafter, one of the smaller U.S. manufacturers of graphite electrodes, the Carbide/Graphite Group, was accepted into the Division's Corporate Leniency Program and agreed to cooperate in the investigation. As the investigation progressed, the Division found evidence that executives of the world's major producers of graphite electrodes had participated in meetings and conversations in Europe, the Far East, and the U.S. to fix the prices of graphite electrodes sold worldwide, including the United States. These agreements resulted in substantial price increases in the United States beginning in 1992.

In February and April 1998, Showa Denko and UCAR, respectively, agreed to plead guilty to charges of participating in an international conspiracy to fix the price and allocate the volume of graphite electrodes sold in the United States and elsewhere.

Then, pursuant to plea agreements, Tokai, SGL and its CEO, Robert J. Koehler, in May and June 1999, respectively, entered pleas of guilty to charges of their participation in the same conspiracy charged against UCAR and Showa Denko. Koehler, a German national, voluntarily submitted to jurisdiction pursuant to the plea agreement.

In September and November 1999, two former UCAR executives and two Japanese companies, respectively, were charged with participating in the same conspiracy to fix the price and allocate the volume of graphite electrodes. UCAR's former CEO, Robert P. Krass, and its former COO, Robert J. Hart, have agreed to plead guilty to the charges. Also pursuant to plea agreements, Nippon Carbon Co., Ltd., and SEC Corporation pleaded guilty to participating in the same conspiracy charged against UCAR, SDK, Tokai, SGL, Koehler, Krass, and Hart.

Results

The charged conspiracy affected more than $1.75 billion in sales in the U.S. from at least as early as July 1992 to at least June 1997. UCAR, the world's largest producer of electrodes, was fined $110 million which was, at the time, the largest fine in the Division's history. Showa Denko, with significantly lower sales in the U.S., was fined $32.5 million.

For its participation in this international criminal conspiracy, SGL was sentenced to pay a $135 million fine. This fine also was a record at the time and is now the third largest fine ever imposed for a Sherman Act violation. Koehler was fined $10 million, which is by far the largest individual fine ever imposed on an antitrust defendant. Tokai, which had minimal sales in the United States, was fined $6 million.

Neither Krass nor Hart has been sentenced for their participation in the conspiracy. Their plea agreements call for imprisonment of 17 months and 9 months, respectively, and fines of $1.25 million and $1 million, respectively.

Nippon and SEC, each of which had limited sales in the United States and was less culpable than the leaders and organizers of the conspiracy, were fined $2.5 million and $4.8 million, respectively.

Related and Ongoing Investigations

The graphite electrodes investigation is continuing. A foreign company and a foreign national remain subjects of this continuing effort. All companies which have pleaded guilty as well as the Carbide/Graphite group have agreed to cooperate. As a result, possible conspiracies in other carbon products are now under investigation.

EXEMPLAR 3 - CARGILL/CONTINENTAL GRAIN

Background

Significant changes in the agricultural marketplace--from increasing concentration in many sectors to technological and productivity advances--give rise to an increased threat of anticompetitive behavior. The Antitrust Division is committed to protecting competition in all sectors of the U.S. economy, including agriculture. To this end, we spent considerable resources investigating several large agricultural mergers recently, including Cargill's proposed acquisition of Continental Grain.

Cargill and Continental operate nationwide distribution networks that annually move millions of tons of grain and soybeans to customers throughout the U.S. and around the world. The merger, as proposed, would have increased the number of Cargill's U.S. grain-handling facilities by 34 percent.

Investigation and Complaint

With the assistance of the U.S. Department of Agriculture, the Commodity Futures Trading Commission, and several state attorneys general, the Division reviewed the proposed merger, assessing its likely impact, and concluded that competition would be adversely affected in a number of markets. Our concern was competition among Cargill and Continental in the "upstream" markets--competition for the purchase of grain and soybeans from farmers and other suppliers. As a result of the merger, reduced competition would force farmers to accept less money for their major crops.

In July 1999, the Division filed a lawsuit and proposed consent decree in U.S. District Court in Washington, D.C. The complaint alleged that the proposed transaction would eliminate an important competitor for the purchase of

crops from U.S. farmers and other suppliers, such as independent elevator operators. In the consent decree, we insisted on divestitures in three different markets where Cargill and Continental are two of a relatively small number of port elevator operators who compete for the purchase of crops originating in the elevators' overlapping draw areas: (1) the Pacific Northwest, where Cargill's Seattle facility and Continental's Tacoma facility compete to purchase corn and soybeans from farmers in portions of Minnesota, North Dakota, and South Dakota; (2) Central California, where Cargill's Sacramento facility and Continental's Stockton facility compete to purchase wheat and corn from farmers in central California; and (3) the Texas Gulf, where Cargill's Houston facility and Continental's Beaumont facility compete to purchase soybeans and wheat from farmers in east Texas and western Louisiana. In addition to benefitting farmers and other suppliers in these states (who are essentially captive to the elevators involved), the required divestitures would also benefit farmers and other suppliers in Illinois, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Colorado, and New Mexico, who, while not necessarily captive to the elevators involved, nevertheless rely on them as competitive alternatives.

The consent decree also required divestiture of river elevators on the Mississippi River in East Dubuque, Illinois and Caruthersville, Missouri, and along the Illinois River between Morris and Chicago, where the merger would have otherwise harmed competition for the purchase of grain and soybeans from farmers in those areas.

In the case of the Illinois River divestitures, and an additional required divestiture of a port elevator in Chicago, the merger would also anticompetitively concentrate ownership of delivery points that were authorized by the Chicago Board of Trade (CBOT) for settlement of corn and soybean futures contracts. Approximately 80 percent of the storage capacity at delivery points authorized for the settlement of CBOT futures contracts would have been under the control of Cargill and one other firm, increasing the risk that prices for CBOT corn and soybean futures contracts could be manipulated. These required divestitures prevent adverse effects on competition in the futures markets.

In addition, we required divestiture of a rail terminal in Troy, Ohio, and are prohibiting Cargill from acquiring the rail terminal facility in Salina, Kansas, formerly operated by Continental, and from acquiring the river elevator at Birds Point, Missouri, in which Continental held a minority interest until recently, in order to protect competition for the purchase of grain and soybeans in those areas. We are also requiring that Cargill enter into what is known as

a "throughput agreement" making one-third of the loading capacity at its Havana, Illinois, river elevator available for leasing to an independent grain company (to address CBOT delivery point concentration concerns), and we imposed restrictions on Cargill in the event it seeks to enter into a throughput agreement with the operator of the Seattle facility.

Current Status

Cargill and Continental agreed to the terms of the consent decree and will comply with the required divestiture of a number of grain facilities throughout the Midwest and in the West, as well as in the Texas Gulf. While this consent decree, if approved by the court, will resolve the competitive problems, it is still pending before the court under a Tunney Act proceeding in which the court determines whether the decree is in the public interest.

EXEMPLAR 4 - LOCKHEED MARTIN/NORTHROP GRUMMAN

Introduction and Background

The Antitrust Division's investigation of and challenge to the proposed acquisition of Northrop Grumman by Lockheed Martin illustrates the large and complex nature of many of the transactions reviewed under our Merger Enforcement Strategy and emphasizes the burdens of preparedness the Division faces in its attempts to maintain competition. In late CY 1997, these two giants among defense industry companies announced their intention to combine. Lockheed Martin, a Maryland company with more than $28 billion in sales that year, and Northrop Grumman, based in California with more than $9 billion in sales that year, are aggressive competitors in the manufacture and sale of military aircraft and several types of radar, sonar, and other electronic systems. For example, Lockheed Martin serves as the prime electronics integrator for the Navy's attack submarines and Aegis ships, and builds military aircraft such as the F-22 and the F-117. Northrop Grumman's products include the B-2 stealth bomber and the E-2C surveillance aircraft. In CY 1997, 70 percent of Lockheed Martin's sales and 80 percent of Northrop Grumman's sales were made to the U.S. military.

The Investigation and the Challenge

With assistance from the Department of Defense, the Division launched a massive investigation to review the proposed transaction and its likely effects on competition within the defense industry. The assessment: if

allowed to proceed, the merger would result in the U.S. military suffering a substantial loss of competition and innovation for a number of critical systems and components, including high-performance military aircraft, radar for use in military aircraft, sonar systems used on surface ships, and electronic warfare systems designed to protect pilots from missile attack. In March 1998, the Division filed suit to block the acquisition of Northrop Grumman by Lockheed Martin. **It was the single largest proposed merger ever challenged by Federal authorities.**

Preparation for Trial Interrupted

Absent indications of an alternative solution, the Division prepared for trial, scheduled for early September 1998. Our preparation was extremely resource intensive as the parties used several hundred lawyers to perform the document review, transporting thousands of boxes to the Division. With numerous products and both horizontal and vertical theories involved, the Lockheed Martin-Northrop Grumman case required about nine times the resources of an average case at that time.

In mid-July, Lockheed Martin announced that it had abandoned its attempt to acquire Northrop Grumman. The Division considers the outcome in this matter a win on multiple counts. Clearly the biggest win for the American people is the preservation of competition in the defense industry through the retention of these companies as fierce competitors. Also important is "winning back" taxpayer resources as money and staff earmarked for trial preparation were now available to fight for competition on other fronts. The net effect of the Division's intervention in the matter is the continued benefit to us all of having high quality, lower cost military products and services available for the defense of the Nation.

EXEMPLAR 5 - VISA/MASTERCARD

Introduction and Background

The Antitrust Division is charged with enforcing the antitrust laws, and does so as they pertain to potential criminal antitrust acts, as well as anticompetitive acts charged civilly and those that we believe may result from proposed merger transactions which we are responsible for reviewing. Our enforcement activities absorb a large proportion of our resources on an ongoing basis, but never so much as when we must litigate to protect competition for the

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ultimate benefit of all U.S. businesses and consumers. We currently are litigating, and expending considerable resources on, a number of significant civil cases, including our pending case against Visa U.S.A., Visa International and MasterCard International.

Visa and MasterCard are associations that operate the two largest general purpose card networks in the United States, with market shares of approximately 50 percent and 25 percent, respectively. Although the associations hold themselves out as competing entities, they are effectively owned and controlled by banks that have significant financial interests in both networks--a market structure known in the banking industry as "duality." These banks have suppressed or delayed competitive initiatives by the associations, including the development of new products such as integrated circuit (smart) cards and secure Internet transaction technology that might lead consumers to switch from one association's brand of card to the other's. In addition, both associations have adopted rules that permit their member banks to issue cards on one another's networks, but prohibit the members from issuing cards on the smaller competing networks (the exclusionary rules).

In October 1998, the Antitrust Division filed a complaint against Visa and MasterCard in the Southern District of New York. The complaint alleges that duality has substantially lessened competition between Visa and MasterCard, and that the exclusionary rules have substantially lessened competition between the two associations and smaller competing networks, such as American Express and Discover. These restraints on network competition have lessened consumer choice and reduced innovation of new products, services, and technologies. Vigorous competition among credit card networks is critical to ensure that consumers have the benefit of the best payment methods, particularly as more and more commerce is conducted through credit cards and electronic forms of payment.

Pre-trial Preparation

The trial is set to begin in June 2000. Extensive fact discovery, including large numbers of depositions, will continue through the end of February, followed by discovery of each side's expert witnesses. In addition to discovery from each of the three defendants, the Division has subpoenaed numerous third-party banks seeking documents and deposition testimony. To date, the discovery has yielded over five million pages of documents stored on CD-ROM disks. The pre-trial preparations are being conducted by 20 Division staff members, including

attorneys, economists and paralegals. The Division's Litigation Support Specialists have also committed significant resources to enable the litigation staff to review the millions of pages of documents provided on CD-ROM. The Division anticipates the continued involvement of significant portions of several sections and our Paralegal Unit through the conclusion of the trial.

Desired Relief

By filing this case, the Division hopes to obtain relief that would require that the banks governing both Visa and MasterCard be dedicated to their respective networks. We are also seeking to eliminate the exclusionary rules that allow banks to issue cards on the two largest networks but not their smaller competitors. The Division believes that this relief will promote innovation, resulting in higher quality in credit card products and greater choice for consumers.

Performance Measurement Table: Presented by Initiative

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Summary Performance Plan Strategic Goal 3.3

General Goal: Decrease anticompetitive behavior affecting U.S. business and consumers.
Strategy: Merger Enforcement

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans		
			FY 1998	FY 1999		FY 2000		FY 2001
Type of Indicator	Key Performance Indicators	Data Source	Actuals	Enacted Plan	Actuals	Plan	Revised Plan	Plan
Input	1. Dollars ($ in thousands)	Budget & Fiscal Unit	31,051	27,879 - 30,813	31,365	34,901 - 38,575	32,653 - 36,091	41,039 - 45,359
	2. FTE	Budget & Fiscal Unit	247	247 - 262	250	254 - 270	250 - 252	250 - 321
Output/ Activity	3. Number of HSR Transactions Reviewed	Federal Trade Commission	4,728	3,558 - 3,931	4,679	4,368 - 4,948	--	4,605 - 5,090
	4. Total Number of HSR PIs Opened	Matter Tracking System	172	239 - 265	174	214-237	--	219-243
	5. Number of HSR PIs Opened With International Aspects	Memoranda - Request to Open a Preliminary Investigation	40	N/A	48	50-55	--	51-56
	6. Number of HSRs With Second Request Issued	Matter Tracking System	79	52 - 58	68	96-106	--	97-107
	7. Number of HSRs With Second Request Issued Where Investigation Closed Before Compliance	Sections and Field Offices	37	11 - 13	28	37-41	--	38-42
	8. Total Number of Non-HSR PIs Opened	Matter Tracking System	55	53 - 59	56	57-63	--	58-64
	9. Number of Non-HSR PIs Opened With International Aspects	Memoranda - Request to Open a Preliminary Investigation	15	N/A	14	16-17	--	16-18
	10. Number of Bank Merger Applications	Litigation 2 Section	1,922	1,533 - 1,695	1,698	1,808 - 1,999	--	1,843 - 2,037

Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Inter-mediate Outcome	11. Number of Mergers Abandoned Due to Division Actions Before Compulsory Process Initiated	Premerger Unit Log	3	Sum of Indicators (11 - 15, 18) = 29-33	1	Sum of Indicators (11 - 15, 18) = 36-40	--	Sum of Indicators (11 - 15, 18) = 36-40
	12. Number of Mergers Abandoned Due to Division Actions After Compulsory Process Initiated Without Case Filed	Premerger Unit Log	9	see above	8	see above	--	see above
	13. Number of Mergers "Fixed First" without Case Filed	Premerger Unit Log	24	see above	16	see above	--	see above
	14. Number of Merger Cases Filed with Consent Decree	Premerger Unit Log	10	see above	18	see above	--	see above
	15. Number of Merger Cases Filed but Resolved Prior to Conclusion of Trial	Premerger Unit Log	3	see above	4	see above	--	see above
	16. Number of Merger Cases Filed and Pending at End of Year	Premerger Unit Log	2	0	1	0	--	0
	17. Number of Merger Cases Litigated to Judgment with No Pending Appeals	Premerger Unit Log	0	1 - 3	0	2 - 4	--	2 - 4
	18. Number of Merger Cases Litigated Successfully to Judgment with No Pending Appeals	Premerger Unit Log	0	see above	0	see above	--	see above
	19. Number of Merger Cases Appealed (by the Division or the Parties)	Appellate Section	0	0 - 1	0	0 - 2	--	0 - 2

Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
End Outcome	20. Dollar Volume of U.S. Commerce Affected in Relevant Markets for All HSR and Non-HSR Merger Wins ($ in millions)	Matter Tracking System	35,303	36,846 - 40,725	15,459	TBD	Not Projected	Not Projected
	21. Dollar Amount of Deposits Affected in Overlapping Markets for All Bank Mergers Wins ($ in millions)	Federal Deposit Insurance Corp. & Litigation 2 Section	3,529	79,113 -87,441	1,992	TBD	Not Projected	Not Projected
	22. Total Dollar Value of Savings to the U.S. Consumer in instances where the Antitrust Division has taken specific action that resulted in less anticompetitive behavior ($ in millions)	Matter Tracking System, Sections, and Field Offices	4,094	N/A	2,551	TBD	Not Projected	Not Projected
Product-ivity/ Efficiency	23. Dollar Volume of U.S. Commerce Affected in Relevant Markets for All HSR and Non-HSR Mergers Investigated per FTE ($ in millions)	Budget and Fiscal Unit	143	149 - 155	62	TBD	TBD	Not Projected
	24. Dollar Amount of Deposits Affected in Overlapping Markets for All Bank Mergers Investigated per FTE ($ in millions)	Budget and Fiscal Unit	14	320 - 334	8	TBD	TBD	Not Projected
	25. Average Number of Days Between HSR Application Received and No Interest and/or Early Termination (Where No PI Opened) (HSR-specific)	Matter Tracking System	10.1	8.68	10.4	9.68	--	9.47
	26. Number of Early Terminations Granted/ Number of Early Terminations Requested (HSR-specific) (%)	Matter Tracking System	90	90 - 95	90	90 - 95	--	90 - 95

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Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
	27. Number of Merger "Successes"/Number of Merger Challenges and Resolutions During our Investigation ("Success" Rate) (%)	Matter Tracking System	98	90 - 100	97	90-100	–	90-100

A. Definitions of Terms or Explanations for Indicators:

- **Dollars and FTE:** For each fiscal year, the total Dollars and FTE in this Table include actual obligations and FTE for FY 1998 Actual and FY 1999 Actual; the President's Budget Request for FY 2000 Plan and FY 2001 Plan; and enacted appropriations for FY 1999 Final Plan and FY 2000 Revised Plan. Variations between Actual and Plan for Dollars and FTE, and across fiscal years, are due to modifications made to the Division's estimates by the Department of Justice, OMB, and Congress during the annual budget cycle. In addition, Actual FTE are lower than relevant Plan levels due to ongoing resource allocation decisions affecting personnel and non-personnel costs in response to changing conditions in our operating environment, e.g., increasing complexity and internationalization of antitrust Enforcement. Efforts to improve the accuracy and completeness of the Division's time reporting data and the roll out of a new Time Reporting System is enabling the Division to more accurately relate our resource expenditures. The proportion of total Division dollars and FTE shown on this Performance Measurement Table for FY 1998 - FY 2001 is based on actual hours reported by program area in FY 1999.
- **Dollar Range for FY 2000 Revised Plan and FY 2001 Plan:** The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitments to this Strategy in each of those fiscal years, plus or minus five percent. Hence, the lower end of the range is five percent less than the estimated Dollars, and the upper end of the range is five percent more than the estimated Dollars.
- **FTE Range for FY 2000 Revised Plan and FY 2001 Plan:** It is unlikely that FTE levels will decrease for this Strategy in FY 2000 or FY 2001 because of the Antitrust Division's increasing workload. Therefore, the range of FTE for the FY 2000 Revised Plan and FY 2001 Plan includes the FY 1998 Actual FTE for the lower end of the range, and the upper end of the range is based on projected FTE commitments to this Strategy, assuming maximum utilization of authorized or requested FTE.
- The Antitrust Division's Merger Enforcement Strategy can be divided into roughly three categories: review of **Hart-Scott-Rodino (HSR)** transactions brought to our attention by statutorily-mandated filings; review of **Non-HSR** transactions, i.e., those not subject to HSR reporting thresholds; and review of bank merger transactions. Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the FTC of their intention, and to submit certain information to us. These HSR premerger notifications provide advance notice of potentially anticompetitive transactions and allow the Division to identify and attempt to block such transactions before they are consummated. The **Number of HSR Transactions Reviewed** includes all HSR filings the Division reviews, not just chargeable filings which provide revenue for the Division. HSR and Non-HSR transactions may be investigated and prosecuted under Section 7 of the Clayton Act, or under Sections 1 and 2 of the Sherman Act. Referrals for Non-HSR matters come from outside the Division, via competitors or consumers, and are generated from within the Division, based on staff knowledge of industries and information about current events. **Bank Merger Applications**, brought to our attention statutorily via the Bank Merger Act, the Bank Holding Company Act, the Home Owners Loan Act, and the Bridge Bank section of the Federal Deposit Insurance Act, are reviewed through a somewhat different process. It is the Division's statutory responsibility, under three of the four statutes, to provide appropriate bank regulatory authorities with a report on the competitive effects of all depository institution merger and acquisition transactions that are submitted to those agencies for approval.
- Given the increasing globalization of today's marketplace, much of the Division's workload involves HSR and non-HSR mergers which have international aspects. The following definition addresses the Division's international work in general and includes some references that are not directly applicable to the Merger Enforcement Strategy. Generally, cases are determined to have **International Aspects** if they have the potential to adversely impact U.S. domestic or foreign competition, and if any

one of five criteria is met, leading to increased complexity and greater resource requirements. A case is considered international when (a) one or more involved parties (where "involved party" may be an individual or corporation that is the subject or target, or potential subject or potential target, of an HSR or non-HSR merger investigation or case; or otherwise a participant or potential participant in an investigation or case) is not a U.S. citizen or a U.S. business; (b) one or more involved parties is not located in the U.S.; (c) potentially relevant information is located outside the U.S.; (d) conduct potentially illegal under U.S. law occurred outside the U.S.; or (e) substantive foreign government consultation or coordination is undertaken in connection with the matter.

- When a merger filing initially is received through the HSR process, or a potentially anticompetitive Non-HSR merger is identified by the Antitrust Division, we develop information from the filing, the parties or complainant, trade publications, and other public sources. Once we develop a sufficient factual and legal basis for further investigation, a **Preliminary Inquiry (PI)** may be authorized. Once authorized, we investigate further and make a determination about whether to proceed by Second Request or Civil Investigative Demand (CID), or to close the PI. A PI may take from a few weeks to several months to conduct. Thus a PI is often more than a quick assessment, which is usually done when a matter is initially received or identified, and necessarily precedes a Second Request or CID investigation. It is a critical step in the investigatory process, and the **Number of PIs Opened** is indicative of the Division's baseline workload.
- Under HSR, a **Second Request** is a formal request for additional information or documentary materials relevant to the proposed acquisition, and it must be communicated to the parties within the initial 15-day (in the case of cash tender offers or bankruptcies) or 30-day (in the case of other acquisitions) waiting period. Only one Second Request can be made to each party in the transaction, so a proposed Second Request must be complete. The Second Request extends the waiting period before the transaction may be consummated for 10 (in the case of cash tender offers or bankruptcies) or 20 days (in the case of other acquisitions) from the time when all of the additional material is submitted to the Division. Like a PI, the issuance of a Second Request is another critical step in the process of evaluating an HSR merger transaction, and it provides another indication of the direction of an investigation and the corresponding workload impact.
- All three categories of Merger Enforcement essentially result in the same **Intermediate Outcomes**, regardless of how these transactions reach the Division, including Bank Merger Applications which are reported back to the regulatory agency. Transactions ultimately are consummated, abandoned, "fixed first," settled (through a consent decree or during the course of litigation), or litigated to conclusion. The process by which the Division agrees to and enters into consent decrees with parties is most nearly equivalent to the use of Alternative Dispute Resolution (ADR) in lieu of litigation. The use of ADR is a High-Level Performance Indicator listed in the Department's Strategic Plan.
- The **Dollar Volume of U.S. Commerce Affected in Relevant Markets for All HSR and Non-HSR Merger Wins** and the **Dollar Amount of Deposits Affected in Overlapping Markets for All Bank Mergers Wins** are estimated by the Antitrust Division based upon available, credible information. They serve as proxies for the potential effects of possibly anticompetitive merger transactions given our Strategy and ultimately our Vision. This indicator has been revised to reflect only those HSR and non-HSR merger cases in which the Division's efforts led to a reduction in anticompetitive behavior. This indicator includes the Dollar Volume of Commerce Affected in instances where we have counted an HSR and non-HSR merger win and the U.S. Dollar Volume of Commerce for bank merger wins. The FY 1999 Actual is significantly below the FY 1998 Actual since the latter included the abandonment of the proposed merger between Lockheed Martin and Northrop Grumman which, by itself, accounted for 25 percent of the estimated volume of commerce for FY 1998.
- While we have used existing data sources in the Division to compile Indicator 20, we acknowledge some limitations in our data that result in the cumulative underestimate of the value presented here. In the HSR merger and bank merger areas, we are required to review a significant number of applications, many of which are determined to pose no competitive issues. No investigation is opened in these cases, but Division resources are still employed to ensure that the transactions being proposed will do no harm to the competitive environment. We currently do not include any measure of our Enforcement activity for these "quick looks," which are nonetheless critical to antitrust law enforcement.
- It is difficult to fully or precisely capture in a single number, or even a variety of numbers, the ultimate outcome of our Merger Enforcement Strategy. It is not always clear just how far-reaching the effects of particular proposed or actual transaction are or will be. It is not always possible to determine the magnitude of a price increase that relates directly to particular proposed or actual transaction. We cannot consistently translate into numbers the competitive impact of a particular proposed or actual transaction nor can we gauge the deterrent effects of our Enforcement efforts, though we and those who have written on the subject believe that such effects exist and are strong. Nonetheless, we believe that an end outcome, if not the ultimate outcome, of our work in this area is the **Savings to U.S. Consumers** that arise from our

successful protection of competition in the U.S. economy and our deterrence of anticompetitive behavior. Our estimates of consumer savings derive initially from our best measurement of volume of commerce in the relevant markets with which we were concerned. For the majority of merger matters, we calculated consumer savings by also using a formula drawn upon previously by Division economists to calculate consumer savings for FY 1994 wins. That formula makes a realistic assumption about the oligopolistic interaction among rival firms and incorporates estimates of pre-merger market shares and of market demand elasticity. In a few merger wins, primarily vertical mergers and those in which the anticompetitive effects included predicted reductions in innovation or other special considerations, it would not have been appropriate to apply that formula. For those wins, we developed conservative estimates of consumer benefits drawing on the details learned in the investigation. We note that the volume of commerce component of the calculation is estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. Despite the roughness of our initial methodology, we believe our consumer savings figure to be a conservative estimate in that it attempts to measure direct consumer benefits. That is, we have not attempted to value the deterrent effects (where our challenge to or expression of concern about a specific proposed or actual transaction prevents future, similarly-objectionable transactions in other markets and industries) of our successful enforcement efforts. While we believe that these effects in most matters are very large, we are unable to approach measuring them. Although there clearly are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our Vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price, and in which U.S. businesses compete on a level playing field.

- There are several ways in which an HSR merger review may be terminated. For example, prior to requesting PI authority, Division staff may only take a quick look at a transaction, and based on a reasoned analysis and available information, we may decide internally not to conduct a formal review. Another possibility, whether or not a PI has been authorized, is **Early Termination.** Normally, this must be requested by the parties in writing, they must have submitted their HSR notification and report forms, and the Antitrust Division and the FTC both determine not to take Enforcement action during the waiting period. However, Early Termination may be granted after a Second Request has been issued, even absent a request by the parties. (In such a situation, compliance with the Second Request is no longer necessary.) All Early Terminations must be printed in the Federal Register. HSR merger reviews also may be terminated with the expiration of the 15- (in the case of cash tender offers or bankruptcies) or 30-day (in the case of other acquisitions) clock, in the absence of a Second Request. Finally, HSR merger reviews may be terminated following the issuance of a Second Request, either during or at the expiration of the additional 10- or 20-day waiting period.
- **Key Performance Indicators 25 and 26** demonstrate whether the Antitrust Division acts quickly and responsively so that we do not unreasonably burden the business community in the merger review process. **Key Performance Indicator 27** provides an overall view of the Division's record, looking at situations where the Division determines there to be anticompetitive issues and noting our "success rate" in the outcomes for those situations. A success in this context may be any one of the positive outcomes captured under Key Performance Indicators 11-15 and 18.
- **Projection/Methodology:** Given the inherent uncertainty about estimating future activity and performance, we nonetheless made every effort to use an objective model for projecting FY 2000 and FY 2001 Performance Plans for Key Performance Indicators at the Output/Activity, Intermediate Outcome, and End Outcome levels. In doing so, we have applied a calculation to base-year data that takes into account the following factors where appropriate: FTE (increase/decrease), productivity (increase), inflation, and trend (up/down).

B. Factors Affecting FY 1999 Program Performance: The Antitrust Division's merger review workload has increased dramatically in the 1990's due to the record number and value of merger activity, including a rise in strategic and transnational mergers. Indeed the value of U.S. merger activity increased from approximately $137 billion in CY 1991 to a record level of approximately $959 billion in CY 1997. This trend continued in CY 1998 and CY 1999 with the value of domestic merger activity rising 78% to $1.6 trillion in CY 1998 and $1.79 trillion in CY 1999. *(See Chart 2, "Value of U.S. Merger Activity," in the Executive Summary.)* The level of merger activity continues at a rapid rate and is driven by a host of external factors, including economic conditions, technological growth, deregulatory schemes, industry-specific factors, etc. Therefore, the number of merger transactions reviewed by the Division is difficult to estimate. At the same time, given the consolidations occurring in major industries, like telephony and financial services, and the increase in international mergers, the Division's workload continues to increase due to the complexity of such reviews and enforcement actions. It should be noted that our statutorily mandated review of a record number of HSR transactions and the increase in merger challenges resulting in intensive preparation for litigation severely strained the Division's resources and limited the number of PIs we opened. *(See also Exemplars 1, 2 and 3 in this Section.)*

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C. Factors Affecting Selection of FY 2000 and FY 2001 Plans: The Antitrust Division's merger review workload has increased dramatically in the 1990s due to the record number and value of merger activity, including a rise in strategic and transnational mergers. Indeed the value of U.S. merger activity increased from approximately $137 billion in CY 1991 to a record level of approximately $959 billion in CY 1997. This trend continued in CY 1998 and CY 1999 with the value of domestic merger activity rising 78% to $1.6 trillion in CY 1998 and $1.79 trillion in CY 1999. *(See Chart 2, "Value of U.S. Merger Activity," in the Executive Summary.)* However, it is difficult to project the level of activity for FY 2000 and FY 2001. Indeed, the level of merger activity is driven by a host of external factors, including economic conditions, technological growth, deregulatory schemes, industry-specific factors, etc. Therefore, the number of merger transactions reviewed by the Division is difficult to estimate. At the same time, given the consolidations occurring in major industries, like telecommunications, media, and energy, and the increase in international mergers, the Division's workload continues to increase due to the complexity of such reviews and Enforcement actions. Under these conditions, issues such as market definition and the availability of economic data for analysis--which go to determining competitive effect--become critical and time consuming. On a practical level, the Division's workload and efficiency are dependent on the speed with which merging parties comply with Second Requests and CIDs, and their proclivity to work with the Division to address problem areas. These factors, among others, contribute to the Division's ability to select and achieve FY 2000 and FY 2001 Performance Plans. Given these uncertainties, we have projected the total number of "successes" for our Intermediate Outcomes, rather than trying to project individual numbers for Key Performance Indicators 11-15 and 18. Each of those Intermediate Outcomes is a positive outcome, including successful litigation. It is more appropriate to project the total number of successes for FY 2000 and FY 2001, rather than the specific resolution of each win. Further, given the Division's interest in seeking positive outcomes prior to litigation, to the extent warranted, it is difficult to estimate the Number of Merger Cases Litigated to Judgment (Indicator 17) and the Number of Merger Cases Appealed (Indicator 19). As we update this Performance Measurement Table over time, we will provide Actual data after the fact; however, at this time, a projection of successes--regardless of type--is more valuable for establishing Performance Plans.

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Performance Measurement Table: Presented by Initiative

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Summary Performance Plan Strategic Goal 3.3

General Goal: Decrease anticompetitive behavior affecting U.S. businesses and consumers.
Strategy: Civil Non-Merger Enforcement

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Input	1. Dollars ($ in thousands)	Budget & Fiscal Unit	17,452	21,429 - 23,685	20,106	25,458 - 28,138	20,932 - 23,136	26,307 - 29,077
	2. FTE	Budget & Fiscal Unit	139	188 - 196	160	188 - 222	160 - 161	160 - 205
Output/ Activity	3. Number of Active Investigations	Matter Tracking System	92	86 - 95	86	90 - 100	85 - 95	90 - 130
	4. Number of Active Investigations Having International Aspects	Matter Tracking System	15	13 - 17	27	15 - 20	15 - 25	15 - 35
	5. Number of Active Investigations With CID(s) Issued	Matter Tracking System	36	36 - 40	26	38 - 42	25 - 35	38 - 60
	6. Number of Cases Filed	Matter Tracking System	7	7 - 10	8	8 - 12	-	8 - 20
	7. Number of Cases Filed Having International Aspects	Matter Tracking System	3	2 - 5	2	3 - 6	-	3 - 10
	8. Number of Matters Referred to Other Enforcement Entities Where Division Support Provided Post-Referral	Matter Tracking System	1	0 - 3	1	0 - 3	-	0 - 4

Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Intermediate Outcome	9. Number of Matters in Which Practices Changed After Investigation Initiated	Matter Tracking System	5	Sum of Indicators (9,10,11, 13) = 13 - 17	5	Sum of Indicators (9,10,11, 13) = 15 - 20	Sum of Indicators (9,10,11, 13) = 10 - 15	Sum of Indicators (9,10,11, 13) = 15 - 25
	10. Number of Cases Filed With Consent Decrees	Matter Tracking System	4	see above	5	see above	-	see above
	11. Number of Cases Not Settled at Filing But Settled During Litigation	Matter Tracking System	3	see above	0	see above	-	see above
	12. Number of Cases Litigated to Judgment	Matter Tracking System	0	1 - 3	0	1 - 4	0 - 4	1 - 6
	13. Number of Cases Litigated to Judgment Successfully	Matter Tracking System	0	see above	0	see above	-	see above
	14. Number of Pending Cases on Appeal (by the Division or the Party(ies))	Matter Tracking System & Appellate Section	0	0 - 3	0	0 - 3	-	0 - 5
	15. Number of Cases Won on Appeal	Matter Tracking System & Appellate Section	0	N/A	0	N/A	0 - 3	0 - 3
	16. Number of Cases Lost on Appeal	Matter Tracking System & Appellate Section	1	N/A	0	N/A	0 - 3	0 - 3
End Outcome	17. Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Positive Outcome Achieved ($ in millions)	Sections and Field Offices	6,807	6,698 - 7,624	166	8,658 - 9,569	Not Projected	Not Projected
	18. **Total Dollar Value of Savings to the U.S. Consumer** in instances where the Antitrust Division has taken specific action that resulted in less anticompetitive behavior ($ in millions)	Matter Tracking System, Sections, and Field Offices	62.6	N/A	10.3	TBD	Not Projected	Not Projected
Productivity/ Efficiency	19. Dollar Volume of Commerce Affected in Relevant Markets Where Positive Outcome Achieved per FTE ($ in thousands)	Budget & Fiscal Unit	48,971	36,693 - 38,900	10,376	43,105 - 46,053	Not Projected	Not Projected
	20. Number of Matters Where Positive Outcome Achieved/Number of Matters Where Division Expressed Concern ("Success Rate")	Budget & Fiscal Unit	92.3%	90% - 100%	100%	90% - 100%	90% - 100%	90% - 100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

- **Dollars and FTE:** For FY 1998 Actual and FY 1999 Actual the total Dollars and FTE in this table include actual obligations and FTE. The FY 2000 Revised Plan and the FY 2001 Plan contain the total Dollars and FTE in the Division's FY 2000 appropriation and the President's budget request, respectively. Variations between Actual and Plan for Dollars and FTE, and across fiscal years, are due to modifications made to the Division's estimates by the Department, OMB, and Congress during the annual budget cycle. In addition, actual FTE are lower or higher than relevant Plan levels due to ongoing resource allocation decisions affecting personnel and non-personnel costs in response to changing conditions in our operating environment, e.g., increasing complexity and internationalization of antitrust enforcement. Efforts to improve the accuracy and completeness of the Division's time reporting data and the roll out of a new Time Reporting System are enabling the Division to more accurately reflect our resource expenditures. The dollars and FTE shown on this Performance Measurement Table for FY 1998 - FY 2001 are based on actual hours reported by program area in FY 1998.

- **Dollar Range for FY 2000 Revised Plan and FY 2001 Plan:** The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitments to this Strategy in each of those fiscal years, plus or minus five percent. Hence, the lower end of the range is five percent less than the estimated Dollars, and the upper end of the range is five percent more than the estimated Dollars.

- **FTE Range for FY 2000 Revised Plan and FY 2001 Plan:** It is unlikely that FTE levels will decrease for this Strategy in FY 2000 or FY 2001 because of the Antitrust Division's increasing workload. Therefore, the range of FTE for the FY 2000 Revised Plan and FY 2001 Plan includes the FY 1999 Actual FTE for the lower end of the range, and the upper end of the range is based on projected FTE commitments to this Strategy, assuming maximum utilization of authorized or requested FTE.

- **Number of Active Investigations** is indicative of Division's baseline civil non-merger workload. Staff identifies and investigates alleged violations of Section 1 and 2 of the Sherman Act and Section 3 of the Clayton Act. Many times, civil non-merger investigations take more than a year to develop sufficient evidence to file a case or close the investigation. Because staff may be working on an investigation for more than a year, this indicator accounts for the number of investigations with hours actually reported to it within the fiscal year, as opposed to the number of open investigations that fiscal year.

- **Number of Active Investigations with CID(s) Issued** is indicative of the number of active investigations that involved issuance of one or more CIDs within the fiscal year. CIDs are used to compel production of information and documents from any natural or juridical person, including suspected violators, potentially injured persons, witnesses and record custodians, if there is reason to believe that the person may have documentary material or information relevant to a civil antitrust investigation. The decision to issue CIDs generally involves a significant expansion in resource commitments by the Division and is made only after serious consideration.

- **Investigations or Cases Having International Aspects** are so defined if they involve possible adverse impacts on U.S. domestic or foreign competition, and if any one of the following five criteria is met, leading to increased complexity and greater resource requirements. A case or matter is considered to be "international" when (a) one or more involved parties (where "involved party" may be an individual or corporation that is the subject or target, or potential subject or potential target, of a civil non-merger investigation or case; or otherwise a participant or potential participant in an investigation or case) is not a U.S. citizen or a U.S. business; (b) one or more involved parties is not located in the U.S.; (c) potentially relevant information is located outside the U.S.; (d) conduct potentially illegal under U.S. law occurred outside the U.S.; or (e) substantive foreign government consultation or coordination is undertaken in connection with the matter.

- **Matters Referred to Other Enforcement Entities Where Division Support Provided Post-Referral** reflects those instances when a complaint or the outcome of an investigation suggests that the follow-up would be better handled by another enforcement entity, such as the Federal Trade Commission, a state Attorney General's office, or a foreign competition authority. We are counting those matters which were referred to other entities, but to which the Division continues to devote significant resources to the matter, either in the form of consultation or assistance with the investigation.

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- **Number of Matters in Which Practices Changed After Investigation Initiated** includes investigations in which: a party that is the subject of an investigation learns that the Division has opened an investigation into a potentially anticompetitive practice or agreement; the party subsequently abandons the practice; the Division closes its investigation without filing a complaint; and the potentially anticompetitive practice or agreement does not resume at the end of the investigation. (The definition provided for Indicator 9 does not include those matters in which the Division provided official comments and/or unofficial guidance to another government agency which resulted in a competitive benefit. Though the results of that activity may be reflected under Indicator 7 of the High-Level Performance Measurement Table in Section B, it should be noted that much of the Division's regulatory activity is conducted under the supervision of the Civil Non-Merger Enforcement Strategy.)

- **Total Dollar Volume of U.S. Commerce Affected Where Positive Outcome Achieved** is estimated by the Antitrust Division based upon the best available information from investigative and public sources. The volume of commerce serves as a proxy for the potential effect of anticompetitive behavior. In estimating the Dollar Volume of U.S. Commerce Affected in a civil non-merger case, staffs estimate an aggregate volume of commerce for each relevant domestic market affected by the anticompetitive practice or agreement. Obviously, many anticompetitive practices or agreements are more extensive, sometimes far more extensive, than are formally charged, hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value.

- The end outcome of our work in the Civil Non-Merger Enforcement Strategy is **the Savings to U.S. Consumers** that arise from our successful elimination and deterrence of anticompetitive behavior. There are two components to our estimate of consumer savings: the volume of commerce affected by the anticompetitive behavior and the price effect of the behavior. Volume of commerce is estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. We are more limited in our ability to estimate price effect, and thus rely on a conservative one percent figure for our estimate (except for one instance in FY 1998 where we have more refined data). Note that we believe our consumer savings figure to be a very conservative estimate in that it attempts to measure direct consumer benefits. That is, we have not attempted to value either the "spillover" effects (where our challenge to or expression of concern about specific conduct leads to changes in behavior now occurring beyond the directly-affected markets and industries) or the deterrent effects (where our challenge to or expression of concern about specific conduct prevents future, similarly-objectionable behavior in associated markets and industries) of our successful enforcement efforts. While we believe that the sum of these effects in most matters is a multiple of the direct consumer benefits, we are unable to approach measuring them. Similarly, it can be difficult to quantify the effects of anticompetitive behavior. It is not always possible to determine what amount of a price increase relates directly to a particular anticompetitive activity; it is nearly impossible to quantify the harm that occurs when anticompetitive behavior stifles innovation. We cannot consistently translate into numbers the competitive impact of a particular anticompetitive act; nor can we gauge the deterrent effects of our enforcement efforts, though we believe such effects exist and are strong. In short, there are limitations to this estimate (as with any estimate). Nonetheless, we believe this figure goes a long way toward describing the outcome of our work and ties directly to our Vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price, and in which U.S. businesses compete on a level playing field.

- A **Positive Outcome** includes the **Number of Matters in Which Practices Changed After Investigation Initiated** (Indicator 9), **Number of Cases Filed with Consent Decrees** (Indicator 10), **Number of Cases Not Settled at Filing but Settled at Litigation** (Indicator 11), and **Number of Cases Litigated to Judgement Successfully** (Indicator 13). In general, adequate relief in a civil antitrust case is relief that will (1) stop the illegal practices alleged in the complaint, (2) prevent their renewal, and (3) restore competition to the state that would have existed had the violation not occurred.

- **Matters Where the Division Expressed Concern** include those in which: a complaint has been filed; the subject or target of an investigation has been informed that the Assistant Attorney General (AAG) has authorized the filing of a complaint; the subject or target of an investigation has been informed that the staff is recommending that a complaint be filed, and the subject or target changes its practices in a way that causes the matter to be closed before the AAG makes a decision whether to file a complaint; or the subject or target of an investigation has been informed that the staff has serious concerns about the practice, and the subject or target changes its practices in a way that causes the matter to be closed before the staff makes a recommendation to file a complaint.

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Projection Methodology: We are actively trying to develop a projection methodology for the Civil Non-Merger Enforcement Performance Measurement Table. Given the inherent uncertainty about estimating future activity and performance, we are making every effort to develop an objective model for projecting FY 2000 and FY 2001 Performance Plans for Key Performance Indicators at the Output/Activity and End Outcome levels. In doing so, we plan to apply a calculation to base-year data (likely FY 1998) that takes into account the following factors where appropriate: FTE (increase/decrease), productivity (increase), inflation, and trend (up/down). Currently, we are utilizing staff estimates based on current Division workload and projected changes in FTE to predict out-year performance.

B. Issues Affecting FY 1999 Program Performance:

In FY 1999, we proceeded in litigating three complex, resource-intensive cases of both national and international prominence. The Microsoft trial continued through the end of September. The credit card litigation against Visa and MasterCard is in discovery and pretrial preparation. In May, we filed our first predation case in over 20 years against American Airlines. The outcome of each of these three cases will affect almost every domestic consumer. Although these cases are not yet ripe for decision, we have prevailed in most of the pretrial motion practice which also has consumed a substantial amount of resources. We also have two smaller but still significant cases in litigation: Dentsply, a monopolization suit brought against the maker of false teeth, and Federation of Physicians and Dentists, a suit alleging collusive activities by doctors. This is a remarkable number of civil non-merger cases to have in litigation simultaneously. Because limited Division resources were consumed in the litigation described above, there was a decrease in the resources we were able to devote to initial investigations, and correspondingly, a decrease in the number of active investigations from FY 1998 to FY 1999. The drop in Dollar Volume of U.S. Commerce Affected and Savings to U.S. Consumers from FY 1998 to FY 1999 reflect the combination of several large volume of commerce matters generating significant amounts of consumer savings in FY 1998. One particular matter in FY 1998 accounts for much of the observed difference in the measurements between the two fiscal years. The number of civil non-merger wins declined only marginally--from 12 to 10.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans:

The course of the three large cases in litigation will have a significant impact on the Performance Plans for FY 2000 and FY 2001. Both the credit card and airline litigations appear to be proceeding to trial and can be expected to remain resource intensive. While the Microsoft litigation will remain open pending a decision from the judge, with the conclusion of the trial, we should be able to devote more resources to initial investigative efforts. Accordingly, the Division expects the Number of Active Investigations to increase slightly over the next two fiscal years, depending on resource levels, as the Division responds to the increasing number of complaints and referrals it receives. However, other variables that may affect the Division's ability to select and achieve FY 2000 and FY 2001 Performance Plans include the increasingly complex and international scope of our civil non-merger investigations, the cooperation of subjects and third-parties to both voluntary and compulsory information requests, the uncertainties of litigation, the resources required to effectively litigate civil non-merger cases, and the availability of economic data for analysis.

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Performance Measurement Table: Presented by Initiative

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Summary Performance Plan Goal 3.3

General Goal: Decrease anticompetitive behavior affecting U.S. businesses and consumers.
Strategy: Criminal Enforcement

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Key Performance Indicators	Data source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Input	1. Dollars ($ in thousands)	Budget & Fiscal Unit	30,108	22,216 - 24,554	28,952	26,464 - 29,250	30,142 - 33,314	37,882 - 41,870
	2. FTE	Budget & Fiscal Unit	240	188 - 199	230	188 - 241	230 - 232	230 - 296
Output/ Activity	3. Number of Active PIs	Matter Tracking System	70	65 - 75	50	65 - 75	50 - 55	50 - 60
	4. Number of Active Grand Juries	Matter Tracking System	117	110 - 120	120	110 - 120	-	110 - 120
	5. Number of Active Grand Juries Involving International Matters	Sections & Field Offices	30	29 - 34	35	31 - 36	35 - 40	35 - 45

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Type of Indicator	Key Performance Indicators	Data source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Intermediate Outcome	**6. Number of Positive Outcomes**	**Criminal Enforcement Database**	**N/A**	**Not Projected**	**76**	**Not Projected**	-	**Not Projected**
	7. Number of Defendants Convicted	Criminal Enforcement Database	38	Not Projected	48	Not Projected	-	Not Projected
	8a. Total Number of Defendants Fined, Imposed by Court	**Criminal Enforcement Database**	**38**	**Not Projected**	**75**	**Not Projected**	-	**Not Projected**
	8b. Number of Individuals Fined, Imposed by Court	Court's Commitment & Judgement Order	20	Not Projected	50	Not Projected	-	Not Projected
	8c. Number of Corporations Fined, Imposed by Court	Court's Commitment & Judgement Order	18	Not Projected	25	Not Projected	-	Not Projected
	9a. Total Dollar Amount of Defendant Fines ($ in thousands)	**Criminal Enforcement Database**	**244,144**	**Not Projected**	**972,139**	**Not Projected**	-	**Not Projected**
	9b. Dollar Amount of Individual Fines, Imposed by Court ($ in thousands)	Court's Commitment & Judgement Order	2,499	Not Projected	12,273	Not Projected	-	Not Projected
	9c. Dollar Amount of Corporate Fines, Imposed by Court ($ in thousands)	Court's Commitment & Judgement Order	241,645	Not Projected	959,866	Not Projected	-	Not Projected

Type of Indicator	Key Performance Indicators	Data source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Pending Intermediate Outcome	**10a. Number of Defendants at End of FY–Agreed to Plead Guilty and Pay Fines, but Not Yet Imposed by Court**	**Criminal Enforcement Database**	**10**	**Not Projected**	**19**	**Not Projected**	-	**Not Projected**
	10b. Number of Individuals Agreed to Plead Guilty and Pay Fines, but Not Yet Imposed by Court	Matter Tracking System	5	Not Projected	10	Not Projected	-	Not Projected
	10c. Number of Corporations Fined, Agreed to by Defendants but Not Yet Imposed by Court	Matter Tracking System	5	Not Projected	9	Not Projected	-	Not Projected
	11a. Dollar Amount of Defendant Fines at End of FY–Agreed to by Defendants but Not Yet Imposed by Court ($ in thousands)	**Criminal Enforcement Database**	**22,780**	**Not Projected**	**156,260**	**Not Projected**	-	**Not Projected**
	11b. Dollar Amount of Individual Fines, Agreed to by Defendants but Not Yet Imposed by Court ($ in thousands)	Matter Tracking System	130	Not Projected	2,550	Not Projected	-	Not Projected
	11c. Dollar Amount of Corporate Fines, Agreed to by Defendants but Not Yet Imposed by Court ($ in thousands)	Matter Tracking System	22,650	Not Projected	153,710	Not Projected	-	Not Projected
End Outcome	12. Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Positive Outcome Achieved ($ in millions)	Sections and Field Offices	2,320	N/A	2,447	Not Projected	-	Not Projected
	13. **Total Dollar Value of Savings to U.S. Consumers** in instances where the Antitrust Division has taken specific action that resulted in less anticompetitive behavior ($ in millions)	Matter Tracking System, Sections, and Field Offices	232	N/A	245	Not Projected	-	Not Projected
Productivity/ Efficiency	14. Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Positive Outcome Achieved per FTE ($ in thousands)	Budget & Fiscal Unit	9,667	N/A	10,639	Not Projected	-	Not Projected
	15. Dollar Amount of Individual and Corporate Fines Agreed to by Defendants or Imposed by Court per FTE ($ in thousands)	Budget & Fiscal Unit	1,112	Not Projected	4,227	Not Projected	-	Not Projected

A. Definitions of Terms or Explanations for Indicators and Data Sources:

- **Dollars and FTE**: For FY 1998 Actual and FY 1999 Actual the total Dollars and FTE in this table include actual obligations and FTE. The FY 2000 Revised Plan and the FY 2001 Plan contains the total dollars and FTE in the FY 2000 appropriation and the President's budget request, respectively. Variations between Actual and Plan for Dollars and FTE, and across fiscal years, are due to modifications made to the Division's estimates by the Department, OMB, and Congress during the annual budget cycle. The difference between Actual and Plan Dollars and FTE in FY 1999 occurred as the Division developed a more accurate methodology for calculating these values. In addition, Actual FTE are lower or higher than relevant Plan levels due to ongoing resource allocation decisions affecting personnel and non-personnel costs in response to changing conditions in our operating environment, e.g., increasing complexity and internationalization of antitrust Enforcement. Efforts to improve the accuracy and completeness of the Division's time reporting data and the roll out of a new Time Reporting System are enabling the Division to more accurately reflect our resource expenditures. The Dollars and FTE shown on this Performance Measurement Table for FY 1998 - FY 2001 is based on actual hours reported by program area in FY 1999.
- **Dollar Range for FY 2000 Revised Plan and FY 2001 Plan:** The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitments to this Strategy in each of those fiscal years, plus or minus five percent. Hence, the lower end of the range is five percent less than the estimated Dollars, and the upper end of the range is five percent more than the estimated Dollars.
- **FTE Range for FY 2000 Revised Plan and FY 2001 Plan:** It is unlikely that FTE levels will decrease for this Strategy in FY 2000 or FY 2001 because of the Antitrust Division's increasing workload. Therefore, the range of FTE for the FY 2000 Revised Plan and FY 2001 Plan includes the FY 1999 Actual FTE for the lower end of the range, and the upper end of the range is based on projected FTE commitments to this Strategy, assuming maximum utilization of authorized or requested FTE.
- When a complaint or referral initially is received, or a matter is identified by the Antitrust Division, we develop information from the complainant, and from trade publications and other sources. Once we develop a sufficient factual and legal basis for further investigation, a **Preliminary Inquiry (PI)** may be authorized. Once approved, a PI may take from a few weeks to several months to conduct, and at that point we make a determination about whether to proceed by grand jury or to close the PI. Thus a PI is often more than a quick assessment, which is usually done when a matter is initially received or identified, and less than a formal grand jury investigation. It is a critical step in the investigatory process, and the number of active PIs is indicative of the Division's baseline workload. (Note that a PI is not a necessary pre-grand jury stage; if the Division has sufficient factual and legal basis from the complaint or referral, a decision may be made to proceed immediately by grand jury without further investigation through a PI.)
- During the course of the year, if the Antitrust Division subpoenas individuals to, questions witnesses before, presents information to, or otherwise has contact with a grand jury for one of our investigations, it is considered an **Active Grand Jury**. In some instances, the Division may conduct an investigation during the course of the year, but not bring witnesses before or present evidence to the applicable grand jury until a subsequent year. For example, it may require a significant amount of investigatory time or coordination with foreign enforcement authorities to obtain critical evidence for presentation to a grand jury. Such instances are also considered Active Grand Juries. A grand jury investigation is considered international when the conduct under investigation involves possible adverse impact on U.S. domestic or foreign commerce and any one of the following criteria is met: (1) one or more of the subjects, targets, or witnesses in the investigation is not a U.S. citizen or U.S. business organization; (2) one or more of the subjects, targets, or witnesses in the investigation, although a U.S. citizen or U.S. business organization, is not located in the U.S.; (3) relevant information or evidence is located outside the U.S.; (4) conduct potentially illegal under U.S. law occurred outside the U.S.; or (5) substantive foreign government consultation or coordination is undertaken in connection with the investigation. Indicator 5, **Number of Active Grand Juries Involving International Matters,** demonstrates the scope of our international investigations, which generally are more complex and require more resources than domestic investigations.
- **Number of Positive Outcomes** includes those cases filed during the fiscal year pursuant to a plea agreement, or indicted in a previous fiscal year and resulted in guilty pleas or guilty verdicts this fiscal year.

- Only criminal fines **Agreed to by Defendants or Imposed by Court** against individuals and corporations are included in this performance measurement table; the collection of imposed fines is the responsibility of the courts. Other fines Agreed to by Defendants or Imposed by Court against individuals and corporations, such as civil damages, civil penalties, and restitutions, are not included. In accordance with departmental guidance, we have not established numerical targets in a number of areas. We are very concerned that estimated levels of performance not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. As a result, although we report Actual data after the fact, we will not set quantified targets for convictions and fines.

- The **Dollar Volume of U.S. Commerce Affected** is estimated by the Antitrust Division based upon the best available information from investigative and public sources. It serves as a proxy for the potential effect of anticompetitive behavior. Suspect conspiracies are more extensive, sometimes far more extensive, than are formally charged in an indictment, hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value. In estimating the Dollar Volume of Commerce Affected in a criminal investigation, staffs include the sales of all products affected by the conspiracy.

- It is difficult to fully or precisely capture in a single number, or even a variety of numbers, the ultimate outcome of our Criminal Enforcement Strategy. It is not always clear just how far-reaching the effects of a particular conspiracy are; it is not always possible to determine the magnitude of the price increase that relates directly to a particular conspiracy; we cannot consistently translate into numbers the competitive impact of a given conspiracy; nor can we gauge the deterrent effects of our Enforcement efforts, though we and those who have written on the subject believe that such effects exist and are strong. Nonetheless, we believe that an end outcome, if not the ultimate outcome, of our work in this area is the **Savings to U.S. Consumers** that arise from our successful elimination and deterrence of criminal conspiracies. There are two components to our estimate of consumer savings: the price effect of the conspiracy and the volume of commerce affected by the conspiracy. Volume of commerce is estimated based on the best available information from investigative and public sources. Note that this results in an under-estimate of consumer savings as the vast majority of conspiracies exist for well over a year. We are more limited in our ability to estimate price effect, and thus in most cases rely on the 10 percent figure in the U.S. Sentencing Guidelines Manual (November 1, 1997; Section 2R1.1; Application Note 3; page 227) as the "average gain from price-fixing" (used in determining fines for convicted organizations) for our estimate in price fixing, bid rigging, and other criminal antitrust conspiracies. Although there are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our Vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price, and in which U.S. businesses compete on a level playing field.

- **Projection Methodology**: We are actively trying to develop a projection methodology for the Criminal Enforcement Performance Measurement Table. Given the inherent uncertainty about estimating future activity and performance, we are making every effort to develop an objective model for projecting FY 2000 and FY 2001 Performance Plans for Key Performance Indicators at the Output/Activity and End Outcome levels. In doing so, we plan to apply a calculation to base-year data that takes into account the following factors where appropriate: FTE (increase/decrease), productivity (increase), inflation, and trend (up/down). Currently, we are utilizing staff estimates based on current Division workload and projected changes in FTE to predict out-year performance.

B. Issues Affecting FY 1999 Program Performance:

The record amount of criminal fines Agreed to by Defendants or Imposed by Court in FY 1999 is over three times the previous record in FY 1998. This is due to several factors, including the increasing size and international scope of cartel activity. One of the most important factors is the Division's unprecedented application of a statute allowing alternative sentencing for antitrust violations. The results of this were seen in the record fines imposed against defendants in the Antitrust Division's food and feed additives investigations in FY 1997. In those cases, for the first time, 18 U.S.C. §3571 was used to exceed the statutory maximum fine of $10 million. In FY 1999, approximately $1.1 billion in fines have been agreed to or imposed by the court. This includes F. Hoffmann-La Roche, which agreed to pay the largest fine in Department of Justice history--$500 million. *(See Exemplar 1 in this Section.)*

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C. Issues Affecting Selection of FY 2000 and FY 2001 Plans:

It is difficult to develop Performance Plans for FY 2000 and FY 2001 given the number and impact of external factors which affect the Antitrust Division's Criminal Enforcement Strategy. The rate of complaints and referrals varies randomly, though we have some impact on the rate through our proactive education and outreach efforts (*see Section E*). Other factors affect certain Key Performance Indicators. The increasingly complex and international scope of our criminal investigations, the availability of evidence, and the availability of cooperating witnesses affect the number of PIs, grand jury activity, the number and amount of fines Agreed to by Defendants or Imposed by Court, and the Dollar Volume of U.S. Commerce Affected. Given these factors, it is critical to view the suite of Key Performance Indicators in its totality, and not assess each Indicator in isolation. The Division expects the Number of Active PIs and the Number of Active Grand Juries will remain constant through FY 2000; however, this is due to a conscious shift in our Criminal Enforcement Strategy--in response to our operating environment--to apply resources to those matters involving larger volumes of commerce, international scope, and increased complexity. This policy shift is reflected in the projected increase in the Number of Active Grand Juries Involving International Matters, a subset of the Number of Active Grand Juries. It will require additional resources to shoulder the inherent workload impact of this Strategy; however, the impact will be manifest in significant and increasing Intermediate and End Outcomes. The Amount of Fines Agreed to by Defendants or Imposed by Court has set another record in FY 1999, and likely will remain substantial in FY 2000 and FY 2001, taking into account caseload in FY 1999. However, in accordance with departmental guidance, we have not established numerical targets in a number of areas. We are very concerned that estimated levels of performance not become bounty-hunting targets or otherwise lead to unintended and possibly adverse consequences. As a result, although we report Actual data after the fact, we will not set quantified targets for convictions or fines.

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Performance Measurement Table: Presented by Initiative

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Annual Summary Performance Plan Goal 3.3

General Goal: Decrease anticompetitive behavior affecting U.S. businesses and consumers.
Strategy: Establishment & Use of International Enforcement Agreements

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN					
			Performance Report			Performance Plans		
Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Enacted Plan	FY 1999 Actual	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Input	1. Dollars ($ in thousands)	Budget & Fiscal Unit	1,348	1,609 - 1,779	1,676	1,656 - 1,830	2,560 - 2,830	3,099 - 3,425
	2. FTE	Budget & Fiscal Unit	11	13 - 14	14	13 - 14	16 - 18	20 - 22
Output/ Activity	3. Number of Countries to Which the Division Provided Significant Assistance in Furtherance of an Environment Receptive to International Law Enforcement Cooperation	Foreign Commerce & Competition Policy Sections	22	15 - 20	33	15 - 20	20 - 25	20 - 25
	4. Number of International Entities in Which the Division Participated as an Advocate of International Law Enforcement Cooperation	Foreign Commerce Section	6	6 - 7	6	6 - 7	-	6 - 7
	5. Number of Proposed Mutual Law Enforcement Assistance Agreements Potentially Encompassing Antitrust Matters	Foreign Commerce Section & Criminal Division	10	3 - 6	4	6 - 8	3 - 6	3 - 6

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Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actual	FY 1999 Enacted Plan	FY 1999 Actual	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Inter-mediate Outcome	6. Number of New Mutual Law Enforcement Assistance Agreements in Force Potentially Encompassing Antitrust Matters	Foreign Commerce Section & Criminal Division	1	1 - 3	11	2 - 4	-	2 - 4
	7. Number of Division Requests for Law Enforcement Assistance from Foreign Governments	Foreign Commerce Section	11	15 - 20	12	15 - 20	10 - 15	10 - 15
End Outcome	8. **Dollar Volume of U.S. Commerce Affected** in All Matters in Which Law Enforcement Assistance was Provided by Foreign Governments and in Which Positive Outcomes were Achieved ($ in millions)	Matter Tracking System	13,660	964 - 1,066	460	1,071 - 1,184	Not Projected	Not Projected
	9. **Total Dollar Value of Savings to U.S. Consumers** in Instances Where the Antitrust Division has Taken Specific Action that Resulted in Less Anticompetitive Behavior ($ in millions)	Matter Tracking System, Sections, and Field Offices	985	N/A	83.3	TBD	Not Projected	Not Projected

A. Definitions of Terms or Explanations for Indicators and Data Sources:

- **Dollar Range for FY 2000 Revised Plan and FY 2001 Plan:** The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitments to this Strategy in each of those fiscal years, plus or minus five percent. Hence, the lower end of the range is five percent less than the estimated Dollars, and the upper end of the range is five percent more than the estimated Dollars.

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- The **Number of Countries to Which the Division Provided Significant Assistance** includes technical and other assistance funded by the Antitrust Division, the US Agency for International Development (USAID), other US Government agencies, the host country, or some combination thereof. In particular, since FY 1991, the Division has executed several Inter-Agency Agreements with USAID to provide technical assistance to our counterpart agencies in Central & Eastern Europe, Latin America, the Caribbean, South Africa, and the New Independent States. The Division's USAID-funded assistance programs are conducted jointly with the Federal Trade Commission (FTC), and may include a variety of assistance formats, e.g., short-term missions (usually one or two weeks); long-term resident advisors (from approximately three to nine months); internships (from one to six weeks) for foreign nationals with the Division and the FTC; and regional conferences. Significant Assistance includes participating in drafting or commenting on proposed competition laws and amendments thereto, discussing procompetitive interpretations of competition laws, consulting on specific competitive issues or sectors, drafting enforcement guidelines, and providing training on investigatory techniques. The Antitrust Division views such assistance to foreign countries as an investment in future international enforcement cooperation, for without the basic legal and institutional infrastructure to sustain competition law, it will be difficult to establish more sophisticated mechanisms for enforcement assistance as described below. (Note: Only Division funding is included in Input Indicator 1; funding from USAID, other US Government agencies, and host countries is not included in Input Indicator 1.)
- The **Number of International Entities in Which the Division Participated** includes those international organizations where the Antitrust Division advocates international enforcement cooperation. Participation in such groups, e.g., the Organization for Economic Cooperation and Development (OECD), the World Trade Organization (WTO), and Asia Pacific Economic Cooperation (APEC), provides a larger venue for the Division to influence individual countries and overall policy on the merits of international enforcement assistance. Indeed, activity in such organizations is another type of investment in future enforcement cooperation between the US and other countries.
- **Mutual Law Enforcement Assistance Agreements** include various mechanisms for international enforcement cooperation, e.g., agreements pursuant to the International Antitrust Enforcement Assistance Act of 1994 (IAEAA), mutual legal assistance treaties (MLATs), positive comity agreements, and formal cooperation agreements. Among other things, such agreements may provide for depositions of foreign nationals, search and seizure of critical evidence located in foreign countries, and other assistance in the investigation and prosecution of companies, including foreign companies and individuals, who act to harm US businesses and consumers. This Strategy of establishing International Enforcement Agreements provides Division staff with a critical tool for fighting and deterring anticompetitive behavior internationally.
- The **Number of Division Requests for Law Enforcement Assistance** is broader than Mutual Law Enforcement Assistance Agreements, as defined above. It not only includes requests under IAEAA accords, MLATs, positive comity agreements, and formal cooperation agreements, but also letters rogatory and significant informal requests for assistance from foreign governments.

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- The **Dollar Volume of U.S. Commerce Affected** is estimated by the Antitrust Division based upon the best available information from investigative and public sources. This value serves as a proxy for the potential effect of anticompetitive behavior. There is no antitrust "crime rate" against which to measure the Division's achievements from Establishing and Using International Enforcement Agreements. There is, likewise, no easy or established methodology for calculating the deterrent effect of our International Enforcement Agreements, though we firmly believe in the existence of such an effect. We are thus using--as a very high-level proxy--the Dollar Volume of U.S. Commerce Affected in those cases where the Division received law enforcement assistance from foreign governments and where the Division achieved a positive outcome. While not an exactly correlated measure, the Dollar Volume of U.S. Commerce Affected does give some indication of the magnitude of our enforcement work, and speaks in part to the economic reach of our efforts.
- A **Positive Outcome** in a criminal matter is a conviction, fine, jail sentence, other confinement, etc., and in a civil matter is the abandonment of a transaction or an activity, a "fix" to a transaction or an activity, a filed case with a consent decree settling the competitive issues raised, successful litigation, etc.
- It is very difficult to quantify the seemingly apparent market effects of our Enforcement actions; so many factors determine prices that it is extremely challenging to determine the precise effect of our intervention. However, we developed a methodology to estimate the **Total Dollar Value of Savings to U.S. Consumers** from our Enforcement Strategies. ***Please also refer to the Performance Measurement Tables for our Merger, Civil Non-Merger, and Criminal Enforcement Strategies in this Section for comprehensive descriptions of this Key Performance Indicator.***
- **Projection Methodology**: Given the inherent uncertainty about estimating future activity and performance, we nonetheless made every effort to use an objective model for projecting FY 2000 and FY 2001 Performance Plans for the Key Performance Indicators at the End Outcome level. In doing so, we have applied a calculation to base-year data (FY 1997) that takes into account the following factors where appropriate: FTE (increase/decrease), productivity (increase), inflation, and trend (up/down). For some Indicators, we use staff estimates.

B. Issues Affecting FY 1999 Program Performance: With respect to the Number of Proposed and New Mutual Law Enforcement Assistance Agreements, we note that the MLAT process is a cooperative effort involving several key players, including the Criminal Division and components of the State Department, with which we coordinate, as appropriate. With respect to the Number of Division Requests for Law Enforcement Assistance from Foreign Governments, the decline in FY 1999 may be due to an increase in requests under the Division's Corporate Leniency Program. Instituted in 1993, this program accords leniency to corporations reporting their illegal antitrust activities at an early stage, if they meet certain conditions. The majority of international matters have had one or more conspirators use this program in FY 1999, thus the Division has not needed to request as much assistance from foreign governments. With respect to the Dollar Volume of U.S. Commerce Affected, one particular matter in FY 1998 increased the total significantly, but this value is not expected to remain as high. Additionally, the Dollar Volume of U.S. Commerce Affected is an underestimate of the Division's success in Enforcement Strategies that utilize International Enforcement Agreements, primarily due to inconsistencies in our data collection systems. While we have identified the matters in which Positive Outcomes were achieved, we currently do not routinely collect estimates of the Dollar Volume of U.S. Commerce Affected for all matters; thus we have aggregated the figures in instances in which we have data, but note that there are matters in this category for which we do not have, and have not included, the Dollar Volume of U.S. Commerce Affected. For a variety of reasons--articulated in Footnote B of the Performance Measurement Tables for our Criminal and Merger Enforcement Strategies--the Dollar Volume of U.S. Commerce Affected increased in FY 1998 over FY 1997.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans: It is difficult to develop Performance Plans for FY 2000 and FY 2001 given the number and impact of external factors which affect the Antitrust Division's International Enforcement Agreement Strategy. The number of countries to which the Division provides significant assistance under our USAID-funded programs is estimated to remain under 5 in FY 2000 as the program, which included 12 countries in FY 1996, 10 countries in FY 1997, 5 countries in FY 1998, and 4 in FY 1999, continues to decline due to USAID priorities, funding limitations, and overall improvement in competition policy in certain countries and regions. In addition, the establishment of formal International Enforcement Agreements, such as IAEAA accords, MLATs, positive comity agreements, and formal cooperation agreements, requires a considerable amount of time to negotiate with foreign governments, and to coordinate within and between the executive and legislative branches of each government. Thus, the Division is requesting a program increase of one attorney to work exclusively on International Enforcement Agreements. The issue is further complicated by the importance of maintaining the confidentiality of sensitive business information. Certain formal agreements require public comment periods, or, for MLATs, Senate approval. Indeed, a formal enforcement agreement may result from years of discussion, negotiation, coordination, and approvals. Given these factors, it is extremely difficult to reliably project the number of International Enforcement Agreements that will be proposed and ultimately enter into force. The Number of Division Requests for Law Enforcement Assistance also is extremely difficult to estimate in future years since the number will in part be determined by the facts of each international matter the Division investigates, and, to an extent, the outside parties' continued use of the Division's Corporate Leniency Program. While the increasingly international nature of the Division's operating environment suggests that the number of Division requests should trend upward, that is tempered by the fact that international antitrust enforcement cooperation is just beginning in some respects. Thus, even though assistance from a foreign country might otherwise be desirable, we may not have a formal mechanism available to use to pursue evidence, witnesses, or information that may be critical to the investigation. The Dollar Volume of U.S. Commerce Affected, likewise, is very difficult to project.

SECTION D: GOAL 2 -- ENVIRONMENT

To **increase the procompetitiveness of the national and international environment,** the Antitrust Division utilizes a number of diverse Strategies. While each Strategy is distinct in form and audience, together these Strategies represent a comprehensive effort to promote competition through further improvement of environmental conditions for competition at all levels, whether inter- or intra-governmentally, nationally or internationally. In light of the advent of deregulation in key sectors of the economy and the need for antitrust law to evolve in response to its environment, the Division currently is emphasizing the Strategies of Participation in Interagency Regulatory Processes and Development of Competitive Case Law.

The full complement of Antitrust Division Strategies employed in pursuit of this Goal is listed below, and each Strategy is subsequently described more fully. Following that, two Exemplars demonstrate the Division's use of these Strategies in response to environmental trends and in pursuit of our overarching Goals, and speak to the larger workload impacts suggested by these matters and others in the Division's purview like them. Finally, there are more specific Performance Measurement Tables for each of the current high-priority Strategies being pursued in support of this Goal, indicated in the list of Strategies by an asterisk.

Strategies

- Participation in Interagency Regulatory Processes*
- Development of Procompetitive Case Law*
- Participation in Interagency Rulemakings, Task Forces, and Policy Development Efforts
- Participation in Legislative Development
- Participation in National and International Organizations
- Consultation and Coordination with International Antitrust Authorities
- Speeches, Publications, and Press

* High-priority Strategy

Strategy Descriptions

Participation in Interagency Regulatory Processes*

As the trend toward deregulation in key industries advances, the Antitrust Division is more and more a participant in interagency regulatory processes. Although this may seem contradictory, the fact is that as certain segments of our economy are deregulated, they are given a new set of rules to play by, and the Division is often a key participant in ensuring that participants follow those rules. A recent example of this is in the telecommunications area, where passage of the Telecommunications Act of 1996 mandated a formal role for the Division vis-a-vis the FCC as Bell Operating Companies (BOCs) seek entry into long distance markets. With deregulation the watchword in industries such as banking, health care, and utilities, the Division anticipates a continued role in ensuring competition through participation in interagency regulatory processes.

Development of Procompetitive Case Law*

Where appropriate, the Antitrust Division strives to advance antitrust case law through litigation efforts. Given the latitude and flexibility of the Sherman and Clayton Acts, coupled with environmental changes such as innovation, deregulation, and globalization, the Division seeks to provide greater clarity and consistency to antitrust law and ensure that it is applied fairly. A recent example of this is the Division's successful argument to the First Circuit Court of Appeals that Section 1 of the Sherman Act applies to criminal conduct outside the U.S. that is designed to affect U.S. consumers. *(See Exemplar 2 in this Section.)* Another example involves the case of State Oil Co. v. Khan, 118 Sup. Ct. 275, in which the Division argued and the Supreme Court agreed that vertical maximum resale price fixing should not be deemed illegal per se.

Participation in Interagency Rulemakings, Task Forces, and Policy Development Efforts

The Antitrust Division's activities within the Executive Branch include appearances before regulating bodies and ongoing participation in interagency task forces dealing with a variety of competition issues. These include trade policy, telecommunications, and sector- or product-specific matters. Whether by informal advice or formal comment, the Division's role in this regard is to advise other Government agencies regarding the competitive

impact of proposed rules and regulations, promote the inclusion of competitive principles in policy formulation, and participate directly in determining U.S. competition policy.

Participation in Legislative Development

Antitrust Division officials routinely testify on or participate in drafting proposed legislation. Such testimony may support legislation designed to reduce or eliminate unnecessary economic regulation, or it may oppose efforts to extend regulatory legislation to previously competitive markets. The Division's activities with regard to telecommunications and health care reform are examples of this Strategy. The Division played a critical role in influencing the Telecommunications Act of 1996, ultimately ensuring that competitive principles and impacts would be considered by state regulatory agencies, the FCC, and, ultimately, Congress in their deliberations over telecommunications law.

Participation in National and International Organizations

The Antitrust Division participates in numerous national and international organizations to disseminate information on U.S. competition law and policy, exchange views on antitrust law, and monitor the environment to anticipate issues and improve operations. Examples of the Division's participation in or liaison with such groups include the American Bar Association, the National Association of Attorneys General, the WTO, the EU, the OECD, and the UN Conference on Trade and Development.

Consultation and Coordination with International Antitrust Authorities

The Antitrust Division regularly consults and coordinates with international antitrust authorities in a variety of ways. The Division routinely receives requests from foreign governments for comments on proposed competition laws and related regulations, as well as on the competition issues raised and investigative techniques used in particular cases under consideration by foreign competition offices. Division officials also frequently meet one-on-one with visiting foreign competition officials to discuss policy issues of mutual concern. In addition to the Division's routine consultation and coordination efforts, the Division and the FTC provide a joint program of technical assistance to governments in Central and Eastern Europe, Latin America, and South Africa, funded by the U.S. Agency for International Development (USAID). Proposed technical assistance programs for the Russian Federation, Latin America, the Balkans, and the Caribbean ae pending approval or funding by USAID.

Speeches, Publications, and Press

Antitrust Division officials routinely appear before Government and private organizations both domestically and abroad to speak on the full range of topics related to national and international competition policy. This includes testifying as part of interagency rulemakings or before Congress on legislative proposals, outlining U.S. antitrust policy in national and international competition fora, and publishing papers on antitrust-related issues. Through these mechanisms the Division publicizes important views on the competitive implications of various laws, policies, practices, and procedures and deters future anticompetitive behavior.

Introduction

The Antitrust Division's role in the development and implementation of the Telecommunications Act of 1996 (the Act) is an apt example of the Division's pivotal contribution toward **increasing the procompetitiveness of the national and international environment.** Increasing deregulation, globalization of markets, economic expansion, and technological change are all at play in the telecommunications industry. The Antitrust Division has responded to these trends with a variety of Strategies, described below, that allow us to contribute materially to enhanced competition in this rapidly evolving industry. The picture that emerges from our telecommunications experience--a picture the Division will likely see repeated in fields such as banking, transportation, and energy, to name a few--is that the vital work of responding to these trends in pursuit of our larger Vision compels the commitment of enormous resources over extended periods of time.

Comprehensive Legislative Reforms to Further Competition Policy Objectives

The Antitrust Division has been continuously and actively involved in the telecommunications industry for more than 20 years, perhaps most prominently in successfully challenging AT&T's abuse of its local telephone monopolies to impede competition in long distance and communications equipment markets. That suit resulted in the 1982 Modification of Final Judgment (MFJ) which required that AT&T divest its local exchange monopolies, to be owned by the Bell Operating Companies (BOCs), separating their ownership from AT&T's long distance services and other competitive businesses so as to remove the incentives and ability for anticompetitive abuse. The result of this historic lawsuit, seen over time and in conjunction with regulatory reforms implemented by the FCC with the Division's support, has been significantly improved long distance competition, accompanied by the innovation and downward pressure on prices that result from such competition.

Beginning in 1993, the Division began actively promoting comprehensive legislative reform that would promote competition in all segments of the vital telecommunications sector of the economy. The Division played a key role by participating in a White House-led interagency working group, providing congressional testimony as well as individual Member and staff briefings, and consulting informally with the FCC, devoting significant resources

over an extended period of time to telecommunication reform. Ultimately, in February 1996, the Act was passed.

The Antitrust Division has devoted considerable time and resources since passage of the Act attempting to promote and protect competition in all telecommunications markets so that Congress' goals in passing the Act--improved services, lower prices, increased innovation, and increased private sector investment--are achieved as quickly as possible. However, much critical work remains to be done.

Participation in FCC Rulemaking to Implement the Act's Competition Policy

The Act was intended to increase competition in telecommunications markets and thus reduce the need for government regulation in what had historically been regulated monopoly markets such as local telephone service. Congress recognized that, for the Act to achieve its purpose, it would be necessary for the FCC to adopt transitional regulations. In doing so, the FCC faced difficult legal and economic issues on which the Antitrust Division has relevant experience and expertise.

Therefore, very much in keeping with the ongoing Strategy of participating in interagency proceedings in order to promote rules and regulations that enhance a procompetitive environment, we filed extensive comments addressing major legal and economic issues in FCC rulemaking proceedings to implement the Act's reforms, focusing on the provisions intended to open local markets to competition. Although the Division has vast experience with the telecommunications industry, preparation of these highly technical and substantive comments required an investment of significant economic and legal staff time and resources. Our contributions were welcomed by the FCC and provided significant assistance in the development of a comprehensive set of rules to promote local competition.

Interagency Proceedings to Remove Regulatory Restrictions as Conditions Warrant

The Act also gives the Antitrust Division a special and significant role in FCC proceedings under Section 271 relating to BOC applications to provide in-region long distance services. In particular, the Act requires the FCC to consult with the Attorney General concerning such applications and "give substantial weight to the Attorney

General's evaluation." It was clearly envisioned that the Antitrust Division, on behalf of the Attorney General and the Department, would review all such applications and bring our competition expertise to bear on decisions that involve analysis of the extent to which local markets have been opened to competition and the likely competitive effects of removing or retaining restrictions on the BOCs' provision of long distance services under changing market conditions. This work is considered of the highest priority and is not discretionary.

In late CY 1996 the Antitrust Division sought input from interested parties regarding the impact of BOC entry into the long distance services market, and subsequently developed a general analytical framework for evaluating BOC entry applications. The Antitrust Division's workload related to Section 271 proceedings has been significant and will continue to grow. Given our experience with the first few complete applications received, we anticipate that fulfilling our obligations under this Section of the Act will require a substantial commitment of resources over the next few years. The Division has been and continues to meet with the FCC, state public service commission (PSC) members and staff, BOCs and their competitors, and various consumer groups in order to fully understand the competitive forces at play in the markets. It should be noted that as BOCs file applications with the FCC, other interested persons file comments with the FCC opposing or supporting approval of such applications. The Antitrust Division reviews all such submissions and, where appropriate, incorporates additional information contained therein into the Division's evaluation. *(See also the Section 271 Performance Measurement Table in this Section.)*

Antitrust Division Role in Litigation Under the Act

The Antitrust Division also has important roles in a variety of judicial proceedings involving the Act that require the investment of additional time and resources. In actions seeking judicial review of the FCC's regulations, the Division, representing the United States as statutory respondent, works closely with the FCC. Thus, for example, we reviewed and joined the Commission's brief in the Eighth Circuit defending the local competition rules, and we assisted the Solicitor General's Office in connection with the petitions for certiorari, Supreme Court briefs, and preparation for oral argument. This litigation (and litigation under the Act, in general) involves complex technical, economic, and legal issues; therefore, our economists, as well as our communications and appellate attorneys, are active participants. The Division also assists the Civil Division and

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the FCC in monitoring and/or participating in the numerous district court and court of appeals cases involving agreements to implement the Act's local competition provisions, and appeals from FCC decisions on the BOCs' applications to provide long distance service under Section 271 of the Act. In addition, we assist the Civil Division and the FCC in defending actions in which the constitutionality of the Act's transitional restrictions on the BOCs and other competition provisions are challenged. For example, Assistant Attorney General Joel Klein successfully argued in the U.S. Court of Appeals for the Fifth Circuit that the restrictions on the BOCs do not constitute a "bill of attainder" and are not otherwise unconstitutional, and secured an important reversal of a district court decision in the BOCs' favor.

In February 1999, the Supreme Court upheld the FCC's authority with respect to implementation of the Act's local competition provisions. This is a significant victory for the FCC, the Department, and U.S. consumers. Nevertheless, we expect a heavy volume of litigation in the Federal courts to continue, and we have an important obligation to work with the FCC and other Department components to ensure that the Government's filings are persuasive, consistent, and well-reasoned.

Merger Enforcement

In addition to the Strategies employed in furtherance of the Antitrust Division's Goal to increase the procompetitiveness of the environment, we are also responding to heightened merger activity, brought on in large part by the Act. The Division has already seen a number of proposed and consummated mergers between major telecommunications companies, such as Primestar/News Corporation et al., AT&T/TCI, AT&T/Media One, AT&T/British Telecom, US West/Global Crossing, Lockheed Martin/Comsat, Bell Atlantic/GTE, SBC/Ameritech, WorldCom/MCI, SBC/PacTel, and Bell Atlantic/NYNEX. Changes in U.S. and international regulations, as well as the overall growth in the telecommunications industry fueled by advances in alternative technologies, have led many firms to consider various means of restructuring. It is the Division's responsibility to review a number of these proposed transactions for any potential anticompetitive effects.

In addition, in the radio segment of the telecommunications industry the Division has seen workload grow by several orders of magnitude. The Act changed the FCC's rules for radio station ownership, unleashing a torrent

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of deals in the industry. Many of these deals have fallen within HSR reporting requirements (coming under Division review) and the Division has initiated independent inquiries of several non-reportable transactions.

Conclusion

In short, the Antitrust Division's efforts over the past six years--efforts which will continue into the foreseeable future--have employed a variety of Strategies that support the Division's Goal of **increasing the procompetitiveness of the environment**. By helping to develop the Act itself, by participating in FCC rulemakings to implement the mandates of the Act, by taking an active role in FCC regulatory processes required by the Act, and by enforcing the antitrust laws as necessary to ensure that the new environment created by the Act will not be undermined by anticompetitive conduct, the Antitrust Division contributes to vigorous competition in telecommunications markets.

Performance Measurement Table: Presented by Initiative

Supports DOJ Core Function 3, Strategic Goal 3.3, FY 2001 Summary Performance Plan Goal 3.3

General Goal: Increase the procompetitiveness of the national and international environment.
Strategy: Participation in Interagency Regulatory Processes - **Section 271 of the Telecommunications Act of 1996**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans		
Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
Input	1. Dollars ($ in thousands)	Budget & Fiscal Unit	1,295	1,343 - 1,637	953	1,399 - 1,706	1,393 - 1,790	1,447 - 2,274
	2. FTE	Budget & Fiscal Unit	14	14 - 18	10	14 - 18	-	14 - 22
Output/ Activity	3. Number of States/Jurisdictions in Communication with Regarding Competitive Environment	50 States, District of Columbia & Puerto Rico	52	52	52	52	-	52
	4. Number of Section 271 Applications Received	Telecommunications Task Force BOC Entry Calendar	2	5 - 15	1	23 - 36	5 - 15	23 - 36
	5. Number of Third-Party Comments Reviewed in Relation to Section 271 Applications Received	Telecommunications Task Force Database of Comments Filed	124	255 - 765	0	1,173 - 1,836	255 - 765	1,173 - 1,836
	6. Number of Opposing Third-Party Comments Reviewed in Relation to Section 271 Applications Received	Telecommunications Task Force Database of Comments Filed	92	150 - 450	0	690 - 1,080	150 - 450	690 - 1,080
	7. Number of Section 271 Opinions Provided to the FCC	Telecommunications Task Force Central Files	3	5 - 15	0	23 - 36	5 - 15	23 - 36
	8. Number of Section 271 Matters Handled in Appeals Court	Appellate Section	3	4 - 11	1	17 - 27	4 - 11	17 - 27
Intermediate Outcome	9. Percentage of Opinions Provided to the FCC that are Persuasive with Respect to FCC Section 271 Application Decisions	FCC Memoranda, Opinions, and Orders	100	90 - 100	N/A	90 - 100	-	90 - 100
	10. Percentage of Opinions Provided to the FCC to Date that are Persuasive with Respect to Court of Appeals Decisions	DC Circuit Court of Appeals Decisions	100	90 - 100	100	90 - 100	-	90 - 100

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Type of Indicator	Key Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Enacted Plan	FY 1999 Actuals	FY 2000 Plan	FY 2000 Revised Plan	FY 2001 Plan
End Outcome	11. Dollar Volume of U.S. Commerce Affected Where Positive Outcome Achieved ($ in millions)	1997 ARMIS Report 43-01; FCC 1997 Statistics of Communications Common Carriers; and FCC Long Distance Reports	4,052	44,324 - 70,249	N/A	73,970 - 98,376	44,324 - 70,249	73,970 - 98,376
Productivity/ Efficiency	12. Dollar Volume of U.S. Commerce Affected Where Positive Outcome Achieved per FTE ($ in millions)	See Data Sources for Indicators 11 & 2	289	5,180 - 10,705	N/A	4,109 - 7,567	5,180 - 10,705	4,109 - 7,567
	13. Percentage of Section 271 Opinions Provided to the FCC in Accordance with Legal Time Frame	DOJ Evaluations of 271 Applications	100	100	N/A	100	-	100

A. Definitions of Terms or Explanations for Indicators:

- The Division's Participation in Interagency Regulatory Processes--such as our role vis-à-vis the FCC in proceedings under Section 271 of the Telecommunications Act of 1996--is just one of several types of interaction with other Federal agencies undertaken in support of our Environment Goal. The Division is an active participant in interagency task forces where our view on competition issues may impact Executive Branch policies. In addition, we actively monitor the pending actions of Federal regulatory agencies and are involved in relevant proceedings where articulation of a procompetitive position may make the difference between regulations that effectively do antitrust harm or actively promote competition in an industry. While our efforts in all these areas are important, we have initially chosen to focus this Performance Measurement Table on our Participation in Interagency Regulatory Processes, specifically our responsibilities under Section 271 of the Act.
- Under Section 271 of the Act, the Antitrust Division has a special and significant role in FCC proceedings relating to Bell operating carrier (BOC) applications to provide in-region long distance services. In particular, the Act states that the FCC is to consult with the Attorney General concerning such applications and "accord substantial weight to the Attorney General's evaluation." BOCs must file an individual application for each state in their service territory, and each state must be evaluated separately. Once an application is filed, the FCC's rules specify that the Division has just 35 days to submit its comments to the FCC. Given the Division's anticipation that applications will be filed for 48 states and the District of Columbia (which have BOCs) over the course of FY 1999, FY 2000, and FY 2001, and that there will be refilings for a number of states where initial applications have been rejected, the Division has been and continues to meet with the FCC, state public service commission (PSC) members and staff, state Attorneys General and staff, BOCs and their competitors, and various consumer groups in order to fully understand the competitive forces at play in the markets where the BOCs are and will be seeking entry. As BOCs file applications with the FCC, third parties are free to submit comments to the FCC opposing or supporting approval of such applications. To the extent that such comments are filed, the Division will review them, and, where appropriate, incorporate additional information into the Division's evaluation. The Division is in contact with 52 jurisdictions overall, including Alaska, Hawaii, and Puerto Rico, which have no BOCs but may present relevant competitive issues.
- **Dollar Range for FY 2000 Revised Plan and FY 2001 Plan:** The range of Dollars for the FY 2000 Revised Plan and FY 2001 Plan represent our anticipated resource commitments to this Strategy in each of those fiscal years based on possible FTE allocated to Section 271 matters.
- **FTE Range for FY 2000 Revised Plan and FY 2001 Plan:** It is unlikely that FTE levels will decrease for this Strategy in FY 2000 or FY 2001 because we expect the number of Section 271 filings to increase in FY 2000 and FY 2001, as compared to FY 1999. Therefore, the range of FTE for the FY 2000 Revised Plan and FY 2001 Plan includes the FY 1999 Actual FTE for the lower end of the range, and the upper end of the range is based on projected FTE commitments to this Strategy, assuming maximum utilization of authorized or requested FTE.

- **Dollar Volume of U.S. Commerce Affected Where Positive Outcome Achieved:** BOC entry potentially affects commerce in two markets--local telephony services and long distance telephony services. We consider **Positive Outcomes** to include matters where the FCC has adopted the Division's recommendations on a Section 271 application during that fiscal year. The data sources used to determine the Dollar Volume of U.S. Commerce Affected are the most recent market data available to the Division at the time. We currently use the *FCC 1997 Statistics of Common Carriers* to best determine the amount of long distance revenues in BOC territory on a nationwide basis, because we do not have individual market data for long distance revenues. Based on the *FCC 1997 Statistics of Common Carriers*, on a nationwide basis, approximately 80% of long distance revenues were in BOC territory and therefore would be affected by BOC entry. The data also shows that the long distance revenues within BOC territory equal approximately 62.5% of local revenues in BOC territory. Extrapolating from this relationship, we estimate Dollar Volume of U.S. Commerce Affected by taking BOC local revenues in a state where an application is filed and adding 62.5% to this to account for long distance revenues in the BOC's territory of that state. The most recent financial data we have for individual BOCs is in 1998 FCC ARMIS report 43-01. Consequently, we have added an adjustment to our calculation to reflect the estimated growth of the local and long distance telephone markets in subsequent years. Based on FCC statistics reporting total market growth for local and long distance telephony, the local market has been growing by approximately 5% each year. The long distance market has been growing by 7-10% each year. Given the 8:5 ratio of local to long distance, and using an average growth of 8.5% for the long distance market, the total growth of the industry has been approximately 6.3% per year. Thus, in calculating the Dollar Volume of U.S. Commerce Affected for any given year:
    1. 1998 and 1999 revenues are calculated for states where an application has been or is expected to be filed and decided upon, based on the method above (local revenues x 1.625)
    2. Year X revenue projections are determined by multiplying the previous year's adjusted revenue data by 1.063 to reflect the 6.3% industry growth per year.
- For Indicator 10, **Percentage of Opinions Provided to the FCC to Date that are Persuasive with Respect to Court of Appeals Decisions,** the value in FY 1998 is 100% because the court of appeals ruled on the Oklahoma appeal (filed in FY 1997) in March 1998. Similarly, the value in FY 1999 is 100% because the court of appeals ruled on the South Carolina appeal in December 1998.

B. Factors Affecting FY 1999 Program Performance:

- We are still in the initial stages of the Section 271 process, given that only six applications have been filed to date out of the 49 that can eventually be expected (exclusive of refilings of rejected applications). Four of the BOCs have filed applications so far. SBC has filed in Oklahoma, Ameritech has filed in Michigan, BellSouth has filed once in South Carolina and twice in Louisiana, and Bell Atlantic has filed in New York. The FCC has ruled on the six applications. Comments, including DOJ's Evaluation, regarding Bell Atlantic's application were made after September 30, 1999 and will be reflected in the FY 2000 Actuals in the next submission to Congress. Three of the five decisions (Oklahoma, South Carolina, and Louisiana) in FY 1998 were appealed. The court of appeals decision in March 1998 upheld the FCC's decision to reject SBC's application in Oklahoma, and the court of appeals decision in December 1998 upheld the FCC's decision to reject BellSouth's application in South Carolina.
- The Division's workload related to Section 271 proceedings is already significant and will continue to grow. For example, although much work had been done in advance of receiving SBC's application to provide long distance service to its customers in Oklahoma, the Division was still required--within just 35 days--to review an application consisting of between 4,000 and 5,000 pages of information, analyze it with respect to information gleaned through previous work and in relation to the established framework, review and incorporate into our analysis over 20 third-party comments (received just 15 days prior to our deadline), and prepare our evaluation, which included an in-depth brief accompanied by multiple appendices. The amount of documentation provided with a Section 271 application has been increasing with each filing. For example, BellSouth submitted 12 boxes of supporting information along with its Section 271 filing for Louisiana, containing roughly 2,000-3,000 pages of material in each box. The Division also reviewed 37 third party comments, many of which included voluminous attachments.
- Although preliminary estimates were high for application filings in FY 1999, the flow of filings has slowed down due to four main factors:
  1. The court of appeals decision in Oklahoma appears to limit the ability of BOCs to file their applications under Section 271(c)(1)(B) ("Track B") of the Act, instead forcing the BOCs to wait until they can submit an application under Section 271(c)(1)(A) ("Track A") of the Act. Unlike Track B, which governs circumstances for BOC applications in states where no competing provider has requested network access or interconnection, Track A requires that the applying BOC demonstrate it has a binding agreement to provide network access and interconnection with one or more existing unaffiliated facilities-based competing providers of telephone exchange service to residential and business subscribers.
  2. Close review of BOC applications at the state level has led to the delay in filings with the FCC.
  3. The substantive standards for Section 271 approval that the FCC has found the Act to require are complex to implement and take time, particularly in areas such as operation support systems and unbundled network elements.
  4. The Supreme Court's decision in *AT&T Corp. v. Iowa Utilities Board*, 525 U.S. 366, 119 S.Ct. 729 (January 25, 1999), reversing in part and affirming in part *Iowa Utilities Board v. FCC*, 120 F.3d 753 (8th Cir. 1997), upheld the FCC's jurisdiction and nearly all of the FCC's rules for implementing local competition. However, the decision also remanded to the FCC a significant issue relating to which network elements must be unbundled by the BOCs, delaying the filing process. The FCC issued an order addressing element unbundling on November 5, 1999, which may resolve some of the uncertainty surrounding this issue.

C. Factors Affecting Selection of FY 2000 and FY 2001 Plans: Given our experience with the first six applications received, we anticipate that fulfilling our obligations under Section 271 of the Act will require a substantial commitment of resources over the next two years. Moreover, now that the Supreme Court has addressed and resolved many--but not all--of the legal interpretations at issue, we expect that the filing process will intensify. As the pace of Section 271 applications increases, the Division can anticipate heavy workload burdens under tight time frames. Note that only approximate estimates of program performance based on likely ranges of possible filings can be provided for FY 2000 since the Division's actual experience with the Section 271 process to date only covers FYs 1996-1999. Complicating this situation is the difficulty of planning given external factors over which the Division has no control, such as the timing of filings, making it impossible to project with any certainty the rate of applications over time. Therefore, rather than using specific numbers, we continue to include what we believe to be the most probable ranges of likely filings. Nonetheless, the Antitrust Division must respond to each application, regardless of volume, within statutory time frames. Primary responsibility for Section 271 workload rests with the Division's Telecommunications Task Force, and is expected to consume a significant portion of that Task Force's resources for the foreseeable future. The Section 271 workload should increase significantly in FY 2000, due to the slower pace of filings than expected in FY 1999 and the substantial number of first-time filings and refilings of rejected applications anticipated for FY 2000. It is further anticipated that FY 2000 activity will generate an appreciable workload for FY 2001, due to the number of possible first-time filings and anticipated refilings of applications that will be filed during FY 2000. In order to maintain continuity in the handling of the Section 271 process, a consistent level of staffing is necessary. Other Division Sections with Section 271 workload include the Economic Analysis Group and the Appellate Section. In addition, senior managers, other professional staff with more limited involvement, and support staff contribute to this process.

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The Performance Measurement Table "Development of Procompetitive Case Law - Appellate Activity" is actively being revised to more accurately reflect the Division's efforts to impact the development of antitrust doctrine.

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SECTION E: GOAL 3 -- EDUCATION

Whether through direct contact and targeted communication with specific audiences, or via the development, publication and distribution of policy guidance, the Division seeks to **increase the breadth and depth of awareness of antitrust law**. By reaching as many individuals, companies, agencies, or other groups as possible, while providing detailed and specific guidance on the law, the Division seeks to promote competitive behavior and deter anticompetitive behavior.

The full complement of Antitrust Division Strategies employed in pursuit of this Goal is listed below, and each Strategy is subsequently described more fully. Following that, an Exemplar demonstrates the Division's use of Guidance to the Business Community via the Business Review Program in response to environmental trends and in pursuit of the Division's overarching Goals, and speak to the larger workload impacts suggested by these matters and others in the Division's purview like them. Note that the current high-priority Strategies being pursued across the Division are associated with Goal 1 and Goal 2, as reflected in the Performance Measurement Tables. No such Tables are associated with Goal 3 at this time.

Strategies

- Guidance to the Business Community via the Business Review Program
- Outreach Efforts to Federal, State and Local Agencies, Business Groups, and Consumers
- Development and Publication of Antitrust Guidelines and Policy Statements
- Speeches, Publications, and Press

Strategy Descriptions

Guidance to the Business Community via the Business Review Program

Under the Antitrust Division's Business Review Program, 28 C.F.R. §50.6, businesses can ascertain the Division's current enforcement intentions with respect to proposed business conduct. The Business Review Program provides substantial benefits to the business community. Under this Program, businesses benefit by receiving timely information about the parameters of competition law when applied to specific situations, and the likely reaction of the Division to a proposed business action or arrangement. More broadly, the business community can utilize a procedure that enables it to avoid costly litigation and other business problems that may arise when a company is otherwise involved in antitrust litigation with the Government. Ultimately, this is a formal means for the Division to educate the business community and wider audiences about the parameters of competition law and the Division's enforcement priorities. *(See Exemplar in this Section.)*

Outreach Efforts to Federal, State, and Local Agencies, Business Groups, and Consumers

In support of our ongoing cooperative enforcement efforts with Federal, state, and local agencies *(described in Section C)*, the Antitrust Division sponsors, with the FTC, a series of Common Ground Conferences at which officials of the two Federal agencies gather with state officials to discuss antitrust enforcement issues of mutual concern. The Division also provides training for state antitrust attorneys and investigators. In addition, the Division conducts both formal and informal outreach efforts directed toward individuals, businesses, associations, and enforcement officials at all levels in order to educate people about antitrust law, inform them of the consequences of circumventing the law, and provide them with direction in the event they have further questions or suspect violations of the law.

Development and Publication of Antitrust Guidelines and Policy Statements

Through the development and publication of antitrust guidelines and policy statements, such as those on merger analysis in general and health care in particular, the Antitrust Division seeks to communicate our enforcement policy so that businesses and consumers will have greater knowledge of and certainty about the Division's application of antitrust law. This effort ensures that businesses and consumers have more detailed information

about the types of activity that will receive scrutiny, so that they can more efficiently develop merger proposals or be prepared for the issues that a certain arrangement would raise during the review process. Such guidelines and statements are coordinated prior to issuance within the Federal Government, with the states, and with the affected business communities to ensure their consistency.

Speeches, Publications, and Press

The Antitrust Division routinely communicates with the media and the public through the issuance of press releases describing significant matters such as responses to business review requests and the issuance of antitrust guidelines and policy statements. In addition, Division officials give speeches and grant interviews that relate to our guidelines and policy statements. The Division also distributes and makes widely available materials describing complaint procedures. Through these mechanisms the Division publicizes the antitrust law and our enforcement intentions and deters future anticompetitive behavior.

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Introduction

An important public service offered by the Antitrust Division, in support of our goal to **increase the awareness of antitrust law,** is the issuance of Business Review letters. The Business Review procedure allows business entities to ascertain the Division's present enforcement intentions with respect to proposed business conduct.

While Business Review advice has often been given on health care issues over the years, the Business Review procedure's application to health care issues was specifically acknowledged in health care policy statements first promulgated jointly by the Antitrust Division and the FTC in September 1993. The Division developed policy statements and committed to issuing Business Review guidance about any matter covered in the statements within 90 days after receiving all necessary information pertaining to the request. Matters not covered in the statements are reviewed within 120 days after receipt of all relevant information. (The only exceptions to these deadlines are requests involving mergers outside the hospital merger "safety zone."[23]) Although these self-imposed deadlines have resulted in somewhat unpredictable workload impacts on the Division, given that they are driven by submissions of outside parties, businesses find both the letters and the assurance of having our input in a timely fashion of enormous value.

Today, health care Business Review letters represent the majority of all Business Review letters issued by the Antitrust Division. From 1980 until the issuance of our first health care statements in 1993, 21 health care Business Review letters were issued. Between 1993 and September 1999, 55 letters were issued. The health care community has embraced the procedure as a means of avoiding uncertainty as to whether arrangements being contemplated by health care providers might run afoul of the antitrust laws.

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[23]Seven of the nine policy statements include antitrust "safety zones," which describe conduct that the Division and the FTC will not challenge, absent extraordinary circumstances. Conduct that falls outside the safety zones is not automatically illegal, but will be subject to scrutiny.

The Process

The process is initiated by submission of a written request to the Antitrust Division. Parties are expected to fully outline their proposed activities and provide documentation regarding the venture's formation or expected methods of operation. The Division will review only prospective matters; if any part of a proposal has been implemented, we decline to issue advice. After clearing the matter with the FTC (which also issues advice to health care providers in the form of Advisory Opinion letters), Division attorneys and economists review the materials submitted, request any additional information needed, and conduct a brief investigation to determine whether the proposal may have anticompetitive consequences in any relevant market.

The Process at Work: CVT Surgical Center and Vascular Surgery Associates of Baton Rouge

In April 1997, the Antitrust Division informed counsel for CVT Surgical Center (CVT) and Vascular Surgery Associates of Baton Rouge (VSA), Louisiana that it intended to take no enforcement action against their proposed merger. The groups had requested Business Review advice regarding the merger, which fell below HSR reporting thresholds. When a Business Review request involves a merger, we approach the analysis of potential market effects in much the same way that we approach a full-blown merger investigation. That is, we seek to determine whether the merger would tend substantially to lessen competition in any relevant market by creating, enhancing, or facilitating the exercise of market power.

We begin by determining the relevant "product" (service) market, and we then inquire of health care payers (especially managed care plans and large self-insured employers) in the area where they might turn for acceptable substitutes for such services if the merging groups were to raise prices by a small but significant amount. The area in which payers feel they could reasonably direct their enrollees to seek the relevant services constitutes the geographic market within which we count available substitutes and assess the market share of the merging parties as a proportion of the available physicians (or other providers) in the relevant market.

In the case of CVT and VSA, one group, CVT, consisted of six cardiovascular thoracic surgeons, while the other group, VSA, consisted of four surgeons who performed only peripheral vascular surgery. While the CVT surgeons occasionally performed some peripheral vascular procedures (such as balloon angioplasty), VSA physicians did not perform thoracic surgery (such as open heart surgery). In this case, we determined that only

the 60-odd vascular procedures that the two groups performed in common constituted the proper service market in which to assess effects of the merger. Essentially, those 60-odd "overlap" procedures were the service areas in which the two groups could be viewed as direct competitors.

After careful review, we concluded that, in any reasonably defined geographic market, the merged entity would face effective competitive constraints on its ability to exercise market power, and thus that the merger would not be likely to lessen competition substantially. Our letter to the parties noted these facts, and pointed out certain efficiencies that the two groups believed would flow from the merger, to the benefit of health care payers and consumers in the Baton Rouge area.

PROPOSED CHANGES IN APPROPRIATION LANGUAGE

Salaries and Expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust and kindred laws, [$81,850,000] $104,966,000: *Provided*, That notwithstanding section 3302(b) of title 31, United States Code, not to exceed [$81,850,000] $104,966,000 of offsetting collections derived from fees collected during fiscal year [2000] 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year [2000] 2001, so as to result in a final fiscal year [2000] 2001 appropriation from the General Fund of not more than $0: *Provided further*, That fees collected in excess of $104,966,000 in fiscal year 2001 cannot be made available in 2001 through a reprogramming pursuant to section 605 of this Act. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

1. The Antitrust Division expects to receive $165,000,000 in premerger filing fee revenue in FY 2001 and requests that $104,966,000 of it be made available for expenditure in FY 2001.

2. The Antitrust Division expects to carry forward $29,258,000 in filing fee revenue collected in FY 2000 into FY 2001.

Antitrust Division
Crosswalk of FY 1999 Availability
(dollars in thousands)

Activity/Program	FY 1999 Enacted			Reprogrammings			Transfers Between Accounts			Unobligated Balances Brought Forward			Final FY 1999 Availability		
	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt
Direct Authority:															
Federal Appellate Activity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination and Prevention of Private Cartel Behavior	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Preservation of Competitive Market Structure	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Policy and Legislation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Competition Advocacy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0	166	0	0	0	0	0	166
Subtotal, Direct Authority	0	0	0	0	0	0	0	0	166	0	0	0	0	0	166
Indirect Authority:															
Federal Appellate Activity	11	10	1,305	0	0	0	0	0	0	0	0	0	11	10	1,305
Termination and Prevention of Private Cartel Behavior	156	149	18,727	0	0	747	0	0	0	0	0	0	156	149	19,474
Preservation of Competitive Market Structure	317	311	35,035	0	0	1,203	0	0	0	0	0	0	317	311	36,238
Policy and Legislation	40	40	5,122	0	0	0	0	0	0	0	0	0	40	40	5,122
Competition Advocacy	20	19	2,636	0	0	0	0	0	0	0	0	0	20	19	2,636
Management and Administration	42	41	5,442	0	0	0	0	0	0	0	0	0	42	41	5,442
Subtotal, Indirect Authority	586	570	68,267	0	0	1,950	0	0	0	0	0	0	586	570	70,217
Total, New Budget Authority	586	570	68,267	0	0	1,950	0	0	166	0	0	0	586	570	70,383
Indirect Authority – Prior Year Carried Forward															
Federal Appellate Activity	5	4	573	0	0	0	0	0	0	0	0	0	5	4	573
Termination and Prevention of Private Cartel Behavior	69	66	8,229	0	0	481	0	0	0	0	0	0	69	66	8,710
Preservation of Competitive Market Structure	140	136	15,394	0	0	776	0	0	0	0	0	0	140	136	16,170
Policy and Legislation	18	17	2,251	0	0	0	0	0	0	0	0	0	18	17	2,251
Competition Advocacy	9	8	1,158	0	0	0	0	0	0	0	0	0	9	8	1,158
Management and Administration	19	18	2,395	0	0	0	0	0	0	0	0	0	19	18	2,395
Total, Prior Year Carry Forward	260	249	30,000	0	0	1,257	0	0	0	0	0	0	260	249	31,257
Gross Budget Authority	846	819	98,267	0	0	3,207	0	0	166	0	0	0	846	819	101,640

Reprogrammings: On May 27, 1999, Congress approved a $3.207 million reprogramming, $1.950 million from fees collected in FY 1999 and $1.257 million from fees collected in prior years which were previously unavailable.
Transfers: Congress provided $166,000 from the Y2K Contingency Emergency Fund in accordance with the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277), which is available for three years.

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Antitrust Division
Crosswalk of FY 2000 Changes
(dollars in thousands)

Activity/Program	FY 2000 President's Budget Request			Congressional Appropriation Action on FY 2000 Request			Transfers Between Accounts			Reprogrammings			FY 2000 Enacted		
	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt	Pos.	WY	Amt
Direct Authority:															
Federal Appellate Activity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination and Prevention of Private Cartel Behavior	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Preservation of Competitive Market Structure	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Policy and Legislation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Competition Advocacy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Direct Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Indirect Authority:															
Federal Appellate Activity	11	10	1,230	1	0	282	0	0	0	0	0	0	12	10	1,512
Termination and Prevention of Private Cartel Behavior	153	149	18,460	10	7	4,236	0	0	0	0	0	0	163	156	22,696
Preservation of Competitive Market Structure	312	309	34,328	20	14	7,877	0	0	0	0	0	0	332	323	42,205
Policy and Legislation	40	39	4,829	2	2	1,108	0	0	0	0	0	0	42	41	5,937
Competition Advocacy	20	19	2,485	1	1	570	0	0	0	0	0	0	21	20	3,055
Management and Administration	42	41	5,242	2	2	1,203	0	0	0	0	0	0	44	43	6,445
Subtotal, Indirect Authority	577	566	66,574	37	27	15,276	0	0	0	0	0	0	613	593	81,850
Total, New Budget Authority	577	566	66,574	37	27	15,276	0	0	0	0	0	0	613	593	81,850
Indirect Authority -- Prior Year Carried Forward															
Federal Appellate Activity	7	6	883	(3)	(3)	(380)	0	0	0	0	0	0	4	3	503
Termination and Prevention of Private Cartel Behavior	103	99	13,254	(47)	(45)	(5,698)	0	0	0	0	0	0	56	54	7,556
Preservation of Competitive Market Structure	209	206	24,647	(95)	(95)	(10,596)	0	0	0	0	0	0	114	111	14,051
Policy and Legislation	26	26	3,467	(12)	(12)	(1,491)	0	0	0	0	0	0	14	14	1,977
Competition Advocacy	13	12	1,784	(6)	(5)	(767)	0	0	0	0	0	0	7	7	1,017
Management and Administration	28	27	3,764	(13)	(12)	(1,618)	0	0	0	0	0	0	15	15	2,146
Total, Prior Year Carry Forward	386	377	47,799	(176)	(173)	(20,549)	0	0	0	0	0	0	211	204	27,250
Prior Year Unobligated Balance	0	0	0	0	0	900	0	0	0	0	0	0	0	0	900
Gross Budget Authority	963	943	114,373	(139)	(146)	(4,373)	0	0	0	0	0	0	824	797	110,000

Note: The FY 2000 President's Budget Request assumed a 15 percent increase in fee revenue between FY 1998 and FY 1999. The FY 2000 Appropriation Anticipated reflects FY 1999 actual filings of 4,332, a 3 percent decline from FY 1998, which provides less carryover funding into FY 2000. In addition, increasing operating costs have reduced the staffing level that can be supported at the FY 2000 level.

Antitrust Division
Summary of Requirements by Program
(dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Enacted	824	797	110,000
Adjustment to Base Increases	0	0	4,716
Adjustment to Base Decreases	0	0	(1,447)
2001 Base	824	797	113,269
Program Changes (See Program Narrative for Details)	177	177	20,955
2001 Estimate	1,001	974	134,224

Activity/Program	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Federal Appellate Activity	16	13	2,031	16	14	2,093	16	14	2,093	0	0	0
Termination and Prevention of Private Cartel Behavior	219	210	30,489	219	209	31,408	283	273	39,071	64	64	7,663
Preservation of Competitive Market Structure	446	434	56,745	446	436	58,405	559	549	71,697	113	113	13,292
Policy and Legislation	56	55	7,976	56	55	8,217	56	55	8,217	0	0	0
Competition Advocacy	28	27	4,103	28	26	4,228	28	26	4,228	0	0	0
Management and Administration	59	58	8,656	59	57	8,919	59	57	8,919	0	0	0
Gross Budget Authority	824	797	110,000	824	797	113,269	1,001	974	134,224	177	177	20,955
Subtotal, Direct Authority	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal, Indirect Authority	613	593	81,850	611	591	84,011	788	768	104,966	177	177	20,955
Subtotal, Prior Year Carryover Authority	211	204	27,250	213	206	29,258	213	206	29,258	...	...	...
Subtotal, Prior Year Unobligated Balances	0	0	900	0	0	0	0	0	0	...	...	...
Other workyears: Overtime/other												
Direct Authority		...			...			...			...	
Indirect Authority		16			16			16			0	
Total Compensable Workyears		813			813			990			177	

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Antitrust Division
Summary of Resources by Program
(dollars in thousands)

Activity/Program	FY 1999 Availability			FY 1999 Actuals			FY 2000 Enacted			FY 2001 Base			FY 2001 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Federal Appellate Activity	16	14	1,878	14	14	1,874	16	13	2,031	16	14	2,093	16	14	2,093	0	0	0
Termination and Prevention of Private Cartel Behavior	225	215	28,183	204	208	28,124	219	210	30,489	219	209	31,408	283	273	39,071	64	64	7,663
Preservation of Competitive Market Structure	457	447	52,409	414	432	52,299	446	434	56,745	446	436	58,405	559	549	71,697	113	113	13,292
Policy and Legislation	58	57	7,373	53	55	7,358	56	55	7,976	56	55	8,217	56	55	8,217	0	0	0
Competition Advocacy	29	27	3,794	26	26	3,786	28	27	4,103	28	26	4,228	28	26	4,228	0	0	0
Management and Administration	61	59	8,003	55	57	7,986	59	58	8,656	59	57	8,919	59	57	8,919	0	0	0
Gross Budget Authority	846	819	101,640	766	792	101,427	824	797	110,000	824	797	113,269	1,001	974	134,224	177	177	20,955
Subtotal, Direct Authority	...	...	166	...	...	166	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal, Indirect Authority	588	569	70,217	588	548	70,004	613	593	81,850	811	591	84,011	788	768	104,966	177	177	20,955
Subtotal, Prior Year Carryover Authority	258	250	31,257	258	244	31,257	211	204	27,250	213	206	29,258	213	206	29,258	...	...	...
Subtotal, Prior Year Unobligated Balances	0	0	0	0	0	0	0	0	900									
Other workyears: Overtime/other																		
Direct Authority		0			0			...			...			...			0	
Indirect Authority		15			8			16			16			16				
Total Compensable Workyears		834			800			813			813			990			177	

Note: FY 1999 enacted and actuals columns reflect a reprogramming of $3.207 million, $1.950 million from fees collected in FY 1999 and $1.257 million from fees collected in prior years which were previously unavailable. In addition, this budget reflects actual filings of 4,332 in FY 1999, a 3 percent decline from FY 1998, a 14 percent increase in filings in FY 2000 and FY 2001, along with a revised fee structure in FY 2001

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PROGRAM DESCRIPTIONS

The following portion of the FY 2001 budget request is organized around the six program areas traditionally ascribed to the Antitrust Division:

- Federal Appellate Activity
- Termination & Prevention of Private Cartel Behavior
- Preservation of Competitive Market Structure
- Policy & Legislation
- Competition Advocacy
- Management & Administration

For each program area, we provide a chart showing resource allocations by funding source, including positions, workyears, and dollars; describe the range of activities that take place within that program area; and indicate which of the Goals and Strategies presented in the previous portion of the budget request are supported by that program area. The information provided in this Section thus both supplements and complements that which comes before it.

Presented in the Executive Summary and the annual Performance Plan sections of the FY 2001 budget request are High-Level Performance Indicators which correspond with the Antitrust Division's three overarching Goals. Included in Sections C and D of the budget request are more specific or Key Performance Indicators, a suite of which applies to each of the Division's six currently high-priority Strategies that support our Goals.

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Federal Appellate Activity

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	12	10	1,511	12	10	1,552	12	10	1,552	0	0	0
Carryover	4	3	520	4	4	541	4	4	541	0	0	0
Total	16	13	2,031	16	14	2,093	16	14	2,093	0	0	0

The Antitrust Division maintains an Appellate Section in Washington, DC. Staff in this Section have a variety of responsibilities. Key among these is early participation in Division investigations--whether they fall under the Criminal, Merger, or Civil Non-Merger Enforcement Strategies--in order to ensure that appropriate attention is given to potential appellate arguments should matters ultimately progress through litigation. By addressing potential issues up front, the Division ensures that resources are not squandered and that matters pursued are as solid as possible from the start. Appellate Section staff have an equally critical role as litigation ensues and Division cases end up in appellate courts. There, they rely on their advance work in conjunction with investigative staffs and their expertise in handling appeals to defend the Division's position.

In addition to handling appeals for Division cases, Appellate Section staff are responsible for preparing briefs in antitrust cases before the Supreme Court as authorized by the Solicitor General; representing the interests of the U.S. in the courts of appeals in all civil and criminal cases brought by the U.S. under the Federal antitrust laws; and reviewing challenged decisions of the Surface Transportation Board (STB), the FCC, the Federal Maritime Commission (FMC), and the Nuclear Regulatory Commission (NRC), and preparing appeal positions for the U.S. Finally, staff in the Appellate Section prepare and file amicus briefs in the court of appeals and the Supreme Court in selected private antitrust cases where we see value in presenting an institutional perspective.

Termination and Prevention of Private Cartel Behavior

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	163	156	22,686	162	155	23,295	226	219	30,958	64	64	7,663
Carryover	56	54	7,802	57	54	8,113	57	54	8,113	0	0	0
Total	219	210	30,488	219	209	31,408	283	273	39,071	64	64	7,663

Requested Increase

The perception and reality among consumers and entrepreneurs that the antitrust laws will be enforced fairly and fully is critical to the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living and our competitiveness in world markets.

For FY 2001, the Antitrust Division is requesting a program increase of 64 positions, 63.5 workyears, and $7,663,000. These resources will help address the increased globalization of markets, constant technological change, and large number of massive criminal conspiracies we are encountering. These matters transcend national boundaries, involve more technologically advanced and subtle forms of criminal behavior, and impact more U.S. businesses and consumers than ever before. The requirements--whether in terms of staff time, travel and translation costs, or automated litigation support at trial--of effectively fighting massive criminal conspiracies is great, and is the area in which the Division is simply outpaced in terms of having the resources required to run the race. Matters such as vitamins, graphite electrodes, food and food additives exemplify the increasingly complex and international nature of Division workload in the criminal area, and demonstrate that successful pursuit of such matters takes time and resources. It is in support of our Termination & Prevention of Private Cartel Behavior program that the Division seeks this program increase. We believe that additional resources will directly affect our ability to decrease anticompetitive behavior affecting U.S. businesses and consumers. *(See also the Executive Summary and Sections B and C.)*

Preservation of Competitive Market Structure

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	332	323	42,224	331	323	43,319	444	436	56,611	113	113	13,292
Carryover	114	111	14,522	115	112	15,086	115	112	15,086	0	0	0
Total	446	434	56,746	446	435	58,405	559	548	71,697	113	113	13,292

Requested Increase

For FY 2001, the Antitrust Division is requesting a program increase of 113 positions, 113 workyears, and $13,292,000. These resources will help address the increased globalization of markets, and the constant technological change we are encountering. These matters transcend national boundaries, involve more technologically advanced and subtle forms of anticompetitive behavior, and impact more U.S. businesses and consumers than ever before. The requirements--whether in terms of staff time, travel and translation costs, or automated litigation support at trial--of effectively analyzing and challenging complex merger transactions are great. It is in support of our Preservation of Competitive Market Structure program that the Division seeks this program increase. We believe that additional resources will directly affect our ability to **decrease anticompetitive behavior affecting U.S. businesses and consumers.** *(See also the Executive Summary and Sections B and C.)*

Policy and Legislation

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	42	41	5,935	42	41	6,094	42	41	6,094	0	0	0
Carryover	14	14	2,041	14	14	2,122	14	14	2,122	0	0	0
Total	56	55	7,976	56	55	8,216	56	55	8,216	0	0	0

Given the dynamic environment in which the Antitrust Division must apply antitrust laws, it must constantly consider possible refinements to existing law and enforcement policy. Staff in the Division's Legal Policy Section, located in Washington, DC, are primarily responsible for drafting proposals to amend antitrust laws or other statutes affecting competition; analyzing proposed legislation; and developing and publishing antitrust guidelines or policy statements aimed at particular industries or issues, as timely and appropriate. As necessary, attorneys and economists in other Division Sections or Offices with specialized knowledge provide assistance to Legal Policy staff in this work.

Many of the hundreds of legislative proposals considered by the Department each year have profound impacts on competition and innovation in the U.S. economy. For example, the Telecommunications Act of 1996--which the Antitrust Division was heavily involved in drafting--is affecting the evolution of an entire industry, not to mention substantially increasing the Division's workload in assessing the competitive consequences of new entry into long distance, manufacturing, and video markets. Health care reform proposals, which the Division spends time reviewing and analyzing, affect competition in one-seventh of the economy. Global events require that the Division assist in shaping U.S. international economic policy. Because the Division is the Department's sole resource for dealing with competition issues, it significantly contributes to the legislative development in areas where antitrust law may be at issue.

The Antitrust Division has also stepped in to fill the gap between the antitrust laws and the application of those laws, clarifying issues and educating the public about antitrust issues in specific areas. As changes in the health care industry have created new types of partnerships and agreements, for example, the Division, in cooperation with the FTC, has issued several iterations of statements in enforcement policy in health care. Another area in which the Division identified a need for information is in intellectual property, where an explosion of activity has taken place in the last decade. Guidelines explaining the approach to defining markets for technology and innovations, for example, have been published jointly by the Division and the FTC. The Division has a significant role to play in educating the public about antitrust, believing that access to such information plays a role in deterring anticompetitive behavior.

Competition Advocacy

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	21	20	3,053	21	19	3,136	21	19	3,136	0	0	0
Carryover	7	7	1,050	7	7	1,092	7	7	1,092	0	0	0
Total	28	27	4,103	28	26	4,228	28	26	4,228	0	0	0

As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and the adoption of the most competitive means of achieving a sound economy through a variety of activities undertaken on the national and international stages. Economists in two Sections in Washington, DC--one focusing on regulatory issues and another on competition issues--along with attorneys throughout the Division and in four Sections in Washington, in particular, three focusing on regulatory issues and another on the foreign arena, support the Division's extensive competition advocacy program through participation in interagency rulemakings, task forces, and policy development efforts; participation in interagency regulatory processes; review of proposed licensing and leasing applications; participation in national and international competition and trade organizations; and coordination with foreign antitrust authorities.

The Antitrust Division actively monitors the pending actions of Federal regulatory agencies through review of those agencies' dockets and industry or other publications, and through personal contacts in the industries and in the agencies. Our involvement in relevant proceedings--where articulation of a procompetitive position may make the difference between regulations that effectively do no antitrust harm or actively promote competitive regulatory solutions and those that may negatively impact the competitiveness of an industry--is widespread and demonstrates the ubiquity of antitrust issues. The following is a representative sample of the regulatory agencies before which the Division routinely presents an antitrust viewpoint: FCC, Federal Energy Regulatory Commission, Federal Maritime Commission, Office of Thrift Supervision, Resolution Trust Corporation, Securities and Exchange Commission, and the Surface Transportation Board.

Management and Administration

	2000 Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)	Perm. Pos.	Workyears	Amount ($000)
Direct	0	0	0	0	0	0	0	0	0	0	0	0
Indirect	44	43	6,441	44	43	6,615	44	43	6,615	0	0	0
Carryover	15	15	2,215	15	15	2,304	15	15	2,304	0	0	0
Total	59	58	8,656	59	58	8,919	59	58	8,919	0	0	0

The Antitrust Division maintains an Executive Office in Washington, DC, which supports the entire Division in pursuit of our Mission and Goals. The Executive Office provides operational support functions in many areas, including information systems, personnel, procurement, budget and finance, debt collection, and training, and provides managerial support functions as required by the Division's leadership.

Antitrust Division
Financial Analysis - Program Changes
(dollars in thousands)

	Termination and Prevention of Private Cartel Behavior		Preservation of Competitive Market Structure		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:						
GS-14	22	$1,609	39	$2,852	61	$4,460
GS-13	--	--	--	--	0	0
GS-11	--	--	--	--	0	0
GS-7	42	1,232	74	2,171	116	3,402
Total Positions & Annual Rate	64	2,840	113	5,022	177	7,863
FTE Lapse (-)	(0.5)	(37)	--	--	(0.5)	(37)
Other than full-time permanent	*42*	*1,232*	*74*	*2,171*	*116*	*3,402*
Other Personnel Compensation						
Total Workyears and Personnel Compensation	63.5	2,804	113	5,022	176.5	7,826
Personnel Benefits		770		1,362		2,133
Overtime		70		123		193
Travel and Transportation		243		427		670
Communications, Utilities		171		302		472
Other Services		2,327		3,776		6,104
Medical Care		7		13		20
Supplies and Materials		160		282		442
Equipment		721		1,265		1,986
Buildout		277		488		765
Training		113		230		344
Total Program Workyears and Obligation Changes Requested	63.5	7,663	113	13,292	177	20,955

Antitrust Division
Priority Ranking by Item

BASE PROGRAM

Program	Ranking
Preservation of Competitive Market Structure	1
Termination and Prevention of Private Cartel Behavior	2
Competition Advocacy	3
Policy and Legislation	4
Federal Appellate Activity	5
Management and Administration	6

PROGRAM INCREASES

Program	Initiative	Ranking
Preservation of Competitive Market Structure	Merger Reviews	1
	Civil Non-Merger Investigations	2
Termination and Prevention of Private Cartel Behavior	Criminal Enforcement - International Criminal Cartel Investigations	3
	International Agreements	4

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Antitrust Division
Summary of Permanent Positions by Category
Fiscal Years 1999-2001

Category	FY 1999 Authorized	FY 1999 Actuals	FY 2000 Authorized	FY 2001 Estimate	
				Program Increases	Authorized
Attorneys (905)	382	351	351	61	412
Paralegal Specialists (950)	195	125	183	116	299
Other Legal and Kindred (900-998)	14	14	14	0	14
Social Science, Economics and Kindred (100-199)	49	56	56	0	56
Gen. Admin., Clerical and Office Services (300-399)	195	209	209	0	209
Accounting and Budget (500-599)	6	6	6	0	6
Business and Industry Group (1100-1199)	4	4	4	0	4
Mathematics and Statistics Group (1500-1599)	1	1	1	0	1
Total	846	766	824	177	1,001
Washington	592	536	577	124	701
U.S. Field	254	230	247	53	300
Total	846	766	824	177	1,001

Summary of Attorney and Support Positions by Category
2000-2001

Activity/Program	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY
Federal Appellate Activity	9	8	5	4	14	12	0	0	0	0	0	0	9	8	5	4	14	12
Termination and Prevention of Private Cartel Behavior	97	95	129	116	226	211	18	18	34	34	52	52	115	113	163	150	278	263
Preservation of Competitive Market Structure	206	200	251	247	457	447	43	43	82	82	125	125	249	243	333	329	582	572
Policy and Legislation	23	23	27	27	50	50	0	0	0	0	0	0	23	23	27	27	50	50
Competition Advocacy	13	13	12	12	25	25	0	0	0	0	0	0	13	13	12	12	25	25
Management and Administration	3	3	49	49	52	52	0	0	0	0	0	0	3	3	49	49	52	52
Total	351	342	473	455	824	797	61	61	116	116	177	177	412	403	589	571	1,001	974
Subtotal, Direct Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal, Indirect Authority	261	254	352	339	613	593	48	48	91	91	177	177	324	318	463	450	788	768
Subtotal, Prior Year Carryover Authority	90	88	121	116	211	204	13	13	25	25	...	...	88	85	125	121	213	206

Antitrust Division
Salaries and Expenses
Summary of Changes
(dollars in thousands)

	Pos.	Years	Amount
2000 Appropriation Enacted	824	797	110,000
Adjustments to base:			
Increases:			
1. 2001 Pay Raise	--	--	2,375
2. Annualization of 2000 Pay Raise	--	--	546
3. Within-Grade Increases	--	--	397
4. Federal Health Insurance Premiums	--	--	221
5. Lease Expirations	--	--	489
6. GSA Blue Pages	--	--	1
7. Travel Management Centers Contract Fees	--	--	26
8. General Price Level Adjustments	--	--	657
9. National Archives and Records Projections	--	--	4
Decreases:			
10. GSA Rent	--	--	(1,447)
Total, Adjustment to Base	--	--	3,269
2001 Base	824	797	113,269
Program Changes	177	177	20,955
2001 Estimate	1,001	974	134,224

Antitrust Division
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

Increases:	Perm. Pos.	Workyears	Amount
2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $2,375,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($1,781,000 for pay and $594,000 for benefits).	--	--	$2,375
Annualization of 2000 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved pay raise of 4.8 percent. The amount requested, $546,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($410,000 for compensation and $136,000 for benefits).	--	--	546
Within-grade increases. This request provides for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model	--	--	397

Increases:	Perm. Pos.	Workyears	Amount
of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $298 for pay and $99 for benefits.			
Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $221,000 for these costs.	--	--	221
Lease Expirations: GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $489,000 is requested for the Antitrust Division,	--	--	489

Increases:	Perm. Pos.	Workyears	Amount
General Services Administration (GSA) Blue Pages. Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000.00. Funding of $1,000 is requested for the Antitrust Division.	--	--	1
Travel Management Center Fees. In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000.00. Funding of $26,000 is requested for the Antitrust Division.	--	--	26
National Archives and Records Administration (NARA). The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, based on current records maintained by NARA. Funding of $4,000 is requested for the Antitrust Division.	--	--	4

Increases:	Perm. Pos.	Workyears	Amount
General pricing level adjustments. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	--	--	657
Decreases:			
General Services Administration (GSA) rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested decrease of $898,000 reflects an adjustment to our FY 2000 rent estimate. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	--	--	(1,447)
Net Total, Adjustments to Base	--	--	3,269

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ANTITRUST DIVISION
Summary of Requirements by Grade and Object Class
(dollars in thousands)
TOTAL FUNDING

	FY 1999 Actuals		FY 2000 Estimate		FY 2001 Request		Increase/Decrease	
	819		824		1,001		177	
	WYs	Amount	WYs	Amount	WYs	Amount	WYs	Amount
Object Class								
11.1 Full-Time Permanent	581	44,295	570	47,890	631	55,088	61	7,198
11.3 Other than full-time perm	209	8,115	211	8,773	327	12,175	116	3,402
11.5 Other personnel comp	10	1,162	16	900	16	1,093	0	193
Overtime	*8*	*930*	*7*	*704*	*7*	*925*	*0*	*221*
11.8 Special pers svcs pay	0	0	0	104	0	0	0	(104)
Total, 11.0	792	53,572	797	58,371	974	68,357	177	9,874
12.0 Personnel Benefits:		11,143		11,825		14,722		2,897
13.0 Benfits former pers		9		9		9		0
Total, Pers Svcs		64,724		70,205		83,088		12,883
21.0 Travel:								
21._1 Common carrier		725		1,017		1,313		257
21._2 Mileage		27		37		46		8
21._4 Per Diem		631		876		1,099		189
All Other		464		644		841		171
Total, 21.0		1,846		2,574		3,300		625
22.0 Trans of Things		722		742		752		(91)
23.1 GSA Rents		12,686		14,431		12,985		(2,750)
23.2 Rent, other		446		448		1,198		931
23.3 Comm, Util, & other		1,922		2,208		2,690		(90)
Total, 23.0		15,054		17,087		16,873		(2,752)
24.0 Printing (Dept Print)		531		578		608		103
25.1 Advisory & Asst Svcs (private sector		1,091		1,230		1,230		(3,411)
25.2 Other Svcs (private sector)		11,733		12,185		18,343		11,317
25.3 Goods & Svcs Other Gov Accts		1,425		1,080		1,080		(787)
25.4 Opers of GOCO's (private sector)		120		146		291		(139)
25.5 Research & Development		0		0		0		0
25.6 Medical Care		36		41		61		(57)
25.7 Ops & Maint of Equip (private sector		723		345		351		(173)
25.8 Subs & Sups of Persons (private)		0		0		344		344
Total, 25.0		15,128		15,027		21,700		6,589
26.0 Supplies & Materials		2,584		2,662		3,169		792
31.0 Equipment		823		1,829		4,630		(60)
42.0 Insurance Claims & Indemnities		15		0		0		0
Total, Non-Pers Svcs		36,703		40,499		51,032		43,905
		0		0		0		0
Total Obligations		101,427		110,000		134,224		19,851
Unobligated balance, SOY*		213		0		0		
Unobligated balance, EOY*		0		0		0		
Total requirements		101,640		110,000		134,224		

* The FY 1999 SOY unobligated balance reported to Treasury and shown in MAX is ($22,257). This discrepancy reflects the erroneous posting of our FY 1998 4th quarter HSR fees as a receivable in FY 1999.

Relation of Obligation to Outlays:			
Total obligations	101,427	110,000	134,224
Obligated balance, start of year	16,446	18,249	36,919
Obligated balance, end of year	(18,249)	(36,919)	(51,739)
Adjustments in expired accounts	(405)	0	0
Outlays	99,219	89,330	121,404

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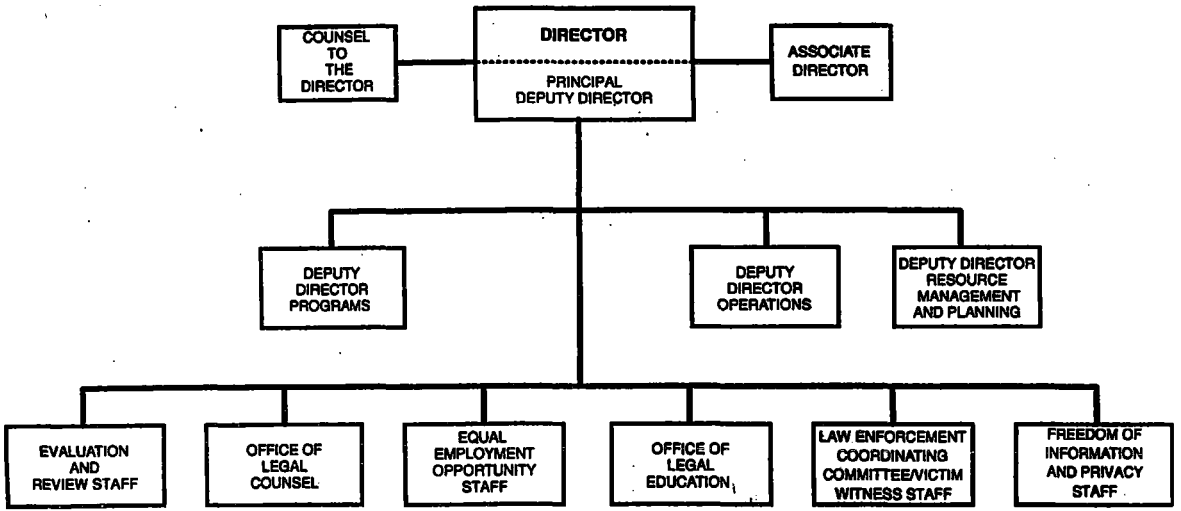
Department of Justice
United States Attorneys

Estimates Fiscal Year 2001

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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



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Approved by: _____ Date: 4/21/98
JANET RENO
Attorney General

United States Attorneys
Summary Statement and Performance Plan
FY 2001

The United States Attorneys (USAs) are requesting a total of 9,771 permanent positions, 9,726 FTE, and $1,291,001,000. This request represents an increase of 651 positions, 328 FTE, and $129,066,000 over the FY 2000 enacted appropriation.

CRIMINAL PROSECUTIONS

The United States Attorneys' offices (USAOs) investigate and prosecute a wide range of criminal activities and handle a more diverse workload than ever before. The offices' caseloads include emotionally charged violent crime and international and domestic terrorism; complex and time consuming health care fraud; terrorism and computer fraud; environmental crime; sensitive public corruption and organized crime; organized crime drug enforcement; and cases involving multiple defendants and international organizations. The nature of many of today's crimes has required the USAs and their Assistants to become conversant in diverse fields such as the banking and health care industries, computer technology, securities, foreign cultures and languages, and manufacturing processes affected by environmental and other Federal regulations.

The USAOs handle the majority of criminal cases prosecuted by the Department of Justice. The USAs receive most of their criminal referrals, or "matters," from Federal investigative agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, and Firearms; the United States Customs Service; the United States Secret Service; the United States Postal Service; and others. They also receive criminal matters from state and local investigative agencies. Occasionally, criminal violations are reported to the USAs by private citizens. After careful consideration of each criminal matter, the USAs decide the appropriateness of bringing criminal charges and, when deemed appropriate, initiates prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the USAs present evidence against an alleged offender to a grand jury. The grand jurors decide whether to return an indictment. If an indictment is returned, the USAs then present the criminal charges in open court at the arraignment of the defendant.

Although historically a large number of criminal defendants enter a plea of guilty prior to trial, the USAs must always be prepared to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. Pretrial discovery practice also strengthens the government's position. When a guilty plea is not obtainable, a trial becomes necessary. The USAs then present

factual evidence to convince the jury, or the judge in a non-jury trial, of the defendant's guilt. If the defendant is convicted, the USAs must prepare and present evidence at the defendant's sentencing hearing. Then, the USAs defend the conviction at post-trial hearings and appeals. The USAOs handle most criminal appeals at the intermediate appellate level. After filing a brief, the USAs may be required to participate in oral arguments before the United States Court of Appeals. If there is a further appeal, the USAs may be called upon to assist a Department litigating division or the Solicitor General in preparing the case for review by the United States Supreme Court.

CIVIL LITIGATION

In the civil arena, the USAs initiate civil actions, or affirmative litigation, to assert and protect the interests of the United States. They also defend the interests of the government in lawsuits filed against the United States, referred to as defensive litigation. In other civil cases, the United States is a third party plaintiff or defendant, a creditor, or an intervener. These are the three types of civil litigation which represent the pending civil caseload nationwide.

The USAOs initiate civil actions, or affirmative litigation, to assert and protect the interests of the United States. Such affirmative litigation includes civil actions brought to enforce our nation's environmental laws, admiralty and civil rights laws; to represent the government's interests in bankruptcy actions; to recoup money and recover damages resulting from Federal program and other fraud; to enforce administrative summonses and, as addressed separately in Section III, Asset Forfeiture Litigation; to forfeit assets seized by Federal, state, and local law enforcement agencies.

The USAs also represent and defend the interests of the government in lawsuits filed against the United States, or defensive civil litigation. Such litigation includes tort suits brought by those who allege suffering as a result of government action, adjudication of Social Security disability claims, alleged contract violations, habeas corpus petitions, and race, sex, and age discrimination actions. The USAOs represent and defend the government in its many roles -- employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional system manager, administrator of Federal benefits, and others. In those cases where the United States is sued, the United States Attorney must be its representative.

It is critical to note that civil defensive work is unique because it is non-discretionary and non-delegable. Unlike our criminal units, civil units of USAOs cannot employ "declination" criteria to manage or reduce the civil defensive caseload. All cases filed against the government, its agencies, and employees in their official capacities must be defended.

Debts are ordered to be collected from a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to victims of crime, fines imposed by the court to penalize criminals, special assessments on each criminal conviction count, costs of prosecution and other costs, and forfeitures of appearance bonds. Interest may also be collected in certain cases as part of a criminal debt. In instances where restitution is ordered, the USAs are involved in collecting Federal restitution payments, or restitution which is owed to the United States, and in collecting non-Federal restitution, or that which is owed to private individuals and entities.

The USAs are the Federal government's debt collection attorneys, responsible for litigating civil debts for Federal agencies. When, for example, Federal agencies loan money and the recipients default on repayment of the loans, or Federal agencies have paid on guaranteed loans and have not been repaid as provided for in the lending agreement, the USAs become the legal representatives for the agencies to pursue repayment of the debts. The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Transportation, Veterans Affairs, and the Small Business Administration are some of these client agencies. Some of the work includes filing suit to gain judgments to collect debts, foreclosing on real property, compelling physicians either to repay or fulfill their commitment to the Public Health Service in return for education grants, suing to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and managing debtor repayment schedules.

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CRIMINAL AND CIVIL APPEALS

The number of criminal appeals handled by the USAs increased dramatically between FYs 1987 and 1994. Since FY 1995, however, the number of criminal appeals filed by or against the United States has remained relatively stable. The increase in appeals between FYs 1987 and 1994 resulted in part, from implementation of the Sentencing Guidelines, which became effective in November 1987. While the Guidelines have resulted in additional case-related work overall, Assistant USAs now spend far more time than before on sentencing issues, such as preparing sentencing memoranda, conducting lengthy sentencing hearings, and handling sentencing appeals. Appeals, in general, are time consuming, requiring a thorough review of the entire record in the case, the filing of a brief and reply brief and, in most cases, participation in an oral argument which requires travel to the city where the United States Court of Appeals for the circuit is located. While deemed necessary, the additional work associated with the Sentencing Guidelines has affected the USAs' ability to pursue the investigation and prosecution of more cases. Furthermore, the complexity of appellate work and the time required to handle that work increases when convictions are based on complex facts such as those found in organized crime drug enforcement and other narcotics cases, financial institution fraud, organized crime, public corruption, health care fraud, and computer crime, including computer and intellectual property fraud cases.

COMPONENT MISSION AND GOALS, AND RELATIONSHIP TO THE DEPARTMENT OF JUSTICE STRATEGIC PLAN

The United States Attorneys' FY 2001 request and performance plan presents a clear link to the mission priorities, general goals, and strategies that are included in the Department of Justice (DOJ) Strategic Plan, FY 1996 - 2001. The request includes key performance goals that will enable us to provide progress reports on the actual results achieved. Summary level performance indicators are included that best represent the principal outputs and outcomes of the major programs in the USAOs and the Executive Office for United States Attorney (EOUSA).

For FY 2001, resources are requested to address the Core Functions and Goals stated in the DOJ Strategic Plan that relate to the USAs. These Core Functions and Goals are:

CORE FUNCTION: **Investigation and Prosecution of Criminal Offenses**

Goal 1: Reduce violent crime.

Goal 2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

Goal 4: Reduce white-collar crime.

CORE FUNCTION: **Assistance to State and Local Government**

Goal 1: Invest in the crime-fighting and criminal/juvenile justice system capabilities of state and local governments.

CORE FUNCTION: **Legal Representation, Enforcement of Federal Laws, and Defense of Federal Government Interests**

Goal 5: Represent the United States in all civil matters for which the Department of Justice has jurisdiction.

CORE FUNCTION: **Protection of the Federal Judiciary and Improvement of the Justice System**

Goal 3: Promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings at the Federal, State and local levels and Indian Country.

CORE FUNCTION: **Management**

Goal 3: Achieve excellence in management practices.

Goal 4: Make effective use of information technology (IT).

UNITED STATES ATTORNEYS' MISSION STATEMENT

The mission of the USAs is to prosecute violators of federal criminal law, seek punishment of those that are guilty of unlawful behavior, represent the United States in civil and equity actions and in administrative matters, as appropriate.

UNITED STATES ATTORNEYS' ORGANIZATIONAL GOALS

- To identify, prosecute, and convict those persons and legal entities who have committed criminal offenses against the laws of the United States;
- To protect and to advance the interests of the United States through the conduct of affirmative and defensive civil litigation;
- To collect monies owed to the United States which cannot be collected through administrative means;
- To promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings; and

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- To provide high quality and cost effective basic, specialized and advanced legal education to attorneys and support staff for the Department of Justice, Executive Branch Agencies, and State and local entities.

FY 2001 PERFORMANCE PLAN

The USAs propose the following Performance Plan for FY 2001, contingent upon the requested level of resources, and against which progress can be reported. This Performance Plan provides key performance indicators that represent the principal outputs and outcomes anticipated for selected programs for FY 2001.

DOJ GOAL: Reduce Violent Crime (Including Organized Crime and Gang-related Violence)

The USAs are committed to devoting the attorney resources necessary to help achieve a reduction in violent crime across the United States.

- The USAs will reduce the incidence of violent crime on Indian reservations where they have exclusive Federal jurisdiction.

Firearms Prosecutions.
The Department of Justice, along with the White House, have identified the need for federal law enforcement to be a significant partner in collaborative strategies for the reduction of firearms violence. The goal of the USAs is to continue to reduce violent crime involving the use of guns, which persists as a nationwide problem. Federal law enforcement has played an important role in many state and local jurisdictions by providing a targeted response that complements communities' overall anti-violence strategies. Many state and local governments have effectively prevented, detected, punished, and reduced the incidence of gun violence, but more can and needs to be done. In addition, many communities continue to suffer from high rates of gun violence that have not been reduced by traditional approaches and current resources.

Certain jurisdictions, such as Boston, Massachusetts and Richmond, Virginia, have been able to reduce firearms violence through collaborative efforts and strategic planning. Vigorous enforcement actions by federal, state, and local authorities have contributed to reducing rates of violent crime. These enforcement actions have been further enhanced by a variety of innovative interventions based on sharing information and analytical techniques using extensive advertising and community outreach to enlist citizen participation and to deter criminals by publicizing potential prison sentences.

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Violent Crime.
During FY 1999, the USAs continued to prosecute the most violent criminal offenders under the Attorney General's Anti-Violent Crime Initiative and through use of the enhanced criminal provisions of the Violent Crime Control Act of 1994. Under the Anti-Violent Crime Initiative, the USAs work in tandem with state and local law enforcement officials and members of their communities to do what is best for each violent crime case in his or her community. Unprecedented working relationships have been forged with state and local law enforcement agencies throughout the nation to make sure that the most serious violent criminals and crime problems are addressed. The Anti-Violent Crime Initiative calls on all law enforcement officials and prosecutors -- Federal, state and local -- to share in the work of responding to the violence that affects all Americans. Our nation's state and local law enforcement agencies have reported decreases in violent crimes for the last several years, according to data provided in the Federal Bureau of Investigation's Uniform Crime Reporting Program. Data for 1998 indicate a four percent decline from 1996 figures, the sixth consecutive annual decrease in reported crime. The statistics show that the number of violent crimes decreased by six percent during 1996. This follows violent crime decreases of three percent in 1995 and four percent in 1994.

The USAs filed a total of 7,392 violent criminal cases against 9,175 offenders during FY 1999, representing a seven percent increase in the number of cases filed when compared to the prior year. These cases represented nearly 15 percent of all criminal cases filed by the USAs in FY 1999. The time required for Assistant United States Attorneys (AUSAs) to successfully prosecute violent crime cases has risen each year since FY 1992. During FY 1999, 13 percent of all criminal attorneys across the nation were devoted to violent crime cases, up from only ten percent as recently as 1992. A total of 6,539 violent crime cases against 8,404 defendants were also terminated in FY 1999.

Violent Gangs.
Members of violent street gangs are frequently involved in drug trafficking activities and frequently use firearms in the commission of their crimes. Collectively, these violent street gangs destroy the fabric of American communities, taking over parts of cities, flooding the streets with drugs, and terrorizing and killing innocent people. Many USAs have focused their efforts on dismantling violent criminal gangs, using Federal racketeering laws, Federal and state narcotics laws, and outstanding warrants to take violent gang members off the streets.

According to the National Institute of Justice, research into the relationship between gangs and delinquency has shown that gang members have significantly higher levels of delinquency than other youths and that law enforcement focus on gang-related crime and delinquency has consistently increased over the past two decades. Gangs, by their very nature, foster criminal behavior, especially violence. One national survey found that the most commonly reported criminal activity for gangs was violence. Other research

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suggests that increases in gang violence are the result of a "contagion" effect, subsequent acts of violence -- usually in retaliation -- following an initial act of violence.

Violent Crime in Indian Country.
During FY 1999, the USAs, with exclusive jurisdiction over most serious crimes in Indian Country, continued their efforts to enhance communication with Native American Tribes and to be more responsive to the violent crime problems on reservations. Assistant USAs, designated by the USAs to respond to Native American concerns, continued to work with Multi-Disciplinary Teams to better respond to violent crime, including child abuse, and to prosecute violent crimes in Indian country.

In contrast to declining national violent crime trends, serious and violent crime in Indian Country has risen significantly in recent years. Gang violence and juvenile violence, in particular, have risen dramatically. Based on a Presidential directive, the Attorney General formed an interdepartmental Executive Committee to address this concern. USAs responded by holding an unprecedented series of consultations with tribal leaders around the country. These consultations identified a glaring problem of insufficient law enforcement resources in Indian Country. Due to the fact that law enforcement in Indian Country often fails to meet basic public safety needs, tribal governments expressed a desire to add resources and consolidate law enforcement services.

The USAs responded to these problems by designating Assistant USAs to serve as tribal liaisons and to work cooperatively with tribal police, prosecutors, and judges to address criminal issues such as juvenile violence. The Federal Bureau of Investigation (FBI), placed more agents in Indian Country and created an Office of Indian Country Investigations within its Violent Crime and Major Offenders Section. Thirty special agents were reassigned to those FBI offices with the greatest need for Indian Country resources. The Office of Indian Country Investigations has facilitated training for more than 170 investigators working to combat gang problems in Indian Country. The USAs have cooperated with the FBI in forming multi-disciplinary teams and FBI Safe Trails Task Forces. The task forces have taken an aggressive stance in combating violent crime in Indian Country and have made a difference in the communities in which they are active.

Immigration.
In the early 1990s, as new U.S. Attorneys were appointed in the early days of this Administration, the federal prosecutors in Southwest Border districts were faced with a serious law enforcement and public safety problem. A June 1996 report from the Attorney General to the President, "Fighting Crime on the Southwest Border: A Progress Report," noted that years of neglect had left the Southwest Border an open invitation to violent crime, drug trafficking, and illegal immigration. The United States Attorneys' strategy has been to focus on felony prosecutions of the Immigration statutes on those individuals with prior criminal convictions. In January of 1999,

the Immigration and Naturalization Service (INS) finalized its new Interior Enforcement Strategy for dissemination to the field. The principles of the strategy are to identify and remove criminal aliens in the interior of the United States and minimize recidivism; deter, dismantle, and diminish smuggling or trafficking of aliens; respond to community reports and complaints about illegal immigrants and build partnerships to solve local problems; minimize immigration benefit fraud and other document abuse; and block and remove employers' access to undocumented workers.

DOJ GOAL: Reduce the Availability and Abuse of Illegal Drugs Through Traditional and Innovative Enforcement Efforts

The USAs are dedicated to attacking drug distribution in our country, especially targeting the complex drug organizations that attack our neighborhoods and victimize our young people.

- The USAs will continue to focus their efforts on identifying, disrupting and dismantling major drug organizations operating in the United States.

Narcotics.
The USAs' drug strategy is to target and prosecute significant drug traffickers and highly structured drug organizations. A task force approach is used throughout the country to benefit from the expertise and criminal intelligence of Federal, state, and local law enforcement officials. An example of the success of this approach can be seen in Operation Zorro II, an Organized Crime Drug Enforcement Task Force (OCDETF) and Southwest Border Initiative case. This eight-month investigation involved unprecedented cooperation from ten Federal law enforcement agencies, more than 40 state and local agencies, and 14 USAOs. Also, more than six tons of cocaine and more than $20 million in currency and assets have been seized.

During FY 1999, the USAs again directed substantial resources to the prosecution of narcotics and OCDETF cases. These cases represented 34 percent of all criminal cases filed during the year. During FY 1999, a total of 16,617 cases were filed against 29,846 drug defendants and classified under the Narcotics and Dangerous Drugs (Non-OCDETF) and the OCDETF program categories. This represents an increase of 10 percent in the number of cases filed and 11 percent in the number of defendants filed when compared to the prior year, and the highest number of drug cases and defendants filed over the past seven years. A total of 14,800 cases against 25,752 defendants were also terminated.

DOJ GOAL: Reduce White Collar Crime

The USAs, in cooperation with Federal investigative agencies, and State and local authorities will identify, investigate and prosecute high priority white-collar criminal offenses nationwide.

- The USAs will focus attention on dismantling fraudulent telemarketing operations.
- The USAs will aggressively prosecute violators of the child pornography statutes.

WHITE COLLAR CRIME

The USAs handled a myriad of white collar crime prosecutions during FY 1999, including health care fraud, financial institution fraud, pension fraud, securities fraud, tax fraud, and computer crime. In all, 6,558 cases were filed against 8,670 defendants charged with white collar crime. A total of 6,311 cases against 8,142 defendants were also terminated. Discussions of some of the priority white collar crime prosecution areas follow.

Computer and Intellectual Property Crime.
On August 11, 1999, the Attorney General approved a new enforcement initiative to protect intellectual property rights. This was largely in response to the fact that the mode of operation of criminals who perpetrate fraud and other crimes is becoming more sophisticated with the explosive growth of the Internet. Computer-aided attacks on government and corporate entities are growing rapidly. In fact, the theft of information and terrorism goes beyond individual computers and extends to entire computer networks. Recognizing the growth in computer crime, law enforcement entities are becoming more involved in this area and are uncovering schemes which victimize the government, non-government entities, and individuals. Some of the schemes resemble traditional thefts, except that a computer is the instrument of the crime instead of the forger's pen or fraudulently prepared documents. For example, users of today's powerful personal computers, printers and software, can create or reproduce almost any document in original quality. This counterfeiting includes currency, checks, other negotiable instruments, and identification documents. Computer crime can also include cases involving schemes in which a computer is the target of the offense, for example, computer viruses or instances where the goal is to obtain information or property from a computer or to disable a telecommunications system or data network. Prosecution of computer crime requires sophisticated knowledge of computer technology and systems. This high-tech crime represents an emerging area of concern for Federal law enforcement agencies and the USAs. During FY 1999, the USAs filed 104 computer crime cases

Child Exploitation and Pornography.
The investigation and prosecution of criminal offenses against children continues to be a high national priority of the United States Attorneys. We will ensure that those who engage in criminal child sexual abuse and exploitation are apprehended and punished to the full extent of the law.

Child pornographers, who were once relegated largely to illicit books, magazines, and mailings, have emerged as a significant problem on the Internet. This medium has enabled pedophiles to contact each other and strike up anonymous electronic conversations with or about potential victims. Also, the Internet provides pedophiles with a means to store, distribute, and exchange electronic images of child pornography. The United States Attorneys (USAs) have enjoyed great success prosecuting child pornography and sexual exploitation of children cases, but dramatic growth in Internet use promises many more cases of this type. These cases encompass a cohort of pedophiles that present an exceptionally serious threat to children -- "travelers" who seek to meet children on-line and who then travel -- or induce the child to travel -- in an attempt to meet and have sex with the child.

Health Care Fraud.
In 1996, the President signed the Health Insurance Portability and Accountability Act of 1996 which contained many provisions that strengthen the USAs' ability to combat health care fraud. Additionally, during FY 1998, new health care fraud resources were authorized for the USAOs. The Attorney General also approved new guidelines on multi-district health care fraud cases which enhances cooperation and communication between the USAs and the Department's Criminal and Civil Divisions in cases which potentially require a multi-district or nationwide strategy. Further, the Attorney General delegated authority to the USAs and to the Assistant Attorney General for the Criminal Division to issue investigative demands.

Health care fraud takes many forms, including defrauding Medicare, Medicaid, Department of Veterans Affairs or other government insurers or providers, defrauding insurance companies, and defrauding or misleading patients on quality of care issues. The fraudulent activity may include double billing schemes, billing for unnecessary or unperformed tests, or may be related to the quality of the medical care provided. The USAs prosecute those responsible for such fraudulent activities, such as health care professionals, hospitals, nursing homes and other providers, specialized business entities, pharmacies, medical supply companies, and other persons associated with these entities. The primary objective of criminal prosecution is to ensure the integrity of our nation's health care programs and to punish those who, through their fraudulent activities, abuse the health care system and the taxpayers. Civil remedies are also pursued by the USAs to obtain monetary penalties and restitution enforcement.

During FY 1999, the USAs filed 370 health care fraud cases against 504 defendants. This represents a 16 percent increase in cases filed and a 16 percent increase in defendants filed when compared to the prior year. Also during FY 1999, the USAs terminated 300 cases against 454 defendants, representing a 26 percent increase in cases terminated and a 27 percent increase in defendants terminated when compared to the prior year.

Major Financial Institution Fraud.
The USAs continued to prosecute the perpetrators of crimes that threaten to undermine our financial institutions. The enforcement strategy is a coordinated approach whereby Assistant USAs and Department attorneys from the Criminal, Civil and Tax Divisions not only send defrauders to prison, but obtain restitution for victims, criminal fines, civil monetary penalties, and forfeiture of property traceable to fraud. A major financial institution fraud case is defined as a case in which the amount of fraud or loss is $100,000 or more; the defendant is or was an officer, director, owner, or shareholder of the financial institution; or the scheme involved multiple borrowers within the same institution.

DOJ GOAL: Represent the United States in All Civil Matters

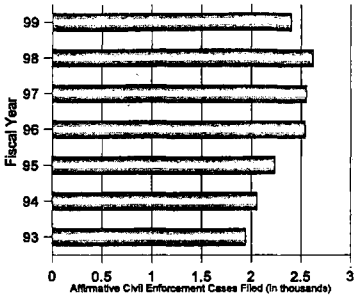
The USAs are tasked with defending the United States in all civil matters. This is a daunting task, especially considering the recently passed legislation which increased our responsibilities in areas such as Community Health Centers and contracts issued by the Bureau of Indian Affairs. The USAs also prosecute Affirmative Civil Enforcement (ACE) actions under statutes which granted USAs the statutory authority to collect monies.

Civil matters and cases represent a significant portion of the USAs' workload. As of the end of FY 1999, pending civil cases represented 67 percent of the 157,987 pending criminal and civil cases in the USAOs. During FY 1999, the USAOs filed or responded to a total of 75,603 civil cases. The cases include those filed or responded to in United States District Courts, United States Bankruptcy Courts and state courts. Of the total, the USAs filed suit on behalf of the United States in 7,556, or 10 percent. The USAs defended the United States in 50,498, or 67 percent, of all civil cases, up from 66 percent during the prior year. The United States was otherwise designated, such as a bankruptcy creditor or third party litigant, in 17,549, or 23 percent, of all civil cases.

During the same period of time, the USAOs terminated a total of 72,549 cases. Judgments were issued in 17,284, or 24 percent, of these cases, and a total of 13,907, or 80 percent, of these judgments were in favor of the United States. The percentage of civil cases in which judgments were issued, and the percent of those judgments in favor of the United States, has remained consistent for several years. Additionally, 18,656, or 26 percent, of the cases were settled. A total of 474 cases were disposed of by trial.

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The USAs filed a total of 7,556 affirmative civil cases during FY 1999. The number of civil defensive cases during FY 1999-- the 50,498 cases the USAs had no choice but to defend because the government was sued--diverted time and attention from affirmative civil cases. During the same period, the offices terminated 7,120 affirmative civil cases. The court issued judgments in 3,111 of these cases. A total of 3,005, or 97 percent, of the judgments were in favor of the United States. Only 1,198, or 16 percent, of all affirmative civil cases were dismissed, as compared to the 26 percent dismissal rate achieved by the USAs in cases filed against the United States. As of the end of FY 1999, a total of 11,051 affirmative civil cases were pending and 79,497 defensive civil cases were pending.



The Affirmative Civil Enforcement (ACE) Program remains an essential part of the aggressive efforts by USAs' to recover funds which have been wrongfully paid by the United States. ACE is a powerful legal tool to help ensure that Federal funds are recovered, that Federal laws are obeyed, and that violators provide compensation to the government for losses and damages caused as a result of fraud, waste, and abuse of government funds and resources. There are a number of Federal affirmative civil statutes designed for the express purpose of enforcing the Federal law. Among the civil enforcement actions filed by the USAs are those brought pursuant to the False Claims Act, the Clean Water and Clean Air Acts, civil enforcement of controlled substance violations, Racketeering Influenced and Corrupt Organizations (RICO), the Fraud Injunction Statute, the Anti-Kickback Act, the Truth in Negotiations Act, and the Buy American Act. The USAOs also expend significant resources in civil divestiture actions, defense procurement fraud actions, qui tam actions, health care fraud enforcement, civil rights cases, civil actions pursuant to the Financial Institutions Reform Act, Recovery and Enforcement Act, and Food and Drug Administration cases.

During FY 1999, the USAs filed 2,421 ACE cases. A total of 2,040 cases were also terminated. As of the end of FY 1999, 4,351 ACE cases were pending, representing an increase of four percent when compared to FY 1998.

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DOJ GOAL: Promote the Participation of Victims and Witnesses Throughout Each Stage of Criminal and Juvenile Justice Proceedings at the Federal, State and Local Levels.

The USAs will ensure that the rights of victims and witnesses are maintained while at the same time pursuing the cases properly through to their logical conclusion.

- With the additional resources provided in FY 1998, the U.S. Attorneys' will begin planning for the implementation of a comprehensive nation-wide Victim Notification System. Each U.S. Attorneys' office now has a dedicated Victim/Witness Coordinator.

During FY 1999, the USAs continued their mission of guaranteeing the rights of all victims of crime through training of Assistant USAs, enhancing the services provided to crime victims, and better coordinating efforts to address victim issues. The Executive Office for USAs appointed an Assistant Director in its Office of Legal Education to educate Assistant USAs on victims' rights issues. Presentations were made to ensure that Assistant USAs understand the rights of victims and the services available to victims.

In order to better serve Indian Country and other under-served populations, seven additional Domestic Violence Counselors were allocated to Indian Country and three Counselors were allocated to the U.S. Attorney's Office for the District of Columbia in FYs 1996 and 1999. Representatives of the Executive Office for USAs continue to work closely with other Federal agencies and private organizations to develop protocols and program plans for use in cases with numerous victims. Such planning will guarantee that all victims are identified and receive assistance. Partnerships have been forged with the Red Cross, the Federal Emergency Management Agency and the National Transportation Safety Board.

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Emergency Witness Assistance Program.
The Attorney General's Advisory Committee of USAs continues it program to assist witnesses, called the Emergency Witness Assistance Program (EWAP). EWAP provides the USAOs with the flexibility to assist witnesses with emergency concerns and problems. This assistance helps to ensure witnesses will be available to the government for trials, other court proceedings, or activities related to an ongoing criminal case. Through the use of this program, the USAOs have provided services for witnesses to leave their town, city, or state; emergency phone services; temporary subsistence; child or elderly care; or temporary housing/moving expenses. This program relieves some of the fear and concerns witnesses may have about assisting the government and gives them peace of mind which ultimately enhances their ability to testify on the government's behalf.

DOJ GOAL: Provide High Quality and Cost Effective Basic, Specialized and Continuing Legal Education for Department of Justice Attorneys and Support Staff, and Executive Branch Attorneys and Support Staff.

The USAs will ensure that a high quality legal education program is available for basic and advanced legal training. Without proper legal training, the persons responsible for litigating the priority programs of the Department and the Administration would not be equipped with the proper tools to accomplish their mission.

FY 1999 marked the first full year of operation for the National Advocacy Center (NAC). The NAC is a state-of-the-art training center located on the campus of the University of South Carolina in Columbia, South Carolina. Approximately 80 percent of the programs at the NAC are conducted by the Executive Office for United States Attorneys Office of Legal Education (OLE) with the remaining 20 percent conducted by the National District Attorneys Association.

DOJ GOAL: Make Efficient Use of the Best Available Management Practices, Including Current and New Information Technology, That Will Improve Program Performance and Overall Efficiency

In 1999, the Executive Office for United States Attorneys (EOUSA) replaced 13,200 outdated personal computer workstations and trained the same number of United States Attorney office staff on the new Pentium II workstations. The users are now equipped with sufficient memory to run current versions of software such as the Corel Legal Suite and on-line legal research software. Outdated network devices were also replaced with new, faster switches. Also during 1999, EOUSA developed a plan to replace 420 servers, the operating system, and an antiquated email system with the Department of Justice JCON II standard server hardware operating and email systems. The new components include larger Compaq servers, the Windows NT server operating system, and Microsoft Exchange/Outlook email system.

EOUSA began development of a data warehousing system to facilitate the retrieval of case data entered by the United States Attorneys' offices (USAOs) through the LIONS case management system. Ultimately, this will be the primary system available (via web-based, front-end software) for conducting statistical analyses, trend analyses, and workload projections for the United States Attorneys' (USAs) civil and criminal caseloads. During 1999, the LIONS system was revised to capture firearms charging information down to the specific subsection. A number of edits and revisions were made to streamline data entry and safeguard the entry of critical data. This initiative was established to help reconcile firearms statistics and to ensure an accurate report of the USAs firearms caseload. These changes eliminate the need for manual reporting of firearms cases by the USAOs and will ultimately result in the closeout of the manual Triggerlock tracking system.

Finally, EOUSA has conducted Y2K compliance tests and developed contingency plans. All mission-critical hardware and software deemed to be non-compliant has been or will be replaced before January 1, 2000.

SUMMARY - LEVEL PERFORMANCE INDICATORS

The USAs provide Federal leadership in preventing and controlling crime and seek just punishment for those guilty of unlawful behavior.

- The USAs will measure performance by ensuring that an appropriate level of resources are devoted to the following high priority areas.

	% AUSA Workyears	Cases Handled
Narcotics	30	37,523
White Collar Crime	26	13,696
Organized Crime	4	601
Violent Crime	13	14,170
Other Criminal Programs	27	34,557
Total	100	100,547

	% AUSA Workyears	Cases Handled
Defensive Civil	48	129,436
Affirmative Civil	23	18,639
Other Civil Programs	29	32,825
Total	100	180,900

The USAs are committed to the highest possible levels of achievement and service. The Legal Education program is designed to enhance the most effective prosecutorial services to, and on behalf of, the people of the United States.

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- This effort is supported by the number of high-quality and cost effective courses that will be provided at the NAC in support of the criminal and civil programs. The measure of this program is best expressed by the number of student days conducted for each curriculum.

OLE trained nearly 10,620 students in 261 courses in 1999, and an additional 2,250 students were trained through OLE's distance education programs. OLE also hosted staffs from 24 United States Attorneys' offices and the Executive Office for United States Attorneys in FY 1999 for Management Team Training.

The USAs promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings at the federal, state and local levels.

- The primary indicator of success will be full compliance by all USAOs in the provision of victim/witness services including notification requirements.

MAJOR FY 2001 INITIATIVES

The USAs program enhancements are sorted below into program areas that support the overall mission of the Department.

	2001 Budget Enhancements		
Initiative	**Positions**	**Attorneys**	**Dollars in thousands**
Firearms Prosecutions	163	113	$14,518
Violent Crime in Indian Country	60	33	4,699
Computer/ Intellectual Property Crime	50	28	3,948
Civil Defensive Litigation	76	36	5,744
Child Exploitation & Pornography	47	31	4,059
Immigration	48	27	3,844
Infrastructure	47	0	12,123
Child Support Enforcement	95	0	5,000
DC Superior Court	63	0	3,978
Short Term Protection Program	2	0	172
TOTAL	**651**	**268**	**$58,085**

CRIMINAL PROGRAM

- **Firearms Prosecutions** - 163 Positions (113 Attorneys) to conduct intensive firearms prosecution projects in United States Attorneys offices around the country.
- **Violent Crime in Indian Country** - 60 Positions (33 Attorneys) to address violent crime in districts with Indian Country jurisdiction.
- **Computer/ Intellectual Property Crime** - 50 positions (28 Attorneys) to focus on the investigation and prosecution of criminal violations involving: computer intrusions and attacks by "hackers" and other computer criminals.

- **Child Exploitation & Pornography** - 47 positions (31 Attorneys) to vigorously prosecute referrals from law enforcement task forces at all levels that use undercover techniques to identify persons who produce new child pornography; travel across state lines to engage in sex with children; and trade images of child pornography.

- **Immigration** - 48 Positions (27 Attorneys) to aggressively enforce immigration statutes including aliens who after deportation, attempt to re-enter or are found in the United States illegally, alien smugglers and alien smuggling organizations, and those involved in production, distribution, and sale of false U.S. Immigration documents and other identification documents.

- **Child Support Enforcement** - 95 Positions to support the USAs' efforts to enhance Child Support enforcement and restitution provided to custodial parents under the Child Support Recovery Act (CSRA) and Deadbeat Parents Punishment Act of 1998 (DPPA).

- **Short-term Protection Program** - 2 positions to test the need for expansion of the short-term witness program outside the District of Columbia.

CIVIL PROGRAM

- **Civil Defensive Litigation** - 76 Positions (36 Attorneys) for the defense of the United States against certain monetary claims. Consists of two parts: Torts, Title VII (Employment Discrimination).

MANAGEMENT & ADMINISTRATION

- **Infrastructure** - 47 Positions to provide technical and non-technical assistance to the 94 district offices of the United States Attorneys.

DISTRICT OF COLUMBIA, SUPERIOR COURT

- **District of Columbia United States Attorneys' Office** - 43 In-House Investigators, to be assigned to assist the sections in the Superior Court Division. These include the: Homicide, Violent Crime, Grand Jury Section, Felony Trial, Sex Offense, and Domestic Violence Sections. Also, the DC USAO requests 20 positions for Victim Witness Assistance Programs. With this funding, the DC USAO will enhance their ability to assist victims and witnesses in the District of Columbia.

United States Attorneys

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [$1,161,957,000]$1,291,001,000; of which not to exceed $2,500,000 shall be available until September 30, [2001] 2002, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended[: Provided further, that not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,120 positions and 9,398 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys].

(Department of Justice Appropriations Act, 2000 as included in Public Law 106-113)

United States Attorneys
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Estimates by Program	1999 as enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Criminal Litigation	6,785	6,917	$792,579	...	...	...	...	...	$36,219	...	...	$4,898	6,785	6,917	833,696
Civil Litigation	2,033	2,134	242,607	...	...	...	...	...	9,511	...	...	1,498	2,033	2,134	253,616
Legal Education	36	37	14,772	...	...	...	...	...	165	...	...	1,673	36	37	16,610
Management & Admin.	190	224	39,993	...	...	...	...	...	998	...	...	247	190	224	41,238
Sub-total, VCRP	596	548	80,698	...	...	...	...	...	...	...	...	...	596	548	80,698
Sub-total, Direct	8,448	8,764	1,009,253	...	...	...	...	...	46,893	...	...	8,316	8,448	8,764	1,064,462
Total	9,044	9,312	$1,089,951	...	...	...	...	...	$46,893	...	...	$8,316	9,044	9,312	1,145,160
Reimbursable Workyears		1,041			...			...			...			1,041	
Total Workyears		10,353			...			...			...			10,353	
Other Workyears:															
Holiday															
Overtime:															
Other		71			...			...			...			...	
Total compensable workyears		10,424			...			...			...			10,353	

Transfers
The United States Attorneys received $41,504,000 of emergency funding for replacement of personal computers for Y2k compliance. The United States Attorneys received $5,389,000 in HIDTA funding.

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United States Attorneys
Salaries and Expenses
Crosswalk of 2000 Changes

	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request			Recission	Reprogrammings			2000 Availability		
	Pos	WY	Amount	Pos	WY	Amount	Amount	Pos	WY	Amount	Pos	WY	Amount
Criminal Litigation	7,942	7,947	$952,091	(1,089)	(949)	(108,447)	(16)	...	...	...	6,853	6,998	843,628
Civil Litigation	2,107	2,171	265,331	(74)	(37)	(6,454)	(5)	...	...	...	2,033	2,134	258,872
Legal Education	36	37	15,015	...	...	2,300	...	...	...	...	36	37	17,315
Management and Administration	198	229	42,351	...	...	(230)	(1)	...	...	...	198	229	42,120
sub-total, VCRP	339	339	57,000	(339)	(339)	(57,000)		...	...	...	...	...	...
sub-total, Direct	9,944	10,045	1,217,788	(824)	(647)	(55,831)	(22)	...	...	...	9,120	9,398	1,161,935
Total	10,283	10,384	$1,274,788	(1,163)	(986)	($112,831)	($22)	...	...	...	9,120	9,398	$1,161,935

Congressional Appropriation Action on 2000 Request.

Program increases for Violent Crime in Indian Country, Counter-Terrorism and Computer Crime, Civil Defensive Litigation, Firearms Prosecutions and Child Support Enforcement were not approved. Congress maintained the consolidated appropriation for OCDETF.

H.R. 3425 effected a government-wide rescission which resulted in a reduction of $22,000 to the United States Attorneys.

United States Attorneys
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

	Perm. Pos.	WY	Amount
Adjustments to base:			
2000 Appropriation Enacted	9,120	9,398	1,161,957
Government-wide rescission pursuant to H.R. 3425	...	...	(22)
2000 Availability	9,120	9,398	1,161,935
Adjustments-to-base increases	...	...	70,981
2001 Base	9,120	9,398	1,232,916
Program Increase	651	328	58,085
2001 Request	9,771	9,726	1,291,001

	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Request			Increase/Decrease		
Estimates by Program	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Criminal Litigation	6,785	6,917	$833,696	6,785	6,758	$831,234	6,853	6,998	$843,628	6,853	6,998	$898,153	7,408	7,277	$946,845	555	279	$48,692
Civil Litigation	2,033	2,134	253,616	2,033	2,084	252,866	2,033	2,134	258,872	2,033	2,134	275,681	2,118	2,177	284,114	85	43	8,433
Legal Education	36	37	16,610	36	31	13,907	36	37	17,315	36	37	15,279	36	37	15,316	--	--	37
Management & Admin.	190	224	41,238	190	228	39,720	198	229	42,120	198	229	43,803	209	235	44,725	11	6	923
Sub-total, VCRP	596	548	80,698	596	430	94,412	...	...	...	...	...	...	...	...	...	...	...	...
Sub-total, Direct	8,448	8,764	1,064,462	8,448	8,671	1,043,315	9,120	9,398	1,161,935	9,120	9,398	1,232,916	9,771	9,726	1,291,001	651	328	58,085
Total	9,044	9,312	$1,145,160	9,044	9,101	$1,137,727	9,120	9,398	$1,161,935	9,120	9,398	$1,232,916	9,771	9,726	$1,291,001	651	328	$58,085
Reimbursable Workyears.		1,041			964			1,041			1,041			1,041			...	
Total Workyears		10,353			10,065			10,439			10,439			10,767			328	
Other Workyears:																		
Holiday																		
Overtime:																		
Other		71			80			71			71			73			2	
Total compensable workyears		10,424			10,145			10,510			10,510			10,840			330	

United States Attorneys
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1999 Actual			2000 Anticipated			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Sources:												
Criminal Division	...	...	2,148	...	...	2,148	...	...	2,148	...	...	...
Department of Housing & Urban Development	...	...	497	...	...	497	...	...	497	...	...	...
Executive Office for OCDETF	887	822	79,832	887	847	83,300	887	847	86,582	...	...	3,282
Federal Bureau of Investigation	...	...	50	...	...	50	...	...	50	...	...	...
General Services Administration	...	...	66	...	...	66	...	...	66	...	...	...
Tax Division	...	...	75	...	...	75	...	...	75	...	...	...
U. S. Postal Service	...	...	50	...	...	50	...	...	50	...	...	...
Department of Defense	...	...	50	...	...	50	...	...	50	...	...	...
Justice Management Division	...	...	30	...	...	30	...	...	30	...	...	...
Office of Justice Programs	...	...	667	...	...	667	...	...	667	...	...	...
Office of the Deputy Attorney General	...	...	255	...	...	255	...	...	255	...	...	...
Office of the Independent Counsel	...	...	1,379	...	...	879	...	...	879	...	...	...
Office of Victims of Crimes	...	...	2,679	...	...	10,231	...	...	10,231	...	...	...
Puerto Rico	...	...	60	...	...	60	...	...	60	...	...	...
Securities and Exchange Commission	...	...	1,250	...	...	750	...	...	750	...	...	...
Solicitor General	...	...	262	...	...	262	...	...	262	...	...	...
United States Trustees	...	...	30	...	...	30	...	...	30	...	...	...
Bureau of Indian Affairs	...	...	10	...	...	10	...	...	10	...	...	...
Indian Health Service	...	...	10	...	...	10	...	...	10	...	...	...
Weed & Seed	...	...	1,372	...	...	1,372	...	...	1,372	...	...	...
U.S. Army Corps of Engineers	...	...	38	...	...	38	...	...	38	...	...	...
U.S. Customs Service	...	...	50	...	...	50	...	...	50	...	...	...
Office of Policy Development	...	...	122	...	...	122	...	...	122	...	...	...
Office of Intergovernmental Affairs	...	...	145	...	...	145	...	...	145	...	...	...
Deputy Attorney General for Administration	...	...	257	...	...	257	...	...	257	...	...	...
Drug Enforcement Administration	...	...	87	...	...	87	...	...	87	...	...	...
COPS	...	...	1,084	...	...	1,084	...	...	1,084	...	...	...
Working Capital Fund-3% Fund	151	142	21,712	151	151	21,712	151	151	21,712	...	...	...
Working Capital Fund	...	...	98	...	...	98	...	...	98	...	...	...
Office of Legal Counsel	...	...	77	...	...	77	...	...	77	...	...	...
National Institute of Justice	...	...	231	...	...	231	...	...	231	...	...	...
Community Relations Service	...	...	170	...	...	170	...	...	170	...	...	...
Byrne Grant for National District Attorneys Association	...	...	4,500	...	...	4,500	...	...	4,500	...	...	...
Other workyears provided	...	...	...	...	43	...	...	43	...	...	...	...
Budgetary Resources	1,038	964	$119,343	1,038	1,041	$129,363	1,038	1,041	$132,645	...	...	$3,282

United States Attorneys
Salaries and Expenses
Justification of Program and Performance
(dollars in thousands)

ACTIVITY: CRIMINAL LITIGATION

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	6,853	6,998	$843,628
2001 Base	6,853	6,998	898,153
2001 Estimate	7,408	7,277	946,845
Increase/Decrease	555	279	48,692

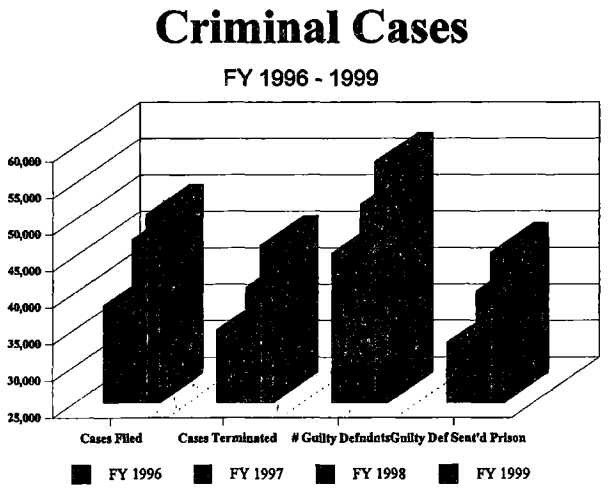
Base Program Description

The United States Attorneys' offices (USAOs) investigate and prosecute a wide range of criminal activities and now handle a more diverse and complex workload than ever before. For example, criminal caseloads include: youth violence; international and domestic terrorism; complex and time-consuming health care fraud; financial institution fraud; computer fraud and environmental crime; sensitive public corruption and organized crime; organized crime drug enforcement; and, cases involving multiple defendants and international organizations. The nature of many of today's crimes has required the United States Attorneys (USAs) and their Assistants to become conversant in fields as diverse as the banking and health care industries, computer technology, differing cultural/ethnic backgrounds and manufacturing processes affected by environmental and other Federal regulations.

USAOs handle approximately 95 percent of the criminal cases prosecuted by the Department of Justice. USAs receive most of their criminal referrals, or "matters," from Federal investigative agencies, or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal matters from state and local investigative agencies. Occasionally, criminal violations are reported to the United States Attorneys by citizens. After careful consideration of each criminal matter, the USA decides the appropriateness of bringing criminal charges and initiates prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the USA presents evidence against an alleged

offender to a grand jury. The grand jurors decide whether to return an indictment. If an indictment is returned, theUSA then presents the criminal charges in open court during the defendant's arraignment.

Historically, the majority of criminal defendants enter a plea of guilty prior to trial, yet, the USAs must always be prepared to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. When a guilty plea is not obtainable, a trial becomes necessary. The United States Attorney then presents factual evidence to convince the jury, or the judge in a non-jury trial, of the defendant's guilt.



If the defendant is convicted, the USA defends the conviction at post-trial hearings and appeals. The USAOs handle most criminal appeals at the intermediate appellate level. After filing a brief, the USA may be required to participate in oral arguments before the United States Court of Appeals. If there is a further appeal, the USAs may be called upon to assist the Department litigating division and the Solicitor General in preparing the case for review by the United States Supreme Court.

During Fiscal Year (FY) 1999 the United States Attorneys' offices received 91,217 criminal matters. The offices reviewed and declined a total of 36,510 criminal matters during the year. The United States Attorneys' offices filed 50,779 criminal cases against 71,560 defendants in United States District Court. This represents a seven percent increase in cases and defendants filed when compared with the prior year, and represents the highest number of cases filed over the past ten years. For the third year in a row, the

United States Attorneys filed a greater proportion of cases when viewed as a percentage of criminal matters received.

A total of 46,423 cases against 64,517 defendants were terminated during FY 1999. Of the 64,517 defendants terminated, 57,876, or 89 percent, either pled guilty or were found guilty. Of these, 45,470, or 79 percent, received prison sentences, and 286 guilty defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has consistently exceeded 70 percent over the last seven years.

In addition to those cases filed and handled in United States District Court, the United States Attorneys' offices filed 260 criminal cases in United States Magistrate Court. Finally, the United States Attorney's office for the District of Columbia also bears responsibility for the prosecution of criminal cases in the District of Columbia Superior Court. There were a total of 9,196 felony cases and 15,397 misdemeanor cases filed during FY 1999.

During FY 1999, the United States Attorneys' offices opened a total of 84,598 criminal debts worth $4.4 billion. During the same period of time, a total of 62,286 criminal debts were closed. The United States Attorneys reported collections of $1.4 billion in cash and over $2.5 billion worth of property, for a total of $1.42 billion collected in criminal cases by their offices, the Courts, and the Bureau of Prisons. Of the total amount of cash and property collected on criminal debts during FY 1999, $1 billion owed to the United States and $151.6 million owed to third parties was collected. In addition, a total of $946.6 million was collected in criminal fines.

The United States Attorneys' offices have devoted significant resources to uphold the rights of, and improve services to, America's crime victims.[1] The federal government must ensure that innocent victims of crime have their rights upheld, have their dignity and privacy respected, and are treated with fairness. During FY 1999, the United States Attorneys continued their mission of guaranteeing the rights of all victims of crime through training of Assistant United States Attorneys (AUSAs), enhancing the services provided to crime victims, and better coordinating efforts to address victim issues. The Executive Office for United States Attorneys appointed an Assistant Director in the Office of Legal Education to educate AUSAs on victim's rights issues; this activity continues in the National Advocacy Center in Columbia, South Carolina.

[1]As set forth in the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and pursuant to the Attorney General's Guidelines for Victim and Witness Assistance of 1995.

During the prosecution stage of the process, it is the USAOs that are responsible for compliance with these mandates. Notification of victims and witnesses of the events of a case is the most rigorous and time-consuming step in the process. The Oklahoma City bombing case is a prime example of the resources required for advocacy in a multi-victim case. During FY 1996, the United States Attorney's office for the Western District of Oklahoma expanded its Victim-Witness Assistance Unit from one to six full-time employees in order to provide services to the 2,000 victims registered in the Oklahoma City bombing case. The efforts that were begun during FY 1997 to develop a nationwide computerized case and witness tracking and notification system to track all criminal cases and dates, identify all victims and witnesses, and generate appropriate notices including subpoenas, was completed in FY 1998.

ACTIVITY: CIVIL LITIGATION

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	2,033	2,134	$258,872
2001 Base	2,033	2,134	275,681
2001 Estimate	2,118	2,177	284,114
Increase/Decrease	85	43	8,433

Base Program Description

The United States Attorneys initiate civil actions, or affirmative litigation, to assert and protect the interests of the United States. They also defend the interests of the government in lawsuits filed against the United States - - referred to as defensive litigation. Of all civil cases pending as of the end of FY 1999, 10 percent were affirmative litigation and 75 percent were defensive litigation. Other civil cases, such as when the United States is a third party plaintiff or defendant, creditor, or intervenor, represented the remaining 15 percent of the pending civil caseload nationwide.

Civil matters and cases represent a significant portion of the United States Attorneys' workload. As of the end of FY 1999, pending civil cases represented 67 percent of the 157,987 pending criminal and civil cases in the United States Attorneys' offices. However, except for appellate court and special master hearings, only about 10 percent of total attorney work hours in court were devoted to civil litigation.

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During FY 1999, the United States Attorneys' offices received a total of 88,640 civil matters. Sixteen percent of the matters were referred for affirmative action and 60 percent were referred for defensive action. The remaining 24 percent were matters where the United States was a third party or otherwise designated, but in 80 percent of these, the United States was identified as a creditor in bankruptcy proceedings.

The United States Attorneys' offices filed or responded to a total of 75,603 civil cases in FY 1999. The cases include those filed or responded to in United States District Courts, United States Bankruptcy Courts and state courts. Of the total, the United States Attorneys filed suit on behalf of the United States in 7,556, or 10 percent, defended the United States in 50,498, or 67 percent, and was otherwise designated, such as a bankruptcy credit or third party litigant, in 17,549, or 23 percent of all civil cases.

During the same period of time, the United States Attorneys' offices terminated a total of 72,131 cases. Judgments were issued in 17,284 of these cases, a total of 13,907 of these judgments were in favor of the United States. The percentage of civil cases in which judgments were issued, and the percent of those judgments in favor of the United States, has remained constant for several years. Additionally, 18,656, or 26 percent, of the cases were settled.

Of the total civil cases terminated, 48,110 were defensive civil cases. Judgments were issued in 13,730 of these cases. A total of 10,568, or 77 percent, of these judgments were in favor of the United States.

ACTIVITY: LEGAL EDUCATION

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	36	37	$17,315
2001 Base	36	37	15,279
2001 Request	36	37	15,316
Increase/Decrease	0	0	37

BASE PROGRAM DESCRIPTION:

The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all Federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates legal education and attorney training for the Department of Justice and other departments and agencies of the Executive Branch. Continuing legal education credit is provided through OLE for many OLE sponsored courses. In Fiscal Year (FY) 1999, OLE trained 10,620 students in 261 courses. Most of these programs were conducted at the National Advocacy Center (NAC) in Columbia, South Carolina. OLE also offers distance education programs; in FY 1999, over 2,250 employees were trained through these programs.

OLE is the primary source of instruction for Department of Justice attorneys and Assistant United States Attorneys from the 94 United States Attorneys' offices. Basic programs for newly hired attorneys include criminal, civil, and appellate advocacy; Federal practice seminars; and specialty courses in priority substantive areas of the law. Advocacy skills programs are available to new and advanced trial attorneys. The Federal Practice Program is designed for attorneys with litigation experience who are new to the Federal legal system (e.g., former state and military prosecutors), and as continuing training for Department attorneys after the basic criminal, civil, and appellate advocacy courses.

OLE uses experienced Federal trial and appellate attorneys as instructors for all its programs to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate in OLE's advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the OLE faculty and the use of sophisticated videotaping facilities provide students with unique training experiences in trial and appellate advocacy. A significant feature of the advocacy training is the use of "learn-by-doing" exercises which concentrate on courtroom skills. The exercises simulate courtroom activities and provide students with

classroom critiques and individual video replay analysis. Finally, the large number of attorneys in the United States Attorneys' offices has resulted in a high demand for attorney management training for senior criminal and civil attorneys. OLE has tried to meet that challenge by providing management courses for attorney supervisors of all levels.

OLE conducts programs on Federal civil and administrative law and practices for attorneys in the Executive Branch, including those in the Department of Justice. OLE offers training in civil discovery and trial techniques; negotiation techniques; and administrative law areas such as bankruptcy, the Freedom of Information Act, ethics, environmental law, Federal employment, regulatory processes, government contracts, legal research and writing for attorneys, management of attorneys, and computer crime. Administrative and advocacy trial skills for agency attorneys are also patterned on the "learn-by-doing" method. Course instruction emphasizes the realities of Federal practice. Federal attorneys from every agency, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. Most instructors come from a cadre of Federal prosecutors. On a few occasions, OLE also contracts with professional educators as instructors for these courses.

OLE operates a videotape lending library for United States Attorneys' offices and Federal agencies. Select courses offered by OLE are videotaped and made available upon request to United States Attorneys' offices and agencies of the Executive Branch. In addition, commercially produced tapes by recognized legal experts have been purchased by OLE, and the tapes are sent to offices upon request to supplement their in-house training programs. The completion of a video production studio at the National Advocacy Center will provide the capability to produce videotapes and other distance education materials. This will increase the number of tapes available and enhance our ability to keep videotaped presentations current by updating them to include recent legislation, policy changes or court decisions. This facility will allow for increased emphasis on broadening the delivery of training including distance learning. The studio project will be completed in April, 2000.

Finally, OLE develops and administers paralegal courses covering basic and advanced skills in civil, criminal, and appellate practice. These courses are offered to personnel of United States Attorneys' offices, the Department of Justice, and agencies in the Executive Branch. Training for other support staff personnel (e.g. legal secretaries, systems managers, etc.) in United States Attorneys' offices is provided through OLE, which develops the curricula, recruits instructors, and assists local offices with administering the courses.

Presently, OLE trains approximately 500 state and local prosecutors each year in courses covering issues of importance to both Federal and state and local prosecutors. The NAC features an integrated instructional and residential facility augmented by a conference and research center with student and support services on site.

Since the opening of the NAC in April 1998, OLE has engaged in a collaborative effort with the National District Attorneys Association (NDAA) and the Executive Office for United States Trustees to create a premier training center that brings together Federal, state, and local prosecutors to train in a state-of-the-art facility. Training for NDAA personnel is paid for through a grant administered by the Office of Justice Programs.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	**198**	**229**	**$42,120**
2001 Base	**198**	**229**	**43,803**
2001 Estimate	**209**	**235**	**44,726**
Increase/Decrease	**11**	**6**	**923**

BASE PROGRAM DESCRIPTION:

The Executive Office for United States Attorneys (EOUSA) was created on April 6, 1953, by Attorney General Order No. 8-53 to meet the need for a close liaison between the Attorney General in Washington, DC, and the United States Attorneys located throughout the 50 states, Guam, Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands. The Management and Administration Decision Unit encompasses EOUSA, with the exception of the Office of Legal Education, which has its own decision unit. EOUSA provides management and policy assistance to the United States Attorneys in direct support of their litigation responsibilities. EOUSA also represents the interests of the United States Attorneys in the development of Department of Justice (DOJ) policy and ensures consistency in the practice of federal litigation. EOUSA's senior management staff are the Director, Principal Deputy Director, and Principal Associate Director.

In order to support the United States Attorneys in their litigative mission, EOUSA is constantly developing and updating support programs to meet their changing needs. The Attorney General considers efforts to improve services to crime victims to be a high priority, and EOUSA coordinates issues with the Law Enforcement Coordinating Committee/Victim-Witness (LECC/VW) coordinators in the United States Attorneys' offices.

The Director of EOUSA is required under 28 C.F.R. Part 0.22 to evaluate the performance of the United States Attorneys' offices, make appropriate reports, and take corrective actions if necessary. The Evaluation and Review Staff conducts the evaluation program enabling the Director to execute her responsibility to conduct reviews of internal management controls and prevent waste, loss, unauthorized use or misappropriation in federal programs, as required under The Federal Manager's Financial Integrity Act. Equally important to meeting these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys. In FY 1999, the EARS Staff conducted 29 evaluation visits and 19 follow-up visits to ensure those issues identified as a result of the evaluation process have been corrected.

The Counsel to the Director and Legal Counsel Staffs advise and assist the Director with Congressional and public affairs, liaison with other DOJ components, and provide legal interpretations, opinions, and advice on a variety of topics, including but not limited to, legislation, statutes, regulations, Department guidelines, ethics, recusals, conflicts of interest, Hatch Act, personnel, EEO and Standards of Conduct. Guidance provided by these offices, once approved by the Director or Attorney General's Advisory Committee (AGAC) of United States Attorneys, becomes the legal direction for the United States Attorneys. Many of the general policies and procedures relevant to the work of the United States Attorneys' offices and to their relations with the legal divisions, investigative agencies, and other components within DOJ are defined in the United States Attorneys' Manual (USAM).

The Deputy Director for Legal Programs, with guidance from the Attorney General's Advisory Committee, assists in the development of policies and provides assistance in financial litigation, affirmative civil enforcement, asset forfeiture, bankruptcy, civil issues, health care fraud, and other important program areas in the United States Attorneys' offices. In addition, Legal Programs tracks the progress of initiatives designated by the Attorney General as national priorities. Two staffs within Legal Programs dedicated to this mission are the Financial Litigation Staff and Priority Programs.

The Deputy Director for Operations manages several staffs that support the daily requirements of sustaining 94 USAO housed in over 6.4 million square feet of space in 469 locations. There are presently 189 on-going projects, and 30 pending projects for expansion, relocation, alteration, and new space assignments resulting from increased court activity, forced relocations, additional resources, lease expirations, and new courthouse construction projects. In FY 1999, 95 site visits were made to survey space needs. Since the Oklahoma City bombing in 1995, an ongoing security enhancement program of United States Attorneys' offices nationwide has been in place. In FY 1999, the Security Programs Staff provided on-site security assistance to 40 district offices and conducted computer security refresher training for all EOUSA employees.

The Operations Staff also supports the United States Attorneys with the latest in information and telecommunications technology.

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EOUSA has taken the lead within the Department in implementing an ATM data network commonly known as the Justice Consolidated Network (JCN). This new shared network implemented in 225 U.S. Attorney office locations has tremendously improved access to network applications, including the internet. Access speed has gone from 500 milliseconds in the old packet switched network down to 60 milliseconds in the new ATM network, affording users a much greater level of productivity in their daily work. United States Attorneys continue to take the lead in the video conferencing effort for the Department of Justice. Video conferencing equipment is operational in EOUSA and in 225 United States Attorney locations and was converted to an ISDN network over the past year, making our offices accessible to the "outside world" including private counsel, state and local governments as well as international parties. EOUSA continues to operate a video bridging service which enables up to 80 locations to participate in the same video conference. Video conferencing is used by the USAOs on a daily basis, averaging 1,300 video calls per month nationwide. It has been utilized for deposing witnesses both domestically and internationally. The last year has seen a great increase in the utilization of video conferencing for court related matters.

The United States Attorneys participated in the Department's first effort to gain uniformity in its office automation efforts. The EAGLE networks were state-of-the-art automated systems which provided United States Attorneys' offices with word processing, e-mail, calendar, database management, text retrieval, and access to on-line legal research directly from users' desks. In FY 1999, some components of the networks were replaced to resolve problems associated with the aging of the original servers and modems. As part of this upgrade, the desktop operating system was changed from DOS to Windows and the server operation system from a proprietary system to SCO UNIX. In FY 1999, the U. S. Attorneys began to upgrade to the Department's standard architecture, called the Justice Consolidated Office Network (JCON II). Use of the standard JCON II architecture will provide better interoperability among the components of DOJ and within the USAOs.

Phase I of the project was completed in FY 1999. This included replacement of the outdated and non-Y2K compliant desktop workstations running Windows 3.11 with new PCs running Windows NT. Also included was replacement of the network controllers with 10/100 switches. Phase II includes a new cable infrastructure (replacement of CAT 3 with CAT 5 cable), new servers, also running Windows NT, and replacement of the outdated GroupWise 4.1a email system with Outlook/Exchange. Phase II began in the last quarter of FY 1999 and will be completed by the end of FY 2000. Phase III includes network management (SMS) and a new remote access system for users on travel or otherwise working outside the office.

The U. S. Attorneys are participating in the Justice Communications Network (JCN), which consolidates wide area network resources and is designed to provide faster connectivity among the various components and the USAOs.

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National implementation of the Legal Information Office Network System (LIONS), the United States Attorneys' civil and criminal case management system, was completed at the end of 1998. This system allows United States Attorneys to manage the litigation workload of their offices effectively and meet their obligation to report activities to the Attorney General accurately and in a timely fashion. In evaluating the initial system, EOUSA has identified several enhancements that will simplify data entry and retrieval, and improve data validation. A new Central System the system that collects and stores data from all United States Attorneys' districts, and from which consolidated reporting is accomplished--will be added in early 2000. This system replaces an obsolete central data repository, and provides flexible, high-performance, and easy-to-use tools that will simplify the reporting process.

Human resource programs are managed by the Personnel Staff and the Equal Employment Opportunity Staff. The Personnel Staff provides for personnel, payroll, and personnel security administration services for over 10,000 employees throughout the United States Attorneys' offices. Directly, or through over 54 USAO personnel offices, the Personnel Staff develops bureau-wide personnel programs, policies, and procedures that ensure human resource programs are effective, efficient, and operate under adequate management controls. In FY 199 . 21,489 personnel actions were processed throughout the offices, not counting routine pay adjustments. Also, the Personnel Staff provided training to approximately 120 USAO staff through a National Personnel Officers' Conference. The Equal Employment Opportunity (EEO) Staff provides centralized leadership, coordination, and evaluation of all equal employment efforts within the United States Attorneys' offices. The last three fiscal years has seen an increase in workload. In FY 1997, the EEO Staff received 28 formal complaints and initiated 52 informal counseling sessions. In FY 1998, the EEO Staff received 46 formal complaints and initiated 69 informal counseling sessions. In FY 1999, the EEO Staff received 50 formal complaints and initiated 59 informal counseling sessions.

The Data Analysis Staff was established several years ago to perform statistical analyses for the Executive Office for United States Attorneys and on behalf of United States Attorneys' offices. The staff's work focuses in two primary areas data, trends and management analysis, and support of the United States Attorneys' budget. The staff analyzes information from the United States Attorneys' case management system and other sources to determine caseload composition, activity, and results, and to identify workload trends and management issues. Such information is provided within the Executive Office for United States Attorneys, and to the United States Attorneys' offices, the Department, Congress and other agencies. The staff is also responsible for publishing the United States Attorneys' Annual Statistical Report, preparing submissions for the Attorney General's Accountability Report to Congress, and responding to requests for narrative information, presentations, and analyses from internal and external sources. The staff also represents the Executive Office for United States Attorneys and the United States Attorneys' offices in meetings and on various working groups.

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All accomplishments of United States Attorneys' offices are driven by the availability of funds, which are managed by the Deputy Director for Resource Management and Planning. The Deputy Director manages staffs with responsibilities in the areas of budget formulation, financial management, and long-range planning. The Resource Management and Planning Staff (RMPS) manages FTE allocations and a budget in excess of $1 billion on behalf of the United States Attorneys. From the time the Staff consolidates resource needs and formulates an annual budget submission for presentation to the Department, Office of Management and Budget, and Congress, to the accountability reports at the end of a fiscal year, RMPS support is central to the functioning of the United States Attorneys' offices. The Staff also develops performance measures for the United States Attorneys that are required with each budget submission in accordance with the Government Performance Results Act (GPRA).

While EOUSA's primary focus is to support the litigative and administrative needs of the United States Attorneys' offices, it also serves the general public by coordinating responses in accordance with the requirements of The Freedom of Information Act (FOIA), 5 U.S.C. §552, and The Privacy Act (PA), 5 U.S.C. §552a. In FY 1999, the FOIA/PA Staff processed 3,159 requests for information. The Staff also worked towards achieving the established backlog reduction goals. In addition, the Staff provides legal counsel to United States Attorneys' offices concerning FOIA/PA issues, represents them in administrative appeals, provides draft pleadings to Assistant United States Attorneys handling FOIA/PA cases in court, and prepares the legal documents filed in court as evidence.

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FIREARMS PROSECUTIONS

Criminal & Management & Administration Decision Units	Perm. Pos.	FTE	Amount
	163	82	$14,518,000

This initiative requests 163 positions (113 attorneys), 82 FTE, and $14,518,000 to conduct intensive firearms prosecution projects in United States Attorneys offices (USAOs) around the country. Although projects have begun in select areas, there is a growing need for firearms prosecution allocations in all USAOs.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses the DOJ STRATEGIC PLAN -- Core Function 1: Investigation and Prosecution of Criminal Offenses, GOAL 1: Reduce violent crime, including organized crime and drug and gang-related violence.

As well as Core Function 2: Assistance to State and Local Governments, Goal 1: Improve the crime-fighting and criminal /juvenile justice system capabilities of state and local governments.

Also, it addresses USA GOAL 5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal, state, and local agencies that are critically linked to improved operation of the Nation's justice system.

PROPOSED ACTIONS

Our goal is to increase firearms prosecutions by applying the requested resources throughout the nation to allow the districts to complement the traditional approach already being used. This will allow all districts to implement the successful pilot projects begun in selected areas, supplementing the traditional approach with a more focused effort in collaboration with other federal, state, local, and community organizations seeking to reduce gun-related violence. Currently, many USAOs do not have Assistant United States Attorneys (AUSAs) devoted exclusively to the prosecution of firearms cases.

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Our strategies include:

- Prosecuting armed career criminals and assuring that they are adequately punished by using Federal firearms laws, with their comparatively longer sentences, to remove repeat violent offenders from communities;
- Focusing the requested resources in communities with the need for aggressive enforcement of federal firearms laws and that have local support within the law enforcement community and the community at large to maximize the effectiveness of Federal prosecutions;
- Developing a coordinated state, federal, and local law enforcement approach, to benefit from the expertise and criminal intelligence of federal/state/local law enforcement officials; and
- Applying the Strategic Approaches to Community Safety Initiative, or SACSI, concept of a problem-solving, information-driven project intended to reduce crime in twenty cities.

OVERVIEW

Gun violence represents a major threat to the health and safety of all Americans. Every day in the United States, 93 people die from gunshot wounds and an additional 240 sustain gunshot injuries.[1] The Administration has identified the need to enhance the ability of federal law enforcement to be a significant partner in collaborative strategies for the reduction of firearms violence. The Administration's goal is to continue reducing violent crime involving the use of guns, which persists as a nationwide problem. Many state and local governments have effectively prevented, detected, punished, and reduced the incidence of gun violence, but more can and needs to be done. In addition, some communities continue to suffer from high rates of gun violence that have not been reduced by traditional approaches and current resources. Federal law enforcement has played an important role in many state and local jurisdictions by providing a targeted response that complement communities' overall anti-violence strategies. However, it is critical that state and local authorities remain the primary agencies for addressing violent crime.

[1]Office of Analysis, Epidemiology, and Health, Firearms Deaths and Death Rates by Intent, United States, 1996, Washington, DC: National Center for Health Statistics, Office of Analysis, Epidemiology, and Health, 1996.

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In order to further reduce the threat of firearms violence, the Administration's firearms prosecutions initiative is committed to:

- Ensuring effective investigation and prosecution of firearms offenders, violent felons who possess guns, and armed drug traffickers; and disrupting illegal firearms markets through collaborative federal, state, and local partnerships;

- Developing comprehensive strategic plans aimed at the prosecution, prevention and disruption of gun violence through the collaborative efforts of law enforcement, local government and community based groups; and

- Establishing and developing twenty SACSI teams of United States Attorney-led inter-agency teams and local research partners to evaluate and modify the gun violence reduction strategies as necessary.

The Clinton Administration is committed to doubling federal efforts in the fight to deter and further reduce gun crime. President Clinton has directed the Department of Justice and the Department of Treasury to develop a strategy aimed at the reduction of violent crimes committed with firearms. The United States Attorneys will help accomplish the Administration's goal by increasing investigation and prosecution of significant firearms violations; including illegal possession, use, and trafficking of guns; through innovative programs such as Virginia's Project Exile and Massachusetts' Operation Ceasefire. Also, we plan to implement targeted deterrence of violent offenders through an increase of prosecutors. Finally, we hope to decrease violent crime by promoting problem-solving analyses and innovative strategies by working closely with community members, and increasing the public's knowledge of their community's gun-related criminal activity.

The Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR), reported that in 1998 a total of 16,914 murders were committed in the United States, approximately 11,000(65%) of which involved the use of firearms. In addition, there were a total of 364,774 violent crimes (excluding forcible rape) committed with the use of firearms in 1998. The FBI reported that firearms were the weapons of choice in nearly two-thirds of all murders and firearms accounted for approximately one quarter of all violent crime in 1998. The Bureau of Alcohol, Tobacco, and Firearms (ATF) is focusing on illegal trafficking and has moved its resources into that area.

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JUSTIFICATION

Violent Crime Prosecution as a National Priority.

The Department of Justice's Strategic Plan emphasizes its commitment to reducing violent crime. The Department will continue to support comprehensive strategies against violent crime through establishment of multi-agency, intergovernmental task forces. The United States Attorneys' offices will continue to be active members of these task forces.

Examples of Successful Firearm-Violence Reduction Strategies.

Certain jurisdictions, such as Boston, Massachusetts and Richmond, Virginia, have been able to reduce firearms violence through collaborative efforts and strategic planning. Vigorous enforcement actions by federal, state, and local authorities have contributed to reducing rates of violent crime in these two areas. These enforcement actions have been further enhanced by a variety of innovative interventions based on sharing information and analytical techniques. Both have used extensive advertising and community outreach activities to enlist citizen participation and to deter criminals by publicizing potential prison sentences. The pioneering efforts of Boston and Richmond have set an example for other jurisdictions such as Camden, New Jersey and Philadelphia, Pennsylvania to employ similar firearms prosecution programs.

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Richmond, Virginia.

In 1997, Richmond's homicide rate ranked second among cities with populations of 100,000 or more. Approximately 80 percent of all homicides in Richmond were committed with firearms. In February 1997, the United States Attorney for the Eastern District of Virginia initiated "Project Exile," a coordinated approach to gun violence. This district had a persistently high murder rate in the Richmond metropolitan area. Project Exile is led by the Richmond United States Attorney's Office (USAO) in coordination with the Virginia Commonwealth's Attorney; Richmond Police Department; the Bureau of Alcohol, Tobacco, and Firearms (ATF); Federal Bureau of Investigation (FBI); and the Virginia State Police. In conjunction with the Richmond Assistant Commonwealth's Attorney's Office, the USAO reviews cases involving felons with guns, drug users with guns, guns in drug trafficking, and gun/domestic violence referrals. These cases are prosecuted in federal court when a federal nexus exists and state prison sentences or pre-trial detention are insufficient. In addition, the DEA initiated task forces aimed at the most violent drug gangs within the city; the FBI and United States Marshals worked at reducing the enormous backlog of outstanding felony warrants; and the Department of Justice's Office of Justice Programs supported improvements in the training and support of Richmond's homicide investigators. The

USAO also has collaborated effectively with federal, state, and local law enforcement agencies to implement several other initiatives targeting violent drug traffickers, fugitives, and homicide cases, while the State of Virginia has enacted new state laws (such as One-Gun-A-Month and Truth-In-Sentencing) to address violent crime.

- These collaborative efforts have produced significant results. Many simple "felon-in-possession" cases have resulted in putting relatively major local criminals behind bars for a long time. They are often criminals who have had lengthy records but repeatedly received probation or minimal sentences under state law.

- Richmond Police Department data shows homicides dropped from 140 in 1997 to 74 in 1999. Nearly all of that drop was accounted for by a decrease in firearms homicides.

- The visible results of the Project Exile program are safer neighborhoods where citizens were previously afraid to step forward.

Boston, Massachusetts.

In 1990, there were 153 murders, a historical high, in the Boston area. As a result of this high statistic, alarmed local officials began using a Neighborhood Policing approach. They created a special city-wide unit entitled the Anti-Gang Violence Unit, which was later renamed the Youth Violence Strike Force (YVSF). In conjunction with the ATF, the local officials began tracing all gun recoveries. It became a national program which incorporated the United States Attorneys to use "felon-in-possession" prosecutions.

Starting in the early to mid-1990s, Boston, Massachusetts began a series of innovative public safety strategies that focused on violent youth and illicit gun markets. Using a problem-solving approach, a broad coalition of federal, state, and local governmental agencies, nonprofit community service organizations, businesses, religious leaders, parents, and resident stakeholders developed several programs to address the escalating number of juvenile homicides. In keeping with its new neighborhood policing strategy, Boston implemented numerous prevention and intervention, and enforcement initiatives. The enforcement strategies included Operation Ceasefire, the Gun Project, and Operation Night Light. These initiatives were a collaborative effort among the Boston Police Department's YVSF, the USAOs, the DEA, the ATF, and the Suffolk County District Attorney's Office. Examples of specific results from these projects include the following:

- After the second full year of Operation Ceasefire, there was a 71 percent decrease in homicide offenders for ages 24 and under, and a 70 percent reduction in gun assaults by all offenders, through May 31, 1998.

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- The homicide rate has continued to decease to date, with 31 homicides in 1999 representing the lowest homicide rate in 38 years.

- Under the Gun Project, the ATF and the Boston Police Department joined forces to conduct joint inspections of all federally licensed firearms dealers in Boston. In part as a result of these inspections, 65 license holders (80 percent) decided not to renew their licenses or to surrender them.

- Operation Night Light pairs one probation officer with two police officers to make surprise visits to high-risk probationers during non-traditional hours. In Dorchester, where the program was initiated, probation violations based on new arrests declined 9.2 percent between January 1994 and June 1996, compared with a statewide increase of 14 percent during the same period.

Camden, New Jersey.

Camden, New Jersey, based upon its population, was one of the most violence-ridden cities in the northeast. In February, 1999, the United States Attorney's Office instituted its project Ceasefire initiative based in part on the program of the same name in Boston, Massachusetts. In conjunction with the Camden County Prosecutor's Office and local law enforcement authorities, all arrests in Camden County involving weapons as well as all recoveries of weapons in the County regardless of whether an arrest ensued are reviewed by an investigator from the U.S. Attorney's Office who coordinates with the local and County authorities and the Bureau of Alcohol, Tobacco and Firearms. Cases that are eligible for federal firearms prosecution are reviewed by an Assistant U.S. Attorney who coordinates with local prosecutors to see if such prosecution would be in the interest of the local and federal authorities. In addition, all guns recovered are entered into the Project LISA tracking database in order to detect patterns of purchase, distribution and recovery of weapons. In the ten months of 1999 that the project has operated, over fifty individuals were indicted. Prison terms ranging from three to twenty three years have been meted out to defendants.

- In 1999, during the period of the Ceasefire program, the number of homicides committed in Camden County with a firearm dropped twenty percent.

- Now that the enforcement effort is fully underway, the second prong of the effort, community outreach, is set to begin. Local business leaders and officials will be sought to reach out to community groups, schools and other organizations in conjunction

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with representatives of the U.S. Attorney's Office to publicize the success of the program and educate the community on the perils of gun violence and how to further reduce its ravages.

- The success of the program to date has engendered numerous requests from other local prosecutors and elected officials around the state to expand the program beyond Camden County into other areas suffering the ravages of gun violence.

Philadelphia, Pennsylvania.

Philadelphia, Pennsylvania, the nation's fifth largest city, has averaged 400 homicides yearly for most of the last decade. Most recently, Philadelphia closed the decade with the unfortunate distinction of having over 80% of its homicides committed by firearms -- the highest percentage of homicides by firearms among the nation's top ten cities. In response to this level of firearms violence, in 1998, the U.S. Attorney's Office established a partnership with the local district attorney's offices (primarily the Philadelphia District Attorney's Office), the Philadelphia Police Department, the Bureau of Alcohol, Tobacco, and Firearms, and the United States Marshal to aggressively pursue firearms offenders (Operation Cease Fire). The U.S. Attorney's Office complements the prosecution of firearms offenders in the local systems by targeting for federal prosecution the most violent convicted felons in possession of firearms; narcotics traffickers possessing, using or carrying firearms; and firearms traffickers. Furthermore, a major public education campaign has been developed to notify potential offenders about the seriousness of federal sanctions for violations of federal firearms laws.

- The U.S. Attorney's Office created a new Firearms Unit, supported by an investigatory Task Force consisting of ATF, U.S. Marshal's Service, and state and local police. In its first year (January 1, 1999 to December 31, 1999), the Unit dramatically increased federal firearms prosecutions, resulting in a 250 percent increase in the firearms docket, from an average of 60 firearms indictments per year to 231 indictments.

- In the second year, the U.S. Attorney's Office will further develop and implement a local/federal "alternative prosecution program," whereby the District Attorney's Office in lieu of some federal firearm prosecutions, will offer some firearms offenders the opportunity to plead guilty and receive a sentence of significant state incarceration. This will allow the Philadelphia city system to dispose of a far greater number of firearms cases for stiffer sentences than are now imposed by the state courts.

WORKLOAD INDICATORS

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The United States Attorneys devoted substantial resources to the prosecution of violent crime cases from FY 1997 through FY 1999. Fourteen percent of all criminal attorney workyears were devoted to violent crime prosecutions during FY 1997 and 13 percent in both FY 1998 and FY 1999. These cases represented 16 percent of all criminal cases filed during FY 1997 and 15 percent in both FY 1998 and FY 1999. Of those convicted, 87 percent (or 5,726) of defendants received prison sentences in FY 1997, 88 percent in FY 1998, and 89 percent in FY 1999. The largest number of convictions, with 45 to 46 percent of all defendants sentenced, was for five or more years in prison.

The table below reflects the most recent firearms data involving a violation of Section 922 or 924 of Title 18, U.S. Code. These are the primary sections of the Code under which firearms violations are charged.

FIREARMS STATISTICS
(Sec. 922 & 924)
Case Information

	FY 1997	FY 1998	FY 1999	Increase (97-99)
Cases Filed	3,703	4,391	5,500	48.5%
Defendants Filed	5,150	5,876	7,057	37.0%
Cases Terminated	3,381	3,921	4,269	26.3%
Defendants Terminated	4,418	5,032	5,439	23.1%

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CALCULATION OF NEED

The United States Attorneys' request for positions is based on the success rate of prior pilot programs such as the ones illustrated in Richmond, Virginia and Boston, Massachusetts as well as the need to conduct similar programs in other districts around the nation. A total of 113 attorney and 50 support positions are being requested to conduct these firearms prosecution programs on a national level.

ALLOCATION OF RESOURCES

The allocation of resources will be based on the following elements:

- A core allocation sufficient to support all districts throughout the nation in supplementing their traditional approach towards firearms prosecutions;
- Establishment of twenty Strategic Approaches to Community Safety Initiative (SACSI) teams in selected cities aimed at identifying and analyzing a particular crime problem in a community and developing comprehensive strategies, with local law enforcement professionals and research partners, targeted at the characteristics of each community's problem;
- Those districts with a demonstrated need for additional gun control resources based on an assessment of the violent crime problem in their district, crime trends, workload data, and available staffing;
- Those districts where investigative agencies and local law enforcement agencies have already increased (or are willing to increase) the resources devoted to firearm-violence reduction, deterrence, and prevention;
- A review of the future assignment of federal, state, and local investigative resources devoted to firearm-violence cases; and
- Three support positions will be assigned to the Executive Office for United States Attorneys.

ANTICIPATED RESULTS

The resources requested in this initiative will allow the USAs to develop and implement or supplement existing comprehensive strategies aimed at reducing gun-related violent crime through establishment of intensive firearms prosecution projects. With the resources provided, we expect to achieve a reduction in gun violence within targeted areas; identifiable improvements in federal and state handling of gun-related cases; and improved community public safety by offender incapacitation, enhanced deterrence, and prevention of gun violence.

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VIOLENT CRIME IN INDIAN COUNTRY

	Perm. Pos.	FTE	Amount
Criminal and Management & Administration Decision Units	**60**	**30**	**$4,699,000**

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses DOJ Strategic Plan Core Function 1: Investigation and Prosecution of Criminal Offenses, GOAL 1: Reduce violent crime, including organized crime and gang-related crime.

This initiative will address United States Attorney Goal 1: To identify, prosecute and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

Our strategies to combat Violent Crime in Indian Country include:

- Fully implementing the Major Crimes Act, the Indian Country Crimes Act, the Indian Child Protection Act, the Violent Crime Control and Law Enforcement Act of 1994, the Anti-Terrorism Act of 1996, and the Anti-Gang and Youth Violence Act of 1997;
- Supporting comprehensive strategies to target and fight overall violent crime, violent gangs, and youth crime through the establishment and continuation of multi-agency and federal and tribal task forces, such as the Safe Trails Initiatives and Weed and Seed designations in Indian Country;
- Continuing the United States Attorneys' support of the Department of Justice's Anti-Violent Crime Initiative;
- Providing tribal governments assistance and training to enhance their ability to address violent crime and juvenile crime at the tribal level; and
- Assisting tribes in developing and implementing Child Protection Teams and Multi-Disciplinary teams to address the serious problem of child physical and sexual abuse.

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PROPOSED ACTIONS

- Support innovative, community-based strategies aimed at reducing overall violent crime, violent gangs, and juvenile crime on Indian reservations.

OVERVIEW

This initiative requests 60 positions (33 attorneys), 30 FTE, and $4,699,000 in support of violent crime in Indian Country. Indian Country is similar to the District of Columbia in that all felony law enforcement (and, in the case of Indian tribes, a significant portion of misdemeanor law enforcement) is exclusively a federal responsibility. The Federal Bureau of Investigation (FBI) received an increase of 30 agents in FY 1999 for Indian Country and was directed in FY 2000 to reallocate 25 agents to existing DOJ offices nearest to Indian reservations to investigate sexual assaults. The FY 2000 Senate report language which first mentioned the requirement indicated that non-Indian sexual predators are targeting females on Indian reservations. The Bureau of Indian Affairs (BIA) received a total of 48 additional investigators in FY 1999. Also, BIA was authorized an increase of 10 investigators in FY 2000. The Community Oriented Policing (COPS) program has funded $68 million in grants between 1995 and 1998, this resulted in the hiring of 900 Police Officers for Indian Country. The COPS program received $35 million in FY 1999 and $40 million in FY 2000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for the purchase of equipment and training for new and existing officers.

In these districts with Federal enclaves, there are no other avenues for the prosecution of literally hundreds of violent crimes. A decision to decline a Federal case in favor of prosecuting a different federal case means that no one will prosecute the offender.

Over time, as communities, victims, and offenders see no consequences to those who commit violent crimes, public confidence in law enforcement is severely eroded. This has resulted in victims and witnesses who see no benefit to cooperating with the criminal justice system. Subsequently, violence has escalated while reporting of crimes may actually be declining.

JUSTIFICATION

An Executive Committee consisting of leaders from the Federal and tribal governments examined the law enforcement problems. This Committee determined that a substantial infusion of resources into Indian Country law enforcement is essential. At the request of the Executive Committee, U.S. Attorneys (USAs) led an unprecedented series of tribal consultations on Indian Country law enforcement

across the country during September and October 1997. The Committees' report suggested that a crime reported in Indian Country is twice as likely to be violent as a crime reported anywhere else in the United States. Despite this fact, there are fewer than half as many law enforcement officers per capita in Indian Country.

Federal investigation and prosecution of felonies in Indian Country cannot be deferred to a local (county, state, or tribal) jurisdiction. Federal law enforcement is both the first and the only avenue of protection for the victims of these crimes. A unique challenge that prosecutors must address is the issue of testifying against family members. Recently, resources have been provided to other agencies to support Indian Country. However, the USAs have not received any of our requested increases for Indian Country. Although there is a need for investigators in Indian Country, without complementary prosecutors, crimes committed may go unprosecuted. The addition of the requested attorneys in FY 2001 will complement the investigative resources distributed throughout the past few years.

The number of prosecutions in Indian Country have increased in recent years. This is due to the active presence of Assistant United States Attorneys (AUSAs) who engage in victim or witness interviews or other case preparation matters. For example, on the Tohono O'Odham reservation, as a result of the increased presence of an attorney, child sexual abuse cases have increased from 21 in FY 1996 to 70 in FY 1999. The ability to maintain a consistent presence on the reservation is time consuming but critical to ensure United States statutory responsibility is fulfilled.

In the District of Minnesota, the AUSAs are five hours north of the Red Lake and Bois Forte reservations. The AUSAs are required to travel to these reservations at least twice a month, further, weather can dramatically effect the time necessary to complete the journey. In Arizona, the closest United States Attorneys Office (USAO) to the capital of the Navajo Nation is a six hour drive, one way, from Phoenix, assuming the roads are passable. In fact, eleven of the 21 Arizona tribes are a four to six hour drive one way.

The Violent Crime Control Act of 1994 affected caseload in two principal areas: domestic violence and child sexual abuse cases. Previously, only those domestic violence cases were pursued that contained the elements of major crimes such as murder, manslaughter, assault with a dangerous weapon, assault resulting in "serious" bodily injury, forcible rape, etc. The new statute cited above allows prosecution of less egregious cases, such as severe beating without dangerous weapons where the injuries are not life-threatening but are still substantial. Provided there is an "interstate" aspect, we can charge cases where the defendant commits a crime of violence, even a crime of violence that does not by itself meet the high standards for the non-reservation federal crime. Also, we can now prosecute violation of protective orders, before there is a crime of violence.

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The additional definition of "sexual act" in the 1994 Crime Act allows the USAs to prosecute aggravated sexual abuse with children when the evidence shows skin-to-skin contact with the genitalia. Child sexual abuse cases constitute a significant portion of the referrals from Indian Country. This statutory change has had a significant impact on the numbers of cases we can successfully prosecute.

Drugs are becoming more prevalent in Indian country. Often Indian Country is used as the location for distribution and manufacture of illegal drugs due to its remote nature and lack of law enforcement. Drug dealers or traffickers often take advantage of seams in law enforcement where jurisdiction is convoluted by varying state laws. Tribal leaders in South Dakota have expressed concern over the effects of illegal narcotics on their tribes. The underlying problem existing in many tribes is either a lack of tribal law on narcotics possession or tribal courts who are unable to prosecute leaving federal prosecution as the only option.

Federal law makes thefts from Indian gaming establishments a federal crime. The proliferation of Indian gaming and economic development within Indian Country has resulted in an increase in commercial activity between Indians and non-Indians. This has resulting increased corruption and white collar crime matters. These white collar cases can require long and extensive investigations which result in substantial attorney involvement.

The following information from the Bureau of Justice Statistics report, American Indians and Crime, issued February 1999, reflects Indians nationwide, not just on reservations:

- American Indians suffer 7 rapes or sexual assaults per 1,000 compared to 3 per 1,000 among Blacks, 2 per 1,000 among Whites, and 1 per 1,000 among Asians;
- The average annual violent crime rate among American Indians - 124 per 1,000 persons age 12 or older - is about 2 ½ times the national rate for the period 1992 - 1996;
- The aggravated assault rate among American Indians (35 per 1,000) was more than 3 times the national rate (11 per 1,000) and twice that for blacks for the period 1992 - 1996; and
- On a per capita basis, 1995 data indicate about 1 substantiated report of a child victim of abuse or neglect for every 30 American Indian children age 14 or younger. Nationwide, this compares with a ratio of one child victim for every 58 children of any race.

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The Bureau of Indian Affairs 1998 Annual Law Enforcement Program report on Indian Country stated that:

- Rape by force has increased from 383 in FY 1997 to 456 in FY 1998, or an increase of 19%.
- Robbery has increased from 157 in FY 1997 to 260 in FY 1998, or an increase of 65%.
- Aggravated Assault has increased from 3,594 in FY 1997 to 6,471 in FY 1998, or an increase of 80%.

Violent Indian Offenses

	1995	1999	Percent change 1995-1999
Cases filed	480	620	29
Cases pending	355	431	21
Matters received	1,022	1,254	23
Total defendants guilty	361	602	67

In FY 1999, U.S. Attorneys offices with Indian country jurisdiction filed 620 violent crime cases, an increase of 140 cases or 29 percent over FY 1995. The cases pending increased from 355 in FY 1995 to 431 in FY 1999, an increase of 76 cases or 21 percent. The defendants guilty increased from 361 in FY 1995 to 602 in FY 1999, an increase of 241 or 67 percent.

Recently, the District of Arizona has aggressively pursued gang prosecutions. In FY 1998 there were 15 gang members charged with felonies compared to 59 in FY 1999. In the District of New Mexico the sex abuse caseload grew from 22 cases filed in 1997 to 35ases filed in 1999.

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The U.S. Attorney's offices report a substantially higher number of Violent crime cases in Indian Country cases than those captured in the Violent Crime in Indian Country caseload statistics. This is due to a case classification system which denominates certain categories of Indian Country cases as other than Violent Crime in Indian Country. For example a gun case which occurs in Indian Country can be classified as a Trigger Lock case as opposed to a Violent Crime in Indian Country case. Trigger Lock cases (gun cases) are captured under the program category of Violent Crime. This is an example of a violent crime case that occurred in Indian Country that is not captured under Violent Crime in Indian Country. Though these categories of cases may not be reported as Indian Country cases, they are generally handled by Indian Country prosecutors. The impact of this reporting discrepancy is that the EOUSA Violent Crime in Indian Country case statistics are understated. Without reviewing each case it will continue to be under represented of the actual violent crime caseload in Indian Country.

According to FBI statistics, 6,486 (or 83%) of the total 7,832 cases opened between FY 1994 and FY 1998 involved crimes of violence or the sexual/physical abuse of a child. Investigations involving the Child Sexual/Physical Abuse increased from 498 in FY 1994 to 647 in FY 1998, an increase of 149 or 30%. In the Phoenix field division, cases opened increased from 179 in FY 1994 to 311 in FY 1998, an increase of 132 or 74%. In the Minneapolis field division, cases opened increased from 464 in FY 1994 to 649 in FY 1998, an increase of 185 or 40%.

The bulk of Indian Country violent crimes are homicides, aggravated assaults, and sexual abuse cases -- mostly child sexual abuse cases. These cases are extremely taxing and time-consuming. Federal prosecutors handling these cases must deal with horrific crime scene photos and autopsy reports, or try to get traumatized toddlers to talk to total strangers about embarrassing, intimate details of sexual abuse. In many Indian Country districts, logistical difficulties abound, as victims and witnesses often do not have telephones or access to transportation, live sometimes hundreds of miles from the prosecutors' offices, may not speak English, and may be culturally resistant or conditioned not to cooperate with the federal justice system.

As District of Columbia federal prosecutors can attest, it is difficult to perform a State District Attorney role in federal court. In federal courts, prosecutors have federal motion practice, federal "Speedy Trial" cases, unwieldy federal juvenile laws, a comparative lack of judicial infrastructure and expertise in handling the immediate pretrial needs of violent crime victims. Moreover, federal prosecutors do not have the same range of options that state prosecutors have. This has allowed state prosecutors to handle larger violent crime caseloads.

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Police officers provide cases directly to our offices in Indian Country. Primarily, assault cases are received, but also domestic violence, robbery, and possibly some cases involving sexual contact, abuse. Police officers are first on the scene to many crimes that can prosecuted without further investigation (such as assault).

The District of New Mexico was able to quantify the number of unaddressed cases, with totals averaging between 100 and 150 open at any given time. In some cases, the investigative agency is eventually able to pursue the matter to the point of definitive decision. Many of these referrals turn into prosecutable cases which are assigned to AUSAs and charged. The majority, though, are ultimately closed for lack of activity. Unfortunately, the victims of these violent felonies quickly lose faith in the justice system and learn not to report the next time they are abused or assaulted.

If the federal government is to make a serious and sustained effort to meet its jurisdictional responsibilities to American Indians, the additional personnel requested for FY 2001 are desperately needed.

Examples of successful prosecutions.
In the district of South Dakota, Shawn Eagle Horse pled guilty to Second Degree Murder. After a day of drinking alcohol, Eagle Horse, his brother and their victim returned to the brother's house. While the brother was out of the kitchen, Eagle Horse approached the victim from behind and slit his throat. After cutting his throat, the defendant proceeded to stab him three more times in the back and left him lying on the kitchen floor.

In district of New Mexico on February 19, 1998, Wayne Lewis Charley, of Crownpoint, New Mexico, became the first person in the nation to be sentenced to a mandatory term of life in prison under a sexual predator statute enacted on September 30, 1996. Charley was convicted after a three-day trial on four counts of sexual abuse and three counts of aggravated sexual abuse of a child. Charley, who was working as a janitor at a Laundromat, repeatedly sexually abused two sisters, ages 13 and 11. A clan brother of the girls' mother, Charley had previously been convicted in federal court of sexually assaulting his 4-year-old granddaughter. Charley had served one year in prison for that offense and was on supervised release when he committed the sexual abuse of the sisters.

Ezra Mitchell Salyers was sentenced to 97 months in prison after pleading guilty to aggravated sexual abuse of a miner while within Indian Country. The victim is Salyers' 8-year-old granddaughter. Both lived on the Uintah and Ouray Indian Reservation, however, the defendant is not Native American.

In the District of Arizona, four defendants who were members and associates of the Eastside Crips "Rolling 302" gang were convicted of various offenses after a four-week trial in federal court for their participation in a two-year crime spree on the Salt River Pima-Maricopa Indian Community. Two defendants were sentenced to life imprisonment without parole; another was sentenced to 33 years imprisonment and the final was defendant sentenced to 30 years imprisonment.

CALCULATION OF NEED

Based on a detailed workload analysis, the addition of 900 police officers funded by COPS grants provided between1995 and 1998 for Indian Country would necessitate an increase of 33 attorneys to prosecute the cases brought. A study of the USAs operations was completed, identifying aspects of data that are predictors of future resource needs. The $68 million in COPS grants growth occurred between the FY 1995 and FY 1998 enacted budgets. COPS received in FY's 1999 and 2000 a total of $75 million for Indian Country. We can expect a large influx of Indian Country cases as the funded officers continue to come on board.

ALLOCATION OF RESOURCES

The proposed allocation of resources will be based on the following:

- Indian Health Service assault and sexual abuse data, compared to caseload data;
- Presence of Indian Reservations where the United States Attorneys have exclusive jurisdiction;
- Distribution of Federal enforcement agencies, including FBI and BIA;
- Caseload numbers, including attorney workyears; and
- One support position will be included for the Executive Office for United States Attorneys.

Other factors include: census figures, travel time from offices to reservations, likelihood of unreported violent crime, and declination rates. Finally, one support person will be assigned to the Executive Office for the United States Attorneys.

ANTICIPATED RESULTS

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If provided the requested resources, we will measure our success in this program by:

- Number of violent crime in Indian Country cases handled; and
- Number of violent gangs, including youth gangs, who have had their illegal activities disrupted.

Through the increased enforcement of federal statutes and cooperative efforts with tribal authorities, the United States Attorneys can have an impact on violent crime in exclusive federal jurisdictions, specifically Indian Country.

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COMPUTER CRIME AND INTELLECTUAL PROPERTY THEFT

Criminal and Management and Administration Decision Units	Perm. Pos.	FTE	Amount
	50	25	$3,948,000

This initiative requests 50 new positions (28 Attorneys) and $3,948,000 in support of our White Collar Program in the specific areas of computer and intellectual property crimes.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses the DOJ Strategic Plan Core Function 1: Investigation and Prosecution of Criminal Offenses; Goal 4: Reduce White Collar Crime.

This initiative addresses the United States Attorney Goal 1: To identify, prosecute and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

Our strategies include:

- Investigating and prosecuting criminal violations involving:
  - Computer crimes using computer intrusions and attacks by "hackers" and other computer criminals, as well as theft of intellectual property and other trade secrets;
  - Criminal conduct involving major embezzlements by computer, misuse of telecommunications systems, and theft of copyrighted works, including software and other materials, through computers and computer networks; and
  - Crimes in which computers are used to assist in the creation of fraudulent and/or counterfeited currency, financial instruments, and identification documents.

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PROPOSED ACTIONS

This initiative will contribute to accomplishing the above by:

- Allocating resources to districts where the concentration of computer related and high tech industries or the concentration of investigations will yield the greatest results;

- Increasing training and development of Assistant United States Attorneys' (AUSA) computer skills to become knowledgeable in the fields of computer crime and intellectual property theft. Also, increasing specialized training courses for investigators and prosecutors at the National Advocacy Center in Columbia, S.C., and developing training programs for state and local officials in conjunction with the National Cybercrime Training Partnership;

OVERVIEW

This initiative requests 50 new positions (28 Attorneys) and $3.9 million in support of our White Collar Program in the specific areas of computer and intellectual property crime. The United States' ability to protect its businesses and its citizens in a global economy depends upon our ability to deter, detect, investigate, and prosecute violations involving computers, intellectual property, and high technology.

The United States' technological edge has been threatened by domestic and international high tech criminals engaged in the theft and piracy of trade secrets, copyrighted software and other intellectual property of our nation's businesses. Investigative agencies throughout the government are devoting increased resources to Computer Crime. In response to this growing threat, the Federal Bureau of Investigation (FBI) has six National Computer Crime Squads in major high tech regions, namely: New York; Los Angeles; Chicago; Dallas; Washington D.C.; and San Francisco. The FBI was appropriated 56 agents in FY 1999, and opened four more computer crime squads. Also, in FY 2001, the FBI is requesting 2 agent positions for Intellectual Property Theft.

The growing complexity of computer systems and the networks that allow the computers to communicate mean that the investigation and prosecution of many high-technology cases will require the expertise that is possessed by federal investigative agencies such as the FBI, and thus will require commensurate expertise and resources for the United States Attorneys. Additionally, certain computer crime is uniquely within the federal jurisdiction, such as Defense Department criminal referrals and criminal copyright infringement, including theft of computer software. Users of today's powerful personal computers, printers, and software can create or reproduce

almost any document in original quality. This counterfeiting includes currency, checks, other negotiable instruments, and identification documents. For example, in December 1998, a 12-count indictment charged three Houston residents and a San Antonio resident with conspiracy, bank fraud, passing counterfeit securities, and access device fraud arising from their counterfeit check and credit card scheme. Alan Whitelaw Yemi Odelakon, Andrew Le, and Danielle Robers were charged with conspiring to execute and executing a scheme to defraud Houston-area financial institutions by depositing worthless, counterfeit checks during October and November 1997. An example of USA computer crime efforts can also be seen in the Western District of Michigan. This district is a test site for Office Computer Security for U.S. Attorneys Offices (USAOs) nationwide and is recognized as a leader in the investigation and prosecution of Internet fraud. Another example of the activities the USAs have recently been involved in can be seen in the June, 1999 guilty plea of Daniel Gruidl. The defendant pled guilty to computer fraud for accessing his employer's computer to give himself more than $61,507 in bonuses and salary increases. This was the first federal computer fraud case in the District of Minnesota.

Congressional Action.

The Congress has passed three significant pieces of legislation which indicate its concern about the threats posed by computer and high tech crime. They are:

- The No Electronic Theft (NET) Act, passed on December 16, 1997, strengthens the copyrighted and trademark laws. Specifically, this law amends 17 U.S.C. to permit the Department of Justice to prosecute individuals under misdemeanor or felony provisions in cases involving large-scale illegal reproduction or distribution of copyrighted works where the infringers act willfully, but without a discernible profit motive. Also, the Copyright Act (17 U.S.C. 101 et seq.) defines financial gain to include the receipt or expectation of receipt of anything of value, to ensure that persons who illegally traffic in copyrighted works by using barter are covered by the statute.

- The National Information Infrastructure Act of 1996, effective October 11, 1996, amended the Computer Fraud and Abuse Act, 18 U.S.C. § 1030. The amendments clarified existing provisions of the statute, added new offenses, and expanded the categories of computers protected by the act.

- The Economic Espionage Act of 1996, also effective October 11, 1996, created new offenses to prohibit the theft, unauthorized copying, or knowing receipt or possession of stolen trade secrets.

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JUSTIFICATION

Elements of the Computer Crime and Theft of Intellectual Property Problem.

The Clinton Administration is committed to protecting the nation's businesses and citizens from computer criminals and thefts of Intellectual Property. However, to meet this commitment, there must be additional attorneys and support staff for the investigation and prosecution of computer crime in its various manifestations. We require attorney staffing for significant cases of national interest, to thwart attempts at computer and other high tech crime, generated by the steadily accelerating role of computers in businesses throughout the nation, the personal lives of our citizens, the exploding growth of on-line services and Internet use, the vulnerabilities of computer systems to attack and abuse, and the ability of computer criminals to attack anonymously and from locations throughout the nation — and the world.

According to figures released by the Department of Commerce in June, 1999, the combined copyright and trademark industries represent the second fastest growing sector of the United States economy behind Internet-related electronic commerce. An economic study released last month by the Business Software Alliance reported that, in 1998, the software industry alone generated employment for 2.7 million Americans, generating $28.2 billion in income tax revenue. Both the copyright and trademark industries have cited increased infringement both domestically and abroad, particularly Internet-facilitated piracy and the online distribution of counterfeit products, as presenting a significant threat to increased growth in this vital economic area. The BSA study also concluded that software piracy cost the United States 109,000 jobs and $991 million in tax revenue in 1998.[1]

The USAs' Computer Crime and Intellectual Property Theft initiative will also call upon the manufactureres and software designers in U.S. industry to reaffirm their support for law enforcement efforts in the Intellectual Property area. We will ask that industry refer matters for investigation and prosecution, particularly those which involve threats to offenses believed to be committed by intellectual property theft.

Every twenty minutes, "hackers" try to penetrate the Defense Department's computer networks. During Senate hearings in 1996, the Defense Information Systems Agency estimated that the Department of Defense may suffer as many as 250,000 attacks a year. Recent

[1]Justice Department. "Justice Department, FBI and Customs Service to Compat Intellectual Property Crime: U.S. Law Enforcement Will Target High Tech Corridors to Fight Piracy and Counterfeiting Surge." Press Release: 99-323. 23 July 1999.

examples of this type of activity include the May 9, 1999 anti-NATO hacking by Chinese protestors of the NATO bombing of the Chinese embassy in Belgrade. The hackers forced the Energy Department and the National Park Service to shut down their home pages for almost 24 hours when hackers placed anti-NATO messages on them. The Department of the Interior (DOI) and even the White House have been recent victims of hackers. The DOI web page was taken off line for over five hours on May 10, 1999 after being subjected to an attack by anti-NATO protestors. The White House web page was shut down for over 24 hours while White House officials tried to determine whether hackers had tampered with the White House computer system. Fortunately, these systems, while inconvenienced, were not compromised.

Groups do not always "hack" into computer systems for political reasons. In fact, a notorious hacking gang which calls itself "Global Hell" replaced the Army's home page with the message "Global Hell is alive. Global Hell will not die" on June 28, 1999. This attack was in response to the FBI's crackdown on the group, comprised mostly of teenagers, after a series of attacks on the FBI, Department of Interior and the White House web sites, as well as various private computer systems. Although the investigation of Global Hell members is ongoing and includes many individuals, the difficulty of tracking down computer criminals is almost immeasurable. Global Hell members know this too. The group is "brazen and unskilled," according to federal law enforcement officials. Unfortunately, "(i)t's not that these are super wiz kids; it is the technology that gives them the ability to cover their tracks enough that you can have a hard time making a criminal case against them," according to a senior federal investigator.[2]

In a February 1999, Northern District of Ohio case involving the first-ever FBI wiretap of a high speed computer data line, a plaintiff was sentenced to 15 months in prison, 2 years of supervised release, and 100 hours of community service following his conviction for a number of computer-related crimes such as installation of a "sniffer" program on the computer network at Cleveland's Case Western Reserve University, installing "sniffer" programs on 11 computer networks, "hacking" into various college and business computer systems, including Cleveland State University, George Mason University (VA), the University of Minnesota, the University of Iowa, the University of Arkansas, Modern Exploration, Inc., APK Net, Inc., Cyber Access (which writes software for telephone companies), New Age Consulting Service, and crimelab.com (the Internet web site for a computer security company).[3]

[2]Suro, Roberto. "The Hackers Who Won't Quit: 'Global Hell' Typifies Compter Cops' Challenges." Washington Post 1 September 1999: A:1,10.

[3]Also, the plaintiff was convicted of possession and computer distribution of child pornography.

Also, on August 24, 1999, Hung Lin Wu pled guilty to trafficking in counterfeit labels affixed to counterfeit music CDs and counterfeit CD-ROMs that he manufactured. The value of the counterfeit intellectual property was more than $13 million. Wu replicated copyrighted CDs, including Microsoft computer programs and music recordings. This is the first conviction under the Intellectual Property Initiative that the Department of Justice announced on July 23, 1999.

Computer Related Crime.

This category of computer crime involves offenses that inherently require the use of computers or networks, but are not an attack or intrusion upon a computer system itself. This category includes several types of crimes:

- Interstate and international distribution of pirated intellectual property, including computer software, sound recordings, and motion pictures. Advances in technology now permit the storage and rapid dissemination through the Internet of perfect copies of pirated software, in violation of copyright;
- Theft of trade secrets, economic espionage, as well as theft of copyrighted works;
- Major embezzlements by computer (misapplication of funds, "rounding" schemes, phoney payees, etc.);
- Frauds arising from Internet investments or purchases, on-line banking, and penny stock purchases;
- Threats, extortions and blackmails attempted via the Internet or an on-line service; and
- Theft of telecommunications services through cloning and "freaking," (i.e., gaining telephone service without payment). This area of criminal conduct includes the use of cloned cellular phones to obtain telephone access, and the use of personal computers to hack into the telecommunications system and place free calls.

The FBI has elevated intellectual property crime to one of its white collar crime priorities. "Intellectual property criminals are organized, well-funded, and use the tools of the Internet and modern telecommunications to steal the product of our labors," Thomas J. Pickard, FBI Assistant Director, Criminal Investigations Division, said. "To effectively protect the creativity and ingenuity of our citizens, and the trade secrets they develop through research and development, we need to outmatch the criminals. That means

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integrating our federal resources with the resources of domestic industries that enjoy legal protection under intellectual property laws."[4]

A good example of this type of crime was seen in the Northern District of California, in December 1998, where four defendants were convicted on conspiracy and mail and wire fraud charges related to the theft of confidential high-technology business information. This scheme, in which proprietary information, specifically design drawings of spare parts used in the semiconductor industry, was stolen from the original equipment manufacturers by current or former employees. The defendants then used the stolen drawings to manufacture the parts and sell them at a discounted price. Estimated total money reported lost, $136.8 million.[5]

Another example, also in December 1998, was seen in the Eastern District of Texas. Two defendants were sentenced to prison terms of 77 and 60 months, respectively, following their guilty pleas to charges of conspiracy to commit theft of trade secrets belonging to the Intel Corporation. In May 1998, they contacted Cyrix Corporation, offering to sell Intel Prototype "Slot II" computer central processing units they had acquired without authorization. Cyrix alerted the FBI and cooperated with authorities when the defendants offered to sell five "Slot II" units for a total of $75,000. He then arranged to deliver two of the prototype units to Cyrix headquarters in Richardson, Texas. One of the defendants was arrested as he attempted to deliver the units, the other defendant was apprehended later. Both men were convicted under the Economic Espionage Act.

Finally, in August, 1999, the government's nationwide effort to combat telemarketing and Internet investment fraud achieved another major success with the guilty pleas of three former members of an organization headquartered in Los Angeles, but with boiler rooms in several U.S. cities, including San Diego, that defrauded more than 3,000 victims nationwide of almost $50,000,000. The organization designed, developed, and marketed a series of "high-tech," telecommunications-related securities (including 900-number, pay-per-call services, virtual shopping malls, and Internet service providers in various U.S. cities) that were not registered as required by law and that were fraudulently described to investors as "general partnerships." The telemarketing organization of which defendants Ira Itskowitz, Daniel William Rearick, and Michael Emerson Lopuszynski were members (described as "the Enterprise") solicited victims to invest monies in "general partnerships" by using false promises and representations and omitting material facts. The defendants also destroyed the books and records used in the scheme to keep federal agents from

[4]Justice Department. "Justice Department, FBI and Customs Service to Combat Intellectual Property Crime: U.S. Law Enforcement Will Target High Tech Corridors to Fight Piracy and Counterfeiting Surge." Press Release 99-323, 23 July 1999.

[5]Computer Security Institute (CSI). 1998 Computer Crime And Security Survey. 4 March 1998.

determining their profits and either did not file federal income tax returns, or file returns that did not report their fraud income. They each pleaded guilty to various counts of conspiracy, wire fraud, mail fraud, securities fraud, structuring currency transactions to avoid reporting requirements, money laundering (concealment), engaging in monetary transactions in criminally-derived property, and income tax evasion.

Computer-Assisted Crime.

This category of computer crime does not require the use of the computer, but is materially facilitated by its use. Advances in computer hardware and software have provided the criminal element with a user-friendly means of generating all forms of counterfeited documents, including currency, fraudulent cashier's checks, business checks, securities, debt instruments, and labels for pirated software. For example, some of these fraudulent items have been utilized by Southeast Asian gangs who defraud financial institutions and businesses through the wholesale reproduction of counterfeit checks. Other examples of this type of criminal conduct can be found in the actions of fringe groups like the "Freemen" in Montana that have cropped up around the country. These groups, which decry the nation's government and its financial system, fund their operations and their day-to-day existence with counterfeit checks and debt instruments which they seek to negotiate or pledge for hundreds of thousands of dollars. In 1998, the District of Idaho had an increase in a significant group of tax protestors and "paper terrorists" who victimize others in "Freeman style" pleadings in fictional courts. Idaho had several investigations in this area and one significant trial in which the lead defendant received a prison sentence of over 15 years.

A 1997 General Accounting Office (GAO) report stated that the Federal Reserve estimates that about $200 - 250 billion, or up to two-thirds of the roughly $375 billion in circulation outside of banks was abroad.[6] In fact, according to the GAO study, "the stability and worldwide acceptance of the U.S. currency, in particular, have made it a target for [terrorists and] international counterfeiters."[7] Further, GAO stated that "(w)idespread counterfeiting of U.S. currency could undermine confidence in the currency...if done on a

[6]U.S. General Accounting Office. "U.S. Currency: Treasury's plans to study genuine and counterfeit currency abroad." GAO, Report NSIAD-97-104, (1997).

[7]Ibid, 1997.

large-enough scale, this activity could reduce international holdings of U.S. currency and have a negative effect on the U.S. economy."[8]

According to the Secret Service, production methods utilized in counterfeiting have evolved over the years, from the traditional method of offset printing to color copies, and more recently, to scanners, computers and inkjet printers. Since the emergence of these newer methods, the percentage of inkjet counterfeit notes passed in the U.S. has increased dramatically, from 3 percent, or $759,588 in FY 1996, to 44 percent, or $16,021,310 in FY 1998.[9] "The U.S. currency" said Secret Service spokesman Carl Meyer in 1994, "is not only the most desirable currency in the world, it is also the most easily counterfeited."[10]

The Secret Service has found that "during FY 1997, domestically, $40,385,661 in counterfeit currency was seized prior to circulation. Of that amount, $3,461,138 or 8 percent, was inkjet produced. The total seizure amount of inkjet production notes does not compare with the number of domestic inkjet counterfeit plant suppressions (73.7%). This is due to the smaller seizures at the time of the plant suppression versus the amount of offset produced counterfeit, $29,197,222, or 72.2 percent, recovered during those types of plant suppressions."[11]

"The Customs Service and other law enforcement and intelligence sources are concerned about the increasing involvement of organized criminal gangs in high-volume counterfeiting," said Sam Banks, Deputy Commissioner of the U.S. Customs Service. "We are seizing record amounts of counterfeit products such as software, music, videos, and clothing. This is why a more focused,

[8]Statement before the House Appropriations Committee, Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies hearing on Domestic Law Enforcement Programs of the Department of Justice, May 1, 1996.

[9]SAIC Don Brewer, U.S. Secret Service, "Computer generated counterfeit statistics," notes, sent to U.S. Attorney Mark Calloway, Charlotte, North Carolina, September 4, 1998.

[10]Rudolph, Barbara. "Some Like Them Hot: A global lust for dollars and advanced imaging techniques have produced a wave of counterfeiting," TIME Vol. 144, No. 20 (1994).

[11]SAIC Don Brewer, U.S. Secret Service, "Computer generated counterfeit statistics," notes, sent to U.S. Attorney Mark Calloway, Charlotte, North Carolina. 4 September 1998.

coordinated approach is necessary to enhance our ability to identify and apprehend those engaging in criminal activity which cuts at the core of American business and ingenuity."[12]

Investigative Agency Resources.

The Department of Justice, particularly the United States Attorneys, must continue efforts to develop the capability to keep pace with advances in technology in order to effectively prosecute computer crimes and intellectual property theft. Federal investigative agencies are seeking to increase the complement of agents dedicated to the investigation and computer related crime.

In FY 1998, the FBI had six National Computer Crime squads in major high tech regions; these were established as a result of in increase of 34 agents appropriated in FY 1998. The FY 1999 enacted level included an increase of 56 agents, which resulted in the addition of four more squads. As in FY 1998, this increase was also directed at establishment of Computer Investigative and Infrastructure Threat Assessment (CITA) Teams to address electronic intrusion into the nation's computer and telecommunications networks. Furthermore, the FBI dedicated 153 agents (that is, expended 153 FTE workyears) to the National Internet Protection and Computer Intrusion Squads (NIPCIS) in FY 1999. These efforts will continue in FY 2000. Finally, the FBI is including a request for 2 additional agents for an Intellectual Property Theft in FY 2001. United States Attorneys' Offices can also expect criminal referrals of computer crime and intellectual property theft cases from numerous other federal agencies as well. Among the agencies projecting increases in referrals are the Secret Service, (which has concurrent jurisdiction over many of the offenses set forth in 18 U.S.C. § 1030); the Internal Revenue Service; several elements of the Defense Department, (which have been charged with monitoring weaknesses in DOD computer systems and making criminal referrals of intrusions and attacks); the United States Customs Service; and elements of NASA's Office of Inspector General, (which have similar responsibilities regarding NASA's computer systems).

Increasing Workload.

The following table displays the increases we are seeing in computer crime. The data from our case management system reflects significant growth in violations of computer-related statutes from FY 1992 to FY 1999. Between FY 1992 and FY 1999, matters

[12]Justice Department. "Justice Department, FBI and Customs Service to Combat Intellectual Property Crime: U.S. Law Enforcement Will Target High Tech Corridors to Fight Piracy and Counterfeiting Surge." Press Release 99-323. 23 July 1999.

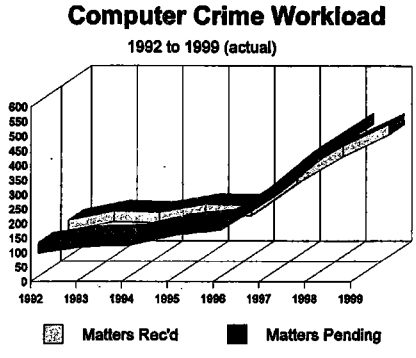
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received have increased by 307%, or from 107 to 436. Similarly, during the same period, computer crime cases filed increased by 174%, or from 38 to 104.

WORKLOAD DATA - COMPUTER CRIME
FY 1992 to FY 1999

	Matters			Cases		
	Received	Pending	Defendants Pending	Filed	Pending	Defendants Pending
1992	107	99	129	38	26	35
1993	138	121	156	53	28	31
1994	134	126	169	47	32	42
1995	162	162	216	45	43	52
1996	158	179	228	57	49	61
1997	270	279	348	66	59	75
1998	362	409	503	85	78	112
1999	436	509	613	104	81	123
% 92/99	**307%**	**414%**	**375%**	**174%**	**212%**	**251%**
% 98/99	**20%**	**24%**	**22%**	**22%**	**4%**	**10%**

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Also indicative of the need for greater resources to combat these types of crimes is the growing number of pending matters and cases. Matters and defendants pending increased by 414 percent and 375 percent respectively, between FY 1992 and FY 1999. During that same period, cases and defendants pending increased by 212 percent and 251 percent, respectively. There is a great need for AUSA experts in each office. This is important to the drafting of subpoenas and search warrants, the examination of evidence and the preservation of evidence. "Hacking" cases are very fact specific and thus time intensive. Investigating and prosecuting one case does not necessarily make the next case easier to investigate and prosecute. Also, AUSA experts can also assist in investigations where computers are more tangentially related to the crime.

CALCULATION OF NEED

The President's FY 1999 USAs' computer crime request for 36 positions was not approved in FY 1999 appropriation. However, the FBI was appropriated 56 agents in FY 1999. The actual agent workyears expended by the FBI in FY 1999 for computer crime was 153. That number can be expected to increase in FY 2000. The FBI is requesting 2 additional agents in FY 2001. While the U.S.

Attorneys are endeavoring to redirect our already strained resources to address this need, (in accordance with the direction of the Congress), **additional new resources are needed.**

The FY 2001 request for attorneys will address the continually increasing caseload generated by the 153 FBI agents in FY 1999 and increase the USAs' ability keep up with the growth in computer crime cases. The United States Attorneys are requesting 50 positions (28 Attorneys, 4 paralegals, 18 support) and $3.9 million in FY 2001.

ALLOCATION OF RESOURCES

In allocating positions for computer crime and intellectual property theft prosecutions, the Executive Office for United States Attorneys will identify those districts with the greatest need for resources to investigate and prosecute computer criminals.

The allocation plan will include an assessment of the needs of each district based on the following elements:

- Presence of federal investigative agencies with high tech squads;
- Districts that have a significant concentration of high tech businesses, or major universities;
- Districts that have a significant concentration of federal security and defense computer centers;
- Districts that are working in cooperation with local authorities in their high tech efforts to address local problems (e.g., intellectual property thefts under state trade secret laws); and
- Number of referrals from law enforcement and industry, and outreach to industry.
- One support position will be assigned to the Executive Office for United States Attorney.

ANTICIPATED RESULTS

If provided the resources, we will measure our success by:

- The number of cases terminated involving computer crime;
- Our ability to respond to high-impact major investigations conducted by our client agencies;
- Our results through sentencing rates and guilty pleas.

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CIVIL DEFENSIVE LITIGATION

Civil and Management and Administration Decision Units	Perm. Pos.	FTE	Amount
	76	38	$5,744,000

This initiative requests 76 positions (36 attorneys) 38 FTE and $5,744,000 in support of Civil Defensive[1] litigation in the United States Attorneys' offices (USAOs). United States Attorneys (USAs) defend the government in suits seeking monetary damages and/or challenging federal programs and policies. A recent statutory expansion of federal employee rights has already caused an explosion of complex, labor-intensive litigation that was not accompanied by any additional resources to defend the government (other than an unlimited fund to pay judgments when we lose). Another recent statutory change shifted from private insurance companies to the United States both the liability and the cost of defending medical malpractice claims for a pool of over nine million patients. Again, *no* legal resources were added to USAs to defend the government from the predictable onslaught of claims.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses: DOJ Strategic Plan Core Function 3 (Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests); GOAL 5 (Represent the United States in all Civil matters for which the Department of Justice has jurisdiction); and United States Attorney Goal 2 (to protect and advance the interests of the United States through the conduct of affirmative and defensive civil litigation). Our strategies include:

- Protecting the Treasury against unwarranted monetary claims, assuring appropriate payments for meritorious claims, maximizing monetary recoveries for injuries and damages to Federal property, and asserting the Federal Government's commercial interest in defensive litigation, and

- Defending against challenges to Federal programs, policy initiatives and statutes, and enforcing remedies for violations of statutorily-based Federal program requirements.

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[1] The eight case categories tracked in the "USA-5" forms that are considered "civil defensive program categories" are: defensive-monetary, defensive-other relief, bankruptcy & receivership, prisoner petitions, immigration-civil, Social Security claims, civil appeals, and Freedom of Information Act/Privacy Act litigation.

PROPOSED ACTIONS

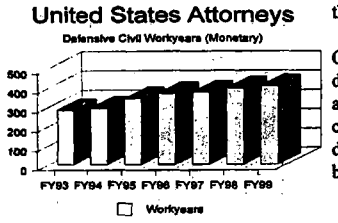
This initiative will contribute to accomplishing the above by:

- Providing adequate resources to prepare for and defend properly civil lawsuits against the United States, its agencies and employees; and

- Promoting effective defense of lawsuits through training and efficient use of resources in order to protect public funds and programs, policy initiatives and statutes.

OVERVIEW

This initiative requests 76 positions (36 attorneys, 18 paralegals, 22 support) 38 FTE and $5,744,000 in support of Civil Defensive litigation in the United States Attorneys' offices (USAOs). The USAs *must* defend the government against claims for damages. In addition to the work USAs have always done, Congress has recently subjected the government to potential monetary claims from a pool of millions of patients and millions of federal employees. Yet, Congress has not provided USAOs with any civil defensive resource increases to defend the government in over 18 years.[2] This request is necessary to defend the government from unwarranted claims and to settle those claims that have merit for an appropriate amount. Additionally, the courts dictate the pace of litigation.



Civil defensive work is different from most of the work of USAOs in that it is non-discretionary and non-delegable. U. S. Attorneys have some control over their criminal and other affirmative caseloads. USAs set prosecutive guidelines for criminal matters and can decide in each criminal matter whether to devote resources to the case. Civil defensive cases cannot be declined. When someone sues the government, the case must be defended, and it is the USAOs that handle the vast majority of this litigation.

[2] A small number of positions were added in FY 1997 to handle criminal and civil immigration cases.

While attorney workyears devoted to civil defensive work have increased since before 1993 (see chart, above), no new attorney positions have been provided by Congress during this period for civil defensive work. The civil defensive caseload handled by the USAOs has increased from 119,239 to 129,436 cases handled, or by nine percent, from FY93 to FY99 and includes:

- Employment discrimination cases;[3]
- Personal injury and wrongful death cases (including medical malpractice cases) brought pursuant to the Federal Tort Claims Act;[4]
- *Bivens* cases (suits seeking damages from federal officials *personally* for alleged civil rights violations);[5]
- Prisoner cases (habeas corpus, mandamus, civil rights, torts, and miscellaneous proceedings);
- Social Security disability cases;
- Immigration cases;
- Bankruptcy cases;
- Privacy Act and Freedom of Information Act cases;
- Cases challenging statutes and Congressional and governmental actions, (for example, environmental cases or health care reimbursement challenges); and

[3] Employment discrimination cases brought by federal employees on the basis of race, sex, color, religion, handicap or national origin.

[4] Medical malpractice cases, automobile accident cases involving federal employees, slip and fall litigation, and other miscellaneous torts. A tort is a wrongful act, injury, or damage for which a civil action can be brought.

[5] Cases against federal employees sued as individuals for violation of the plaintiff's constitutional rights.

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- Contract cases.

Civil defensive cases have become more complex, requiring additional resources. This is evidenced by the increase in expert witness fees expended and increased disbursements from the Judgment Fund. Expert witness fees have increased by eight percent since FY 1997 alone. The vast majority of expert witness fees arise from the litigation of the civil cases described below.

The Judgment Fund is a permanent appropriation fund established by Congress to pay settlements and judgments against the United States. In FY 1995, about $300 million was disbursed from the Judgment Fund. In FY 1997, $325 million was paid out. By FY 1999, the figure was up to $361 million. The need for additional resources is exacerbated by the fact that as agencies downsize, they cut back on the level of litigation support they provide to the USAs. Defensive civil units of USAOs must invest additional resources to fill the void created by the reduction of agency litigation support.

The strategies outlined below are designed to equip USAOs to address the increasing number and complexity of defensive civil cases, particularly in the areas of Title VII and Tort Litigation.[6] Further, the requested resources will help the United States to be better represented in actions seeking monetary damages.

JUSTIFICATION

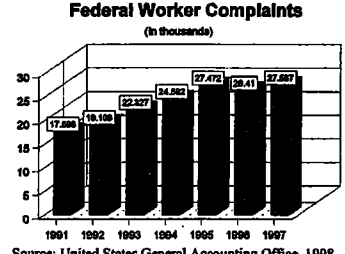
The USAs are requesting resources for two sub-sets of civil defensive litigation: employment discrimination (sometimes referred to as "Title VII" cases) and tort litigation. Each of these areas includes a justification of need and methodology for the allocation of resources.

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[6] Other growing areas in Civil Defensive work, but not addressed in this request, are Social Security disability cases, immigration cases and Bankruptcy cases.

EMPLOYMENT DISCRIMINATION LITIGATION
Justification of Need.

Like private sector employers, federal agencies are liable for employment discrimination claims based on race, sex, color, religion, handicap, national origin, or retaliation. Like the private sector, the number, cost and complexity of these cases have increased significantly in the last several years due to changes in the law. In fact, federal employees are *more* likely than their private sector counterparts to make discrimination claims. These labor-intensive cases must be defended appropriately for both monetary and morale reasons (see chart).



Source: United States General Accounting Office, 1998

Unfortunately, while the Equal Employment Opportunity Commission (EEOC) resources required to process this growing caseload have increased dramatically since 1991, USAOs have not received any additional funding for this civil defensive work. Losing employment discrimination cases is costly, not just because of the significant damage awards, but because the courts routinely require the government to pay the employee's attorney's fees, which can often exceed $100,000 per case. With adequate resources, USAOs can defend those cases that should be defended and resolve those cases that should be settled in order to achieve the Civil Rights Act's laudable goals.

Significant changes in employment discrimination legislation have increased not only the number, but the cost and complexity of employment discrimination cases handled by the USAOs. In November, 1991, Congress enacted substantive amendments to Title VII of the Civil Rights Act of 1964 ("Act"), 42 U.S.C. § 2000e, *et seq.* For the first time, the 1991 legislation allows plaintiffs to recover compensatory damages (for example, mental anguish and other "pain and suffering") up to $300,000, no longer limiting awards to past and prospective lost wages. The Act also provides for the right to a jury trial and attorneys fees. This has increased the number of private sector attorneys willing to handle employment discrimination cases, as well as increased the amount of time those attorneys are willing to devote to these cases. Employment discrimination cases are more labor-intensive than most of the USAO caseload, with an expanded potential for much higher damages to be paid out of the Treasury's Judgment Fund or agency budget. More resources must be expended on each case, although no funds were appropriated to support the increased caseload and demands created by this change in the law.

The effects of the 1991 amendments began slowly and have continued to build in every year since then. Although statistics are not separately collected for employment discrimination litigation, all defensive Civil Rights matters and cases -- of which Title VII

employment discrimination litigation is the major component -- grew dramatically from FY93 to FY98. Specifically, from FY93 to FY99, pending defensive Civil Rights cases grew 40 percent, from 1,989 to 2,748. Some recent examples of Title VII litigation include:

- A hostile work environment case involving a Postal employee's suicide. Although the jury awarded $5.5 million to plaintiff, the judge reduced that award to $300,000 and entered judgment for $1.7 million once front pay was added to the award.

- A sexual harassment and retaliation case that eventually took two and a half weeks of trial. Although the government "won" the case, it consumed about 75 percent of one AUSA's time for two years.

- A race, gender and multiple-disabilities discrimination case against the Defense Commissary Agency. Over 1,000 attorney hours were spent on this matter, including witness interviews, more than 20 depositions, discovery requests, and case settlement conferences. The AUSA obtained a summary judgment, which was affirmed by the Ninth Circuit.

- A race and national origin discrimination case against the Department of the Navy. The employee, who had filed more than thirty EEO complaints, alleged that discrimination caused stress and resulted in high blood pressure, headaches, and emotional difficulties. This case took roughly 500 attorney hours, and required expensive expert witnesses to determine plaintiff's physical and psychological problems. Although the employee demanded $17 million in damages, as a result of the AUSA's efforts, the case settled for $10,000.

- A handicap discrimination case against the Postal Service in connection with an employee's alcoholism. About 400 hours in attorney time was spent in trial preparation, discovery, and a successful summary judgment motion that ended the case.

The number of these cases will significantly increase in the future. These cases arrive in USAOs at the end of a "pipeline" that begins with an administrative EEO process in which employees are required to "exhaust administrative remedies." At the end of that process, which may involve hearings and appeals, cases emerge from the pipeline when the dissatisfied employee files a lawsuit in federal court. United States Attorneys do not see these cases until they are filed in court. A look at what is happening at the administrative EEO level makes clear that the pipeline is full to bursting, and the deluge of cases we have already seen will continue to flood the court system.

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From 1991 to 1997, the General Accounting Office (GAO) reported a 56 percent increase in annual filings of EEOC administrative complaints which has caused a dramatic increase in the backlog of pending EEOC cases. During that time, the backlog of hearing requests increased over 200 percent (to 10,016) and the backlog of appeals increased over 600 percent (to 9,980). In order to remedy this increase in cases, the EEOC has already increased the number of Administrative law judges 41 percent (53 to 75). This increase in judges and their ability to hold more hearings and therefore reach more decisions is partly responsible for the increase in employment discrimination cases that we have seen. But even this increase was not sufficient. EEOC predicts that with the requested increase of judges they would increase the annual hearings another 59 percent, from 10,016 in 1997 to 15,950 in 2002. Despite the fact that Congress has already increased EEOC resources to handle more cases (that fill the pipeline), USAOs have been given no additional resources to handle the cases that pour out of the pipeline at the end of the process.

The increase in EEOC hearings will *inevitably* result in an increase of court cases that USAs *must* defend. United States Attorneys have not received one FTE to defend the 40 percent increase in the number of cases we have already seen. They absolutely do not have the resources to defend this expected 59 percent increase. This problem is exacerbated by the decline during the 1990s of agency support in case preparation and defense. As the number of agency counsel has declined with budget cuts and downsizing, the availability of agency counsel to assist in investigation and case preparation also has declined. This exploding, labor-intensive caseload is the direct result of a statutory amendment that simply was not accompanied by any resources necessary to protect the interests of the United States.

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TORT LITIGATION
Justification of Need.

Under the Federal Tort Claims Act ("FTCA"), the United States is liable for personal injury, medical malpractice and wrongful death cases to the same extent as private parties. And like the private sector, the cost of defending and paying these claims has increased greatly over the last decade.

Settlements and judgments, which are the end result of most of these types of cases, are paid from the Treasury's Judgment Fund. In FY98, about $342 million was paid from the Judgment Fund for tort cases, about one-half of the total payments. Examples of tort cases defended by USAOs range from a slip-and-fall in a post office to a medical malpractice claim by a VA hospital patient who was not diagnosed with cancer; from a "fender bender" accident caused by any of the million of federal employees to a medical malpractice claim brought by the parents of a baby born with cerebral palsy at a Navy hospital. The medical malpractice cases are often especially complex, costly, and labor-intensive.

New types of medical malpractice cases have been added by Congress to the caseloads of USAs. For example, Congress has extended FTCA coverage to medical malpractice claims at Indian health centers.[7] More significantly, recent legislation known as the Health Centers Assistance Act of 1992, ("HCAA") provides that Health and Human Services (HHS) supported community health centers, hospitals, clinics and other health facilities, along with their employees, and contractors, will be considered employees of the Public Health Service.[8] The exclusive remedy for a patient treated in a covered Community Health Center alleging medical malpractice is now a lawsuit against the United States under the Federal Tort Claims Act (FTCA) rather than against the formerly privately-insured clinics. This legislation, which was originally enacted for a three year trial period, has now become permanent.
According to an April 1997 GAO Report, 716 federally funded community and migrant workers health centers meet the criteria that make them eligible for the program.[9] These centers provide health care to over nine million people. The effect of the HCAA is to require USAOs to assume the litigation responsibility for all medical malpractice cases filed against all health care providers by a population equal to the size and diversity of New York City. As a result, Congress has relieved hundreds of clinics, hospitals, doctors and nurses of the expense of defending and paying medical malpractice claims. Despite adding the burden of defending these cases to the already strained caseloads of USAOs, no new USA positions have been added to defend these cases. This request is designed to remedy this fiscally imprudent situation.

Because of the delay by HHS in implementing this program, USAOs have just begun to see the serious impact of the HCAA on their workload. Before a provider can qualify under the program, it applies to HHS in a complex "deeming" process. HHS took considerable time to establish procedures for processing the applications. Only cases based on activities occurring *after* the deeming process are covered by the Act. Once a provider is deemed, an individual's claim for medical malpractice must be filed with HHS and the plaintiff must wait at least six months before filing a lawsuit in district court. After a slow start, HHS has now deemed the providers of health care to over nine million patients. Malpractice claims from that pool of patients are now appearing in court.

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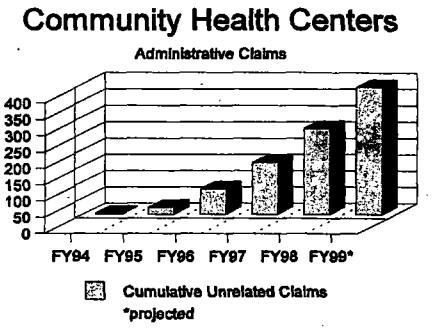
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[7] 42 U.S.C. § 450f. Congress has also made the United States liable under the FTCA (FTCA extensions of the Indian Self Determination Act, 25 U.S.C. § 450f; 25 U.S.C. § 450f (note); and 25 U.S.C. § 2804) for certain personal injury and wrongful death claims against Indian tribes, tribal organizations, Indian contractors and their employees.

[8] 42 U.S.C. § 233.

[9] GAO/HEHS-97-57

In 1997, GAO reported tort claims submitted to HHS had risen dramatically. HHS received only four claims in 1994 with a value of $6 million and 18 claims in 1995 with a value of over $66 million. In 1996, HHS received 76 claims worth $252 million and 40 more from October 1, 1996, through March 21, 1997. The trends predicted by GAO have proven to be correct. We are currently projecting the total claims filed in FY 1999 to be over 400 claims filed, with a value of about $1.6 billion.



These cases require significant AUSA, paralegal, and secretary resources. One of the difficulties is that the defendant clinics and doctors are not really government employees, and USAOs get virtually no investigation or litigation support from HHS. Short descriptions of some of the claims filed just in January 1999, illustrate how complex these cases are and, therefore, difficult to defend:

- Alleged negligent prenatal care and failure to diagnose and treat gestational diabetes resulting in wrongful death of infant *in utero*;
- Alleged failure to provide adequate medical care, perform an EKG and refer the patient to a cardiologist, resulting in death;
- Alleged negligence resulting in semi-paralysis; and
- Alleged negligent prenatal care resulting in genetic blood disorder being passed to newborn who sustained massive brain damage.

When analyzing the impact of an increase in medical malpractice cases, we must consider the nature of these cases and their resource requirements. In *any* medical malpractice case, medical and rehabilitation experts are needed to litigate issues of liability and the extent of physical injury. In addition, economists and actuarial experts may be needed to calculate economic damages. The need for these experts translates into greater expense and greater potential exposure for the United States. The cases arising under the HCAA, however, are expected to be even more resource intensive than the historic government medical malpractice case for two reasons. The typical patient populations at most community health centers and Indian health centers tend to be poorer populations with all of the underlying health problems generated by lack of consistent well care, including good prenatal care.

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In cases involving federal employees and federal institutions, USAOs normally rely on agency counsel and other federal agency employees to investigate the claim, provide a litigation report, and assist in litigation by helping in the discovery process. This type of agency litigation support has proven to be unavailable in these cases where the health care providers are not federal employees, and there is no incentive to cooperate because of lack of individual exposure to liability.

Moreover, HHS does not have the same powers to investigate claims in these cases as it would in cases involving agency facilities and employees. Finally, HHS does not have sufficient legal staff to assist in this litigation. Because the agency cannot provide a significant level of assistance to the USAOs, the USAOs must investigate the facts and circumstances of each case, locate and acquire records and other documentary evidence, and locate and interview witnesses. The consequence for the USAOs is a need to devote more attorney and paralegal time to cases filed under this Act than would be required in a more traditional government medical malpractice case. In order to adequately defend these cases, more civil defensive resources are necessary.

CALCULATION OF NEED

In the past, USAOs have had to defend a flood of new complex cases by redirecting already scarce resources from other priorities. Unfortunately, the reallocation of other resources is no longer a viable option; thus, additional resources are absolutely necessary if the interests of the United States, its agencies and employees are to be adequately protected in the future. Failure to provide the required resources will have a significant impact on our ability to defend the Treasury from unwarranted or excessive claims and lawsuits and to defend federal programs and employees from unwarranted legal attacks.

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As set forth above, we expect a significant increase in Title VII cases. Recognizing that we have managed with an increase of 41 percent in Title VII cases since FY 1993, this initiative only addresses the additional expected growth from 1997 to the present. This results in an increase of 505 new Title VII cases per year over current levels. We also predict an increase of at least 100 Community Health Center medical malpractice cases per year. These cases are complex and time consuming. We believe an AUSA can handle no more than eight to ten of these cases per year, allowing for a minimal amount of overtime. This would translate to a need for approximately 60 additional AUSAs. However, in an effort to maintain a more fiscally conservative request, we are seeking **only 36 attorneys** to help us in our efforts.

One of the ways we have been able to handle the increase in caseload in the past is to use AUSA resources more efficiently by maximizing our use of computer technology and by using paralegal resources where possible. Currently, the ratio of AUSAs to paralegals in our civil divisions has been approximately seven AUSAs to one paralegal. This is compared to law firms engaged in

comparable complex litigation where the ratio is closer to two attorneys to one paralegal. By increasing the ratio of paralegals to attorneys, we will be able to more efficiently reduce the backlog that has resulted from the increase in complex cases we have had in the past and the expected increase in the future. Therefore, in addition to the 36 attorney positions, we are requesting 18 paralegal positions. Our total request for FY 2001 is for 76 positions, including 36 attorneys, 18 paralegal and 22 support positions. Two positions within this request will be dedicated for mission support in the Executive Office for United States Attorneys.

Allocation of Resources.
The distribution of new positions to handle employment discrimination litigation will be based on the increasing numbers of Title VII and Tort matters received and cases filed, plus the number of federal civilian employees in each district.

- Two support positions assigned to the Executive Office for United States Attorneys.

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CHILD EXPLOITATION AND PORNOGRAPHY

Criminal and Management and Administration Decision Units	Perm. Pos.	FTE	Amount
	47	24	$4,059,000

This initiative requests 47 new positions (31 attorneys), 24 FTE, and $4,059,000 in support of our White Collar Program in the specific areas of Child Exploitation and Pornography.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses the DOJ Strategic Plan Core Function 1: Investigation and Prosecution of Criminal Offenses; GOAL 4: Reduce White Collar Crime.

This initiative addresses the United States Attorney Goal 1: To identify, prosecute and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

STRATEGY

Our strategies include vigorously prosecuting referrals from law enforcement task forces at all levels that use undercover techniques to identify persons who:

- produce new child pornography;
- travel across state lines to engage in sex with children; and
- trade images of child pornography.

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PROPOSED ACTIONS

To advance this strategy, we will:

- Add additional prosecutors and support staff to U.S. Attorneys' offices in districts where these investigative task forces generate cases, and to jurisdictions where the presence of large Internet Service Providers (ISPs) creates a substantial new investigative workload;

- Develop prosecutors' computer knowledge and skills through periodic exposure to hands-on training and develop remote-learning methods to keep that expertise up-to-date between such training sessions.

OVERVIEW

This initiative requests 47 new positions and $4.1 million in support of our White Collar Program in the specific areas of child exploitation and pornography. The United States' ability to protect our children from pedophiles and other persons who engage in sexually explicit activities is threatened.

JUSTIFICATION

Child Exploitation and Pornography.

Child pornographers, who were once relegated largely to illicit books, magazines, and mailings, have emerged as a significant problem on the Internet. This medium has enabled pedophiles to contact each other and strike up anonymous electronic conversations with or about potential victims. Also, the Internet provides pedophiles with a means to store, distribute, and exchange electronic images of child pornography.

The Congress has expressed its concern about the threats posed to children in a significant piece of legislation. The Child Pornography Prevention Act of 1996, ("The Act") effective on September 30, 1996, created new child pornography offenses and increased penalties for child abuse and pornography. The Act increased penalties for both child sexual abuse and child pornography crimes, and most importantly, created a separate statutory scheme for computer generated or altered child pornography. The USAs have responded to requirements of The Act through increased prosecutions of child pornographers. For example, in June, 1999 in the Western District of Virginia, a former Lynchburg, Virginia pediatrician was sentenced to 33 months in prison under The Act for

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receiving and possessing sexually explicit images of children. He was also fined $60,000 and sentenced to three years of supervised release following his incarceration.

Also, defendants were sentenced for child pornography offenses in three separate cases in June, 1999. Richard Dean Newberry was convicted of five counts of interstate transportation of child pornography following an undercover investigation by the East Baton Rouge Parish Sheriff's Office. Newberry e-mailed numerous images of child pornography to a detective who was posing as a 12-year-old girl. Newberry was sentenced to 70 months in prison and ordered to comply with the Louisiana laws regarding sex offender notification and registration as conditions of his supervised release. John M. Stern was sentenced to a 33-month prison term following his guilty plea to eight counts of transportation of child pornography. Stern transmitted child pornography via America Online to undercover FBI agents on three separate occasions. In the third case, Gerald Hooper pled guilty to possession of child pornography after the local hospital where he was an administrator discovered the pornography on his office computer. Hooper was provisionally sentenced to 15 years in prison, pending a psychiatric evaluation at a federal medical center.

Crime in the age of information technology has adapted to the environment by becoming increasingly more complex and sophisticated. The technical expertise of computer information specialists is required to identify, classify, organize, interpret, describe and present evidence collected by law enforcement agencies. For example, in a report dated June 16, 1998, the FBI identified several statistics which relate to activities such as engaging or attempting to engage in child pornography or solicitation crimes online. Specifically, in operation "Innocent Images," which targeted the individuals who use America On Line (AOL) to traffic in child pornography, the FBI executed more than 363 search warrants nationwide. Two hundred and one individuals have been convicted, the remainder of these investigations are continuing. Also, 176 individuals have been indicted, and 180 individuals have been arrested.

The USAs are responsible for the prosecution of various computer crimes, including crimes involving the possession and distribution of child pornography and the sexual exploitation of children. These cases encompass a cohort of pedophiles that present an exceptionally serious threat to children -- "travelers" who seek to meet children on-line and who then travel -- or induce the child to travel -- in an attempt to meet and have sex with the child. The USAs have handled an increasing number of child pornography and traveler cases in the last several years; that number will assuredly increase -- and increase dramatically -- in the next several years. In 1998, one AUSA in the Eastern District of Virginia (EDVA), where AOL is headquartered, handled 66 search warrants -- a 50 percent increase from the previous year. Historically, these cases were generated by the FBI's Innocent Images Task Force headquartered in Calverton, Maryland. The Calverton-based task force has doubled in size in the last year; moreover, smaller "franchise" task forces were recently established in five other locations throughout the country and four more task forces are scheduled to begin operations this year. The U.S. Customs Service has also actively pursued child pornography cases and it, too, is expanding its efforts in this area.

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Indeed, according to one FBI official, they expect the Calverton task force to open two times more cases in 1999 than they did in 1998. Clearly, law enforcement's commitment to crimes involving the sexual exploitation of children will produce a dramatic surge in AOL related search warrants. Regardless of where the case will ultimately be brought, the EDVA is responsible for preparing and obtaining the search warrant. The USAs have had great success in prosecuting child pornography and sexual exploitation of children cases, but dramatic growth in Internet use promises many more such cases. Similar to the increases in child pornography seen in the EDVA, the district of Maryland, where the FBI's Innocent Images Task Force is located, has also seen a high number of prosecutions of child pornography cases.

A recent example of the USAs' successful prosecution of pedophiles who use AOL includes a defendant who was charged with possessing child pornography in July, 1999. The indictment also sought forfeiture of his computer and the diskettes he used to store pornographic images. Federal authorities in Maryland first became aware of the defendant when they traced computer transmissions of child pornography they received to his California address. Executing a search warrant at the residence, agents found more than 100 computer images depicting minors engaged in sexually explicit conduct.

The investigation and prosecution of criminal offenses against children will continue to be a high priority of the USAs. High priority will be given to cases involving large-scale distributors who realize substantial income from multi-state operations as well as prosecution of cases involving relatively small distributors, cases in which there is evidence of organized crime involvement, and distributors of obscenity over the Internet.

State Prosecutions.

Due to the laxity in state child pornography law, the USAs are often the line of last resort in the area of child exploitation and pornography. In other words, if the federal government doesn't do it, it won't get done. U.S. Attorneys Offices (USAOs) of all sizes have been impacted by the increasing numbers of child pornography cases. For example, the District of Maine has had 36 child pornography cases since March 1, 1997, with four convictions and six cases under indictment/other formal charges (of the six cases charged, two were closed after the defendants committed suicide, one was dismissed after the evidence was suppressed, and one case is still on appeal on a constitutional challenge to the statute). There currently are 18 child pornography cases under investigation.

There has been an explosion of serious child pornography cases. In Maine for example, the State pornography statute is a misdemeanor unless the evidence shows that there was monetary gain involved. Monetary gain is simply not a factor in 99 percent of the child pornography cases. Moreover, State investigators are devoid of the necessary computer forensic capabilities required in these

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cases. The result is that almost all "State investigations" are referred to either Customs or the FBI. USAOs are inundated with these cases, yet it is difficult to decline them given their nature. Sending them back to the State either results in a misdemeanor prosecution or outright declination.

Other examples of this type of activity include:

- In July, 1999, a defendant was indicted for possession of child pornography after a United States Customs Service undercover operation that led to the arrest of another collector of child pornography in Texas. When the Texas collector's computer was searched, agents found contacts with the defendant via "ICQ," a software program allowing computer users to "chat" with one another and exchange files. The Customs Service served a search warrant on his residence in June 1999 and seized his computer and related equipment.

- Also in June, 1999, a defendant, a former member of the Big Brother program in the Northern District of Illinois, was sentenced to a prison term of 121 months for receiving child pornography and possession of child pornography. The sentence included an upward departure based on the defendant's limited criminal history which did not adequately represent his likelihood of future offenses. The defendant, who pled guilty to the charges, made successful and unsuccessful advances toward at least 10 teenage boys over a six-year period.

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Investigative Agency Resources.

The Department of Justice, particularly the United States Attorneys, must continue efforts to develop the capability and technology to keep pace with advances in technology in order to effectively prosecute users of computers for child exploitation and computer crimes. Federal investigative agencies are seeking to increase the complement of agents dedicated to the investigation of computer related crime.

The U.S. Customs Service, in its "International Child Pornography Investigation," has effected 258 arrests since 1995, from which the U.S. Attorneys have obtained 237 indictments and 150 convictions. These efforts represent the first time that individuals who were distributing child pornography through a U.S.-based computer network were systematically identified, investigated and prosecuted. As computer and Internet use continues to increase, it can be expected that this problem will likewise increase. Child pornographers, armed with tools such as the Internet have expanded their contact with other pedophiles to the international arena. For instance, on March 31, 1998, a husband and wife, both citizens of Basel, Switzerland, were sentenced to prison terms of 87 and 8 months,

respectively. They were charged with selling large quantities of child pornography through the Internet and the mails, and with physically bringing thousands of electronic files of child pornography into the country from their home in Switzerland. This case arose from a U.S. Customs undercover operation called "Tholian Web" that was operated from Buffalo, New York.

The FBI has located its Innocent Images Task Force in its Calverton Office, just outside the Washington, D.C. beltway in Prince George's County, Maryland. In addition to prosecuting cases where a Maryland venue is appropriate, this office provides additional support to the Innocent Images effort involving cases that are not ultimately prosecuted in Maryland. Specifically, an attorney is assigned for the following purposes: to render legal advice to agents, issue all grand jury subpoenas to service providers which are appropriate to aid in Innocent Images investigations, prepare and submit motions and proposed court orders under 18 U.S.C. § 2703(b) (e.g., unopened e-mail) and other applicable statutes, review drafts and provide assistance in obtaining search warrants.

The amount of work generated by the presence of Innocent Images in Maryland is substantial. The FBI Task Force currently consists of a total of 22 Special Agents, 24 Intelligence Research Specialists, and 4 Investigative Assistants (50 people total). They are the primary investigators of child pornography cases all over the country. This effort has been growing and is likely to continue to grow in the future. Resources are needed in order to continue supporting this growing nationwide enforcement program. In addition, the trend seems to be that the workload will increase on out of district cases. If one looks at grand jury subpoenas as a proxy for the amount of work being generated, a sustained and increasingly high amount of work is likely to be generated by FBI agents. In the final two months of 1998 there were 95 subpoenas issued from the District of Maryland on Innocent Images matters. In FY 1999, the number of subpoenas issued has grown to over 150, an over 60 percent increase.

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Increasing Workload.

The following table displays the increases the USAs are seeing in child pornography and exploitation. Between FY 1992 and FY 1999, matters received have increased by 1,099 or 169 percent. Similarly, during the same period, child pornography cases filed increased by 273 percent , or from 227 cases in FY 1992 to 847 cases in FY 1999. As the workload data reflects, there was an explosion of matters received and cases filed in FY 1995 with an average annual growth in workload since FY 1994 of 24 percent and 27 percent respectively. The USAs have not been able to fully recover from this growth in workload without a commensurate increase in attorney positions.

WORKLOAD DATA - CHILD PORNOGRAPHY/ABUSE
FY 1992 TO FY 1999

	Matters			Cases		
	Received	Pending	Defendants Pending	Filed	Pending	Defendants Pending
1992	652	565	624	227	217	223
1993	582	559	643	235	168	176
1994	619	541	586	264	194	218
1995	958	814	896	344	268	293
1996	1,145	858	945	540	427	498
1997	1,285	1,003	1,083	582	455	530
1998	1,499	1,163	1,257	714	595	644
1999	1,751	1,357	1,445	847	686	760
% 92/99	**169%**	**140%**	**132%**	**273%**	**216%**	**241%**
% 98/99	**17%**	**17%**	**15%**	**19%**	**15%**	**18%**

ANTICIPATED RESULTS OF ADDITIONAL RESOURCES:

The United States Attorneys cannot continue to indefinitely absorb the rapid increases we are experiencing in the child exploitation and pornography areas. The United States Attorneys are currently investing resources to address the crime problems in their districts and addressing those areas which have been established as national priorities. Although there are currently no reliable estimates of the number of children who have been or are being victimized, the rate at which federal, state, and local enforcement are encountering cases of this nature appears to be growing rapidly. It is important that the USAOs take appropriate actions to combat this increasing threat. The USAs' increasing caseload in the child pornography area is such that we need additional resources in order to ensure that those who engage in criminal child sexual abuse and exploitation are apprehended and punished to the full extent of the law.

CALCULATION OF NEED

The FBI dedicated 177 agents in FY 1999 to child pornography and Internet exploitation. Although the USAs have requested funding for Child Exploitation initiatives in the past, funding has not been appropriated for this continually growing area of crime. In order to address the workload backlog generated by the additional FBI agents, the USAs would need an additional 31 attorneys, three of whom will be in a supervisory capacity. Additionally, the USAs are requesting five paralegals, 11 support positions, and $4.1 million in FY 2001.

ALLOCATION OF RESOURCES

In allocating positions for child pornography and exploitation prosecutions, the Executive Office for United States Attorneys will identify those districts with the greatest need for resources to investigate and prosecute high technology crimes against children. The allocation plan will include an assessment of the needs of each district based on the following elements:

- Districts that are working in cooperation with local authorities in their high tech efforts to address local problems;
- Number of referrals from law enforcement; and
- In addition, one support position will be assigned to the Executive Office for United States Attorneys.

ANTICIPATED RESULTS

If provided the resources, we will measure our success by:

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- Our ability to respond to high-impact major investigations conducted by our client agencies;
- The number of cases terminated involving child pornography; and
- Our results through sentencing rates and guilty pleas.

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IMMIGRATION

	Perm. Pos.	FTE	Amount
Criminal and Management & Administration Decision Units	**48**	**24**	**$3,844,000**

This initiative requests 48 positions (27 attorneys), 24 FTE and $3,844,000 in support of Immigration workload.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses DOJ Strategic Plan Core Function 4: Immigration, GOAL 3: Secure the land border, ports-of-entry and coasts of the United States against illegal migration through effective use of technology and personnel resources focuses on enhancing the deterrence to entry and apprehending and removing those who attempt to enter illegally.

This initiative will address United States Attorney Goal 1: Investigation and Prosecution of Criminal Offenses.

Our strategies to combat violations of Immigration offenses include:

- Ensuring that there is a sufficient United States Attorney presence to meet the steadily increasing caseload generated by increased INS resources.
- Aggressive enforcement of the Immigration statutes including aliens who after deportation, attempt to reenter or are found in the United States illegally, alien smugglers and alien smuggling organizations, and those involved in production, distribution and sale of false U.S. Immigration documents and other identification documents.
- Continue to build partnerships with State and local governments and law enforcement agencies to develop comprehensive immigration plans to deport illegal aliens.

OVERVIEW

The Immigration criminal cases filings have grown from 4,042 (or 11 percent of the total criminal cases filed) in FY 1995 to 11,580 (or 23 percent of the total criminal cases filed) in FY 1999. This represents an increase of 186 percent in Immigration case filings from FY 1995 to FY 1999. The United States Attorneys have received increases of 42 attorneys in FY 1995 and 8 attorneys in FY

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1998.

The Immigration and Naturalization Service, the primary contributor to the United States Attorney workload, is requesting an increase of 430 Border Patrol agents and 115 inspectors in the FY 2001 Congressional submission. Authorized Border Patrol agent strength has increased by 1,000 agents each year from FY 1997 through FY 2000.

Since 1993, the U.S. Department of Justice embarked on a comprehensive strategy to restore the rule of law at the nation's borders. The augmentation of law enforcement resources on the border has resulted in a deluge of criminal referrals that the U.S. Attorneys' offices can no longer handle without additional resources.

The Immigration and Naturalization Service has recently developed an Interior Enforcement Strategy to respond more effectively to changing patterns and consequences of illegal immigration. This strategy, implemented in FY 1999, is expected to lead to increases in criminal investigation referrals in interior districts as well as border districts.

The U.S. Attorneys' immigration efforts are focused on prosecuting illegal aliens with multiple deportations who have committed criminal offenses including rape, armed robbery, assault, burglary, narcotics trafficking, auto theft and child and spousal abuse.

JUSTIFICATION

Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). While much of the IIRIRA dealt with reforms in legal immigration, the law enforcement part of the legislation provided for increasing the number of Border Patrol Agents by 700 in FY 1996 and by an additional 1,000 each year for the next four years, for a total increase of 4,700 Border Patrol Agents by FY 2000. Additional increases were also included for INS investigators, and INS and Customs inspectors. In addition, the IIRIRA significantly increased the statutory penalties for immigration offenses of all types, including alien smuggling and document fraud. The United States Attorneys have not received a sizable increase for Immigration since the passage of the IIRIRA.

The three primary statutes involved in Immigration case filings and the number of filings are discussed below:

Statute	FY 1995	FY 1999	Percentage Increase
Title 8 U.S.C., Section 1324	561	1,917	242%
Title 8 U.S.C., Section 1325	541	2,879	432%
Title 8 U.S.C., Section 1326	2,740	7,323	167%

Title 8 U.S.C., Section 1324 makes it a felony to bring to this country an immigrant knowing that immigrant is here illegally, concealing or harboring such an immigrant, transporting such an immigrant, encouraging or inducing such an immigrant to come to this country, or conspiring to do any of the aforementioned.

Title 8 U.S.C., Section 1325 makes it a misdemeanor to enter the country illegally the first time and a felony any time thereafter. It also makes it a felony to enter into a marriage to evade immigration laws.

Title 8, U.S.C., Section 1326 makes it a felony to re-enter the country illegally following a deportation. The punishment escalates dramatically for those deported following the commission of an aggravated felony.

Increased Prosecutions Along the Southwest Border

In her report to the President in 1996, Attorney General Reno wrote that "years of neglect had left the Southwest Border an open invitation to violent crime, drug trafficking, and illegal immigration.." *Fighting Crime on the Southwest Border: A Progress Report.*

In the early 1990s, as new U.S. Attorneys were appointed in the early days of this Administration, the federal prosecutors in Southwest Border districts were faced with a serious law enforcement and public safety problem. Border communities were experiencing high violent crime rates, attributable in part to crimes committed by illegal aliens. The border with Mexico was virtually uncontrolled, with literally millions of illegal aliens and drug traffickers crossing almost at will through and between the ports of entry. For decades violations of the U.S. Immigration laws, if they were prosecuted as merely petty offenses, resulted in maximum prison terms of not more than 180 days in jail and often less, even for those offenders who had previous felony convictions.

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Beginning in 1993, the Department of Justice embarked on a comprehensive plan to dramatically increase the number of felony immigration prosecutions and restore the rule of law along the border. One of the first steps taken was to deploy new Border Patrol and INS agents to the border under Operation Hold the Line in El Paso and Operation Gatekeeper in San Diego. In addition, U.S. Border Patrol and INS agents were provided new computerized identification technology, known as IDENT. The IDENT system enables agents to store an arrested alien's fingerprints and photograph in a database so that if the alien is arrested again, the alien's use of an alias in an attempt to avoid prosecution would fail.

In order to fully support these federal law enforcement initiatives along the border, United States Attorneys throughout the Southwest and elsewhere completely revised their prosecution policies to target, for the first time in Department of Justice history, thousands of criminal aliens for felony prosecution under Title 8, United States Code Sections 1326 (reentry after deportation) and 1325 (illegal entry after prior conviction for illegal reentry). Today, rather than facing mere misdemeanor prosecution, these serious felons serve substantial federal prison terms.

At the same time, United States Attorneys dramatically increased the prosecution of alien smugglers under Title 8, United States Code Section 1324. For the first time, United States Attorneys employed the use of wiretaps to investigate major alien smuggling organizations. Also for the first time, United States Attorneys invoked the new mandatory minimum prison terms for certain alien smuggling offenses which were enacted by Congress under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. In addition, alien smugglers who endangered the aliens being smuggled, law enforcement personnel, and the public at large were targeted for felony prosecution.

The U.S. Attorneys have employed all the tools available to them in handling the unprecedented explosion in their caseloads. They have also worked with numerous other components of the Department, implementing ever more innovative ideas to augment federal prosecutorial resources. These measures, though, have not been sufficient to deal with the problem. As a result, all five Southwest Border U.S. Attorneys, along with numerous other affected districts, have developed immigration fast track programs designed to process illegal entry and reentry cases as quickly as possible and minimize the burden on the criminal justice infrastructure.

	Immigration Cases Filed		
	FY 1995	FY 1999	Change in filings
Southern District of California	851	1,664	813
New Mexico	103	754	651
Arizona	189	1,617	1,428
Southern District of Texas	299	1,363	1,064
Western District of Texas	300	1,577	1,277

Impact of Immigration Prosecutions on Crime

As the number of individuals prosecuted for violating federal law continues to increase, the number of individuals arrested for violating state and local law continues to decrease in communities along the border. The impact of the United States Attorneys efforts on crime were felt almost immediately throughout the Southwest. As Attorney General Reno reported to the President in 1996, the crime rate dropped 30 percent in San Diego, 5 percent in Nogales, 14 percent in El Paso and 20 percent in Brownsville, Texas.

Growth in Immigration cases filed is not exclusive to the Southwest Border as evidenced by the chart below.

	Immigration Cases Filed		
District	FY 1995	FY 1999	Change in filings
Utah	18	232	214
Middle District of Florida	31	168	137
Northern District of Georgia	62	148	86
Nevada	8	160	152
Northern District of New York	61	283	222

Immigration and Naturalization Interior Enforcement Strategy

The INS began developing a new Interior Enforcement Strategy in late 1997 to respond more effectively to changing patterns and consequences of illegal immigration. Progress made under the Border Patrol National Strategy significantly shifted illegal crossing patterns along the border. In turn, new crossing corridors changed the transportation routes that carry illegal workers across the country, shifting to communities in the interior of the United States some of the problems and costs associated with this migration. International illegal migration became increasingly coordinated through smuggling operations that are better organized, better financed, more sophisticated, and more ruthless than ever before. These organized networks have led to the recruitment and transportation of illegal workers to places of employment in the interior of the country, often with the full knowledge and active participation of some middle- and lower-level managers.

In January of 1999, the INS finalized its new Interior Enforcement Strategy for dissemination to the field. The principles of the strategy are: to identify and remove criminal aliens in the interior of the United States and minimize recidivism; deter, dismantle, and diminish smuggling or trafficking of aliens; respond to community reports and complaints about illegal immigrants and build partnerships to solve local problems; minimize immigration benefit fraud and other document abuse; and block and remove employers' access to undocumented workers. It is anticipated that the strategy will be fully implemented over the course of the next five years. While it is too early to predict the effect of the strategy on the caseload of any individual district, it is anticipated that this increased enforcement activity in the interior of the United States will yield a substantial increase in federal immigration prosecutions in interior districts.

WORKLOAD INDICATORS

- The United States Attorneys filed 11,580 immigration cases against 12,650 defendants in FY 1999. This represents growth over two years of 67 percent in the number of cases filed and a 65 percent increase in the number of defendants filed. The USAOs also devoted 111 attorney workyears to this area, an increase of 71 percent when compared to FY 1997.

- Attorneys have been asked to assume an increasing number of cases each year for the last four fiscal years. The number of case defendants handled per attorney workyear has increased from 143 in FY 1995 to 168 in FY 1999.

- As a result of the increasing workload in Immigration the number of appeals filed have increased from 357 in FY 1997

to 953 in FY 1999 or an increase of 596 or 167 percent. The number of guilty defendants has increased from 6,254 in FY 1997 to 11,206 in FY 1999 or an increase of 4,952 or 79 percent.

- The U.S. Border Patrol documented 1,528,313 apprehensions of illegal aliens in the Southwest Border Sectors during FY 1998.

- During FY 1999, 74,116 undocumented aliens were arrested attempting to illegally enter the U.S. through Ports of Entry in the Southern District of California (typically using false documents) up from 59,769 the year before. This represents an increase of 14,347 arrests or 24%.

- The United States Attorneys' translation costs have increased from $2,227,000 in FY 1993 to $3,837,000 in FY 1998 or a increase of $1,610,000. This increase can be attributed in part to the growth in our immigration cases which routinely require translation services. In most cases, the defendant and witnesses do not speak English. Investigative agencies are requiring us to share the burden of the cost of the interpreters for wiretaps. The Southwest Border is not used exclusively as a route of transport for Mexican and Central American nationals; it has increasingly become a route of choice for many other nationalities. The United States Attorneys are frequently being asked to pay for translation costs starting with the investigation and continuing until the trial.

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SIGNIFICANT CASES

Criminal Alien Transportation

United States v. Oswaldo Montalvo. December 7, 1999, Mr. Montalvo was sentenced to 33 months in prison for transporting illegal aliens into the U.S. The defendant, driving a motor home, caught the attention of Border Patrol agents while making an illegal U-turn on approach to a border check point. With the Border Patrol agents in pursuit, Mr. Montalvo jumped from the motor home and fled on foot. The motor home subsequently ran into a gasoline tanker truck. Upon arrival on the scene, the Border Patrol apprehended 47 illegal aliens.

Criminal Aliens

United States v. Juan Quinones-Zapata. On June 25, 1997, Juan Quinones-Zapata, a Mexican National, pleaded guilty to reentering the United States after having been deported. On September 19, 1997, the court sentenced Quinones-Zapata to a term of 63 months in prison, the maximum sentence available. Quinones-Zapata had been deported from the United States after having been convicted of

voluntary manslaughter in 1985 and serving his time for that offense. In addition, Quinones-Zapata had been convicted of nine other felony offenses, including rape, robbery, larceny, and possession of heroin.

Endangerment of Smuggled Aliens
United States v. Esquivel et. al. As Operation Gatekeeper has made it more difficult to enter illegally through the western portion of San Diego, we have witnessed increased attempts to smuggle aliens from Mexico into the U.S. through the more desolate, and often treacherous areas of the eastern portion of the county. In one such recent case involving alien smuggling in our east county, an Assistant U.S. Attorney prosecuted six defendants, including the two leaders, a manager, and three guides, who would arrange to smuggle aliens from Tijuana, east to the Hongo hills in Mexico, and then up mountainous terrain into the United States where they would thereafter be placed in trunks of vehicles and driven to San Diego. Based on surveillance, it was estimated that literally hundreds of aliens were smuggled into Southern California in this manner. One of the leaders of the ring was sentenced to 63 months in prison and fined $12,000, while the other leader was sentenced to 57 months in prison. Four others were each sentenced to 36 months in prison.

Official Corruption
United States v. Quan. Prosecution of official corruption cases involving both Immigration and Customs inspectors at our ports of entry has been a high priority of the Southern District. In this case, defendant Quan, a part-time U.S. Customs Inspector assigned to the United States Port of Entry at Calexico, California, was prosecuted for his role in an alien smuggling operation that included using his mother as a scout car driver. The illegal aliens were charged $1,500 to $2,000 each for safe passage to the Los Angeles area. Quan was convicted in September 1998 and sentenced to 2 years in prison in January 1999.

CALCULATION OF NEED

Based on a detailed workload and caseload analysis that incorporated data collected over a five year period, the increase of 2,000 border patrol agents which has been authorized to the Immigration and Naturalization Service over the FY 1999 and FY 2000 appropriations would require an increase of the 27 attorneys as requested in this submission to prosecute the cases brought forward. A study on the United States Attorneys operations was completed, identifying aspects of data that are predictors of future resource needs, based on an analysis of historical events. The study discussed the effects of growth by our client investigative agencies.

ANTICIPATED RESULTS
The positions requested would continue the United States Attorneys' commitment to administer the Nation's Immigration laws fairly

and effectively and to deter and remove those who violate them. The provision of an adequate ratio of prosecutors to investigative agency positions will ensure that the Immigration strategies developed thus far will be supported.

The United States Attorneys would allocate additional resources based on the following criteria:

- The number of previous allocations to each district and their performance;
- The number of illegal reentry cases per district pending at the beginning of the year;
- The number of Border Patrol apprehensions in each district during the most recent year available;
- New trends in cases and apprehensions; and
- One support position will be included for the Executive Office for United States Attorneys.

We will measure our results, if provided these resources, by:

- Analyzing crime rates along the border; and
- Analyzing the number of cases and matters handled by the Offices of the United States Attorneys.

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INFRASTRUCTURE

Management & Administration Decision Units	Positions	FTE	Amount
	47	24	$12,123,000

In FY 2001, the Executive Office for United States Attorneys (EOUSA) is requesting a total of $12,123,000 and 47 positions to provide assistance to the 94 district offices of the United States Attorneys. The request is spread among the following activites: Information Technology/Network Infrastructure ($9,286,000), Litigation Support (37 positions, 19 FTE, $2,393,000), and Accounting Technicians (10 positions, 5 FTE, $444,000). Virtually all of these positions will actually be located in the district offices that they will be supporting rather than in EOUSA.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses the DOJ STRATEGIC PLAN -- Core Function 7: Management, GOAL 3: Make effective use of the best available management practices, including current and new information technology, that will improve program performance and overall efficiency.

GOALS

This initiative supports all United States Attorneys' related DOJ Strategic Plan Core Functions and Goals.

Our strategies include:

- Ensuring that sufficient funding is available to continue the litigation brought by investigative agencies to the United States Attorneys' offices;
- Implementing the coming "information age" technologies as directed by the OMB and JMD policy staffs; and
- Maintaining the ability of United States Attorneys to meet the increased demands placed on them by the Administration and the Congress.

PROPOSED ACTIONS

This initiative will contribute to accomplishing the missions and goals of the United States Attorneys by:

- Providing highly trained and specialized personnel resources in order to maximize the utilization of information technology hardware and software in the United States Attorneys' offices; and

- Ensuring enhanced communication of the government's position during the course of litigation.

Information Technology - Network Infrastructure: $9,286,000

This initiative requests $9,286,000 in support the automation infrastructure of the Executive Office of the United States Attorneys (EOUSA) and the United States Attorneys Offices (USAOs).

Overview

This request is for $9.3 million to establish funding for services to support the automation infrastructure of EOUSA and the United States Attorneys' offices (USAOs). EOUSA and the USAOs propose establishment of a line item that will support our standard office automation infrastructure, including project and task management, integration, maintenance and support services. With the mandated migration to the Justice Consolidated Network, the cost of hardware, software, installation, and a scheduled technology refresh program, are included in a Justice Management Division (JMD) budget request that includes all JCON II participants. Funding for services such as those described above are not included in the DOJ request and that is what is being requested in this document. While funding was obtained in FY 1999 to cover the costs directly associated with becoming Year 2000 compliant, this funding did not cover all costs associated with movement to the new Department of Justice standards, (i.e., JCON II) or for the cost of required services as described. The cost of additional hardware and software needed to convert to JCON II was provided in the FY 2000 Legal Activities Office Automation budget. The estimated cost of support services requested in our base, beginning in 2001, is $9,286,000.

Justification

The cost to replace our entire infrastructure is based on the industry standard of $1,032 per seat, for 9,000 users. This includes cable plants, network servers, network components, printers and workstations. The total estimated cost is $92,860,000. The cost of

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hardware and software maintenance, and support services to include Help Desk, on-site support, general integration services and contractor project management, is estimated at 10% of the total value of the network, or $9,286,000.

The USAOs began installing computer networks after being awarded with the EAGLE contract in June 1989. At that time, and since, the only established funding source was the Legal Activities Office Automation (LAOA) fund, initiated in 1986 to support DOJ-wide office automation efforts for the litigating organizations, the Senior Management offices, the Solicitor General, and JMD. Since that time, all of the litigating components have joined the LAOA process. Total funding available from this source continues to be extremely limited and does not provide full support for the automation requirements of the components it was established to support. Historically, EOUSA has not received any funding to cover basic operating costs, nor have they been provided through the LAOA appropriation. In the last five years, EOUSA has received a total of $45 million in LAOA funding. Replacement of our antiquated PCs at a cost of approximately $37 million, although required in 1996, had to be deferred until late 1998 and 1999 because funds were not available. In Fiscal Year 1999, until the PC replacement could be completed, we paid a significant maintenance and support cost penalty to maintain the old equipment.

Anticipated Results

Introduction of a much-needed technology refreshment program as part of our infrastructure is extremely important. However, equally important is the ability to maintain the infrastructure, both hardware and software. If approved, this new base funding will provide a consistent funding source to provide these services.

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Litigation Support – 37 Positions, 19 FTE, $2,393,000

Overview

This request is for 37 positions, 19 FTE, and $2,393,000 in support the functions of our basic office automation systems.

The USAOs have come to know first hand the truth of the "Law of Diminishing Returns" when it comes to the lack of a balance between the capital (technology) invested in USAOs without a corresponding addition of the skilled labor/human beings that make the system work. This initiative requests the specialized human resources needed to operate and manage the litigation automation support systems. These systems directly support the USAOs in their conduct of the majority of criminal prosecutions and civil litigation handled by the Department of Justice. The districts' ability to support the information technology in their offices has reached a crisis level.

Litigation Support personnel provide technical advice to litigation teams on legal automation requirements and systems capabilities to facilitate litigation decisions, trial preparation and trial presentation. They apply knowledge of Federal Criminal and Civil procedures, court requirements, and district practices to implement new and enhanced computer applications needed for criminal and civil cases. They perform a wide range of information system analysis, development and installation in support of District litigation support activities for assigned cases. They also work with Assistant United States Attorneys (AUSAs), investigators, agents, and paralegals to determine the details of the case and the government's strategy for proving its case; to analyze litigation support requirements; to develop or recommend appropriate strategies to meet litigation needs; and to recommend alternative methods and promote the use of automated approaches and visual presentations.

The litigation support manager positions must assist and/or train attorneys and legal support staff in organizing voluminous case information for efficient retrieval through automated means such as scanning, indexing and controlling of documents into a data base. They assure documents are organized for efficient automated storage and retrieval by preparing appropriate indices, defining data file search criteria and indexing/coding fields. They monitor the progress of computer data entry. They prepare computerized trial presentation programs and evaluate the efficiency of litigation support technology to ensure that it is responsive to the attorney and case needs, and that it represents the best methodology available.

In coordination with the office's System Manager, the Litigation Support personnel analyze automated litigation support functions and

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recommend changes to increase the system efficiency and effectiveness. They monitor system use and response time, conduct cost-benefit analyses, and develop implementation plans. They also study the interaction of various subsystems and recommend alternative operating procedures. They recognize possible conflicts in relationships with other systems, including the continual tests and modifications that are needed to ensure the successful transmission of data between servers throughout all USAOs.

Justification

To complement the work of the systems manager, as well as take over the management of the litigation function, we are proposing to establish 37 Litigation Support Manager (LSM) positions. Similar to such positions in the private sector, the LSM will assist in identifying the appropriate use of computer technology in any given litigation. For instance, in a large health care fraud case involving hundreds of thousands of documents, the LSM would be called upon to evaluate requirements and then define appropriate software and/or applications which would provide the most effective support in the investigation and litigation efforts. The LSM would provide an early analysis of how best to accumulate and analyze a multitude of information. Additionally, the LSM would be called upon to choose the appropriate devices for communicating the information and its analysis to a jury.

The USAOs conduct most of the criminal prosecutions and civil litigation handled by the Department of Justice. They serve as the critical prosecutorial arm of the Department, responsible for ensuring that the investigative efforts of law enforcement agencies are pursued, and as the nation's legal advocates and defenders in civil suits brought by and against the government. The range of their responsibilities is staggering, from prosecuting those individuals who commit violent or terrorist acts, to prosecuting corporations or individuals who commit fraud, to defending the nation against exorbitant civil lawsuits. The role of the LSM is critical in ensuring the most effective message is communicated in the most effective manner possible and therefore an effective link in the process of successful litigation by the Department. It is critical to their success that they have the appropriate means to communicate and display the information necessary to support their cases.

There are very few Litigation Support Managers in the districts now. Those few currently on board have been able to be hired by converting existing support vacancies into these high-tech specialists. However, more are urgently needed than can be satisfied by converting other needed support positions. These 37 positions will go to those districts with the greatest immediate need.

Calculation of Need

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In considering the Information Technology Management Reform Act of 1996, now known as the Clinger-Cohen Act, Public Law 104-106, Congressional conferees agreed that federal information systems are critical to the lives of every American, the efficiency and effectiveness of the federal government are dependent on the effective use of information, and that many federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions. This initiative seeks to ensure that the United States Attorneys are able to use available information technology to better manage the explosion of information involved in today's cases, to reduce case preparation and trial time, and consequently to ensure that justice and the American taxpayer are better served.

Anticipated Results

If provided the 37 positions, we will measure our success by increasing productivity and satisfaction of USAO staff in using office automation equipment to its fullest capacity; ensuring that AUSAs have the most current technology to assist them in efficiently presenting the government's case in court which also should result in improved customer (including client agencies and judges) satisfaction; and ensuring a well-trained work force in the area of applied legal technology.

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Accounting Technicians – 10 Positions, 5 FTE and $444,000

Overview

This request is for 10 Accounting Technician positions to provide a number of United States Attorneys' offices with assistance in the management of the funds.

The United States Attorneys had a FY 1999 appropriation of $1,090,378,000 and 9,312 FTE. In addition, the United States Attorneys received funding from a variety of other sources in FY 1999, which is summarized below:

Amount	Fund Type
$ 1.0 billion	Direct Appropriation
$80.7 million	Violent Crime Reduction Trust Fund
$ 5.7 million	Office of National [illegible] Control Policy (HIDTA)
$79.8 million	Organized Crime Drug Enforcement Task Forces
$11.1 million	Asset Forfeiture Fund
$24.7 million	Three Percent Fund
$24.5 million	Health Care Fraud Fund
$ 7.0 million	Miscellaneous Reimbursable Resources
$19.5 million	Fees and Expenses of Witnesses
$10.2 million	Office for Victims of Crime
$ 3.0 million	Emergency Witness Assistance Program
$ 1.2 million	Weed and Seed Funds
$41.5 million	Y2K Funds
$1,308.9 billion	TOTAL AVAILABLE RESOURCES

Justification

Funds for each of the programs listed above are allocated to the United States Attorneys' offices, who are responsible for ensuring obligations are incurred in accordance with the authority delegated to each office. In addition, over the past few years, increased

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delegations and management responsibilities, for example, maintenance of a payroll management system and a budget tracking system, have been given to the United States Attorney offices with no additional resources allocated to support the increased workload. In some offices, receptionists, secretaries, and paralegals are performing duties such as draft payment clerk, draft disbursement officer, and approving official due to insufficient administrative resources.

In 1996, 1997, and again in 1998, the audit of the United States Attorneys' financial statements indicated a need for additional resources to monitor and manage the United States Attorneys' district budgets. An accurate accounting of each funding source is necessary throughout each fiscal year to ensure no funds are lost due to errors in the posting of obligation and payments. The importance of the accurate, complete, and timely financial statements is to provide and ensure the public sound federal financial management. Reliable financial information provides management the ability to make critical resource decisions, prepare supportable budget requests, and make other sound management decisions.

Three legislative Acts lay the foundation for the government to manage their financial operations. The overall theme of the new legislation is designed to provide better funds management oversight to federal agencies, provide better cost information for program managers, and better overall agency performance data.

The Chief Financial Officers (CFO) Act of 1990, as expanded by the Government Management Reform Act (GMRA) of 1994, provides the basis for identifying and correcting financial management weaknesses. The CFO Act requires that the Office of Management and Budget annually submit to the Congress a financial management status report and a government-wide five-year financial management plan. There is now a comprehensive set of basic accounting standards in place.

GMRA requires audited financial management statements. The audited financial statements must be submitted each fiscal year and must include the overall financial position and the results of operations. The GMRA requirements will add a great deal of work to the current heavy workload of United States Attorneys' administrative staff. To handle these additional tasks, United States Attorney personnel are working a great deal of overtime, which is resulting in the increase of staff burnout and turnover rates. Additional resources are necessary in order to maintain the accounting system accurately, which requires a lot of research, communication with requestors of goods and services, and a significant number of entries into the accounting system.

The first government-wide statutory deadline for agency strategic plans under the Government Performance and Results Act (GPRA) began in 1997. The GPRA seeks to redesign the way that Federal agencies plan, budget, manage, evaluate, and account for Federal programs. The United States Attorneys' offices plan to convert to a new accounting system that will provide the capability to account

for resources by Federal program. However, additional requirements will be imposed on the United States Attorneys' administrative staff in order to achieve the goal of the GPRA. These requirements can not be met without additional resources.

Anticipated Results

The 10 positions will be allocated to the United States Attorneys' offices based on the number of program areas the office is responsible for managing and the current level of resources dedicated to financial management. The resources will allow EOUSA to more effectively plan and manage a budget in excess of $1.3 billion and provide increased accountability for all funds. The additional resources will increase efficiency in the management of resources provided; improve our ability to measure and report our progress in achieving goals; maintain payroll and accounting systems to produce accurate reporting and accounting of Federal resources; and measure the cost effectiveness of United States Attorneys' programs.

CHILD SUPPORT ENFORCEMENT

	Perm. Pos.	FTE	Amount
Criminal and Management and Administration Decision Units	**95**	**48**	**$5,000,000**

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses the DOJ Strategic Plan Core Function 1: Investigation and Prosecution of Criminal Offenses, GOAL 5: Coordinate and integrate Department of Justice law enforcement activities wherever possible, and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's justice system.

This initiative addresses United States Attorney Goal 1: To identify, prosecute, and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

Our strategy is to allocate one paralegal to every United States Attorneys' office to work on Child Support Enforcement.

PROPOSED ACTIONS

- If resources were provided, there would be enhanced enforcement of the provisions of the Child Support Recovery Act of 1992.

- As a result, prosecution associated with the "Deadbeat Parents Punishment Act of 1998" (DPPA), PL 105-187, June 24, 1998, 112 Stat 618 would increase. The DPPA created two new first-offense felonies that may now be prosecuted under the CSRA for willful failure to pay child support. A delinquent child support obligor is now subject to a two-year maximum prison term and a fine for: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation, if the obligation has remained unpaid for longer than one year or is greater than $5,000; or (2) willfully failing to pay a support obligation regarding a child residing in another state if the obligation has remained unpaid for longer than two years or is greater than $10,000. The misdemeanor section of the law, now found at 18 U.S.C. §228(a)(1), has not changed.

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OVERVIEW

This initiative requests 95 positions, 48 FTE and $5,000,000 in support of the United States Attorneys' efforts to enhance Child Support restitution provided to custodial parents. Success in this initiative can yield significant results for children in America, and a reduction in the demand on already burgeoning government entitlement programs.

President Clinton has made improving child support enforcement and increasing child support collections a top priority. The Clinton Administration has cracked down on non-paying parents and strengthened child support enforcement, resulting in record child support collections. According to a Department of Health and Human Services (HHS) Fact Sheet, in fiscal year 1998, the federal-state partnership collected $14.4 billion from non-custodial parents, an increase of $6 billion, or nearly 80 percent, since 1992.

Census data show that 62 percent of all custodial mothers in the United States did not receive child support in 1989.

An October, 1996 GAO report titled "Reorienting Management Toward Achieving Better Program Results"stated that in 1995, HHS' Office of Child Support Enforcement reported an estimated caseload of 20.1 million custodial parents seeking such services through the nation's child support enforcement program, an increase of about 50 percent over the total reported in 1991.

In a December 1994 report entitled Child Support Enforcement, Families Could Benefit from Stronger Enforcement Programs, the General Accounting Office (GAO) stated that greater Federal leadership coupled with equally intensive state efforts could better position the national child support enforcement program to serve the families that depend on it.

United States Bureau of the Census data quoted in the report shows that there were 9.8 million custodial mothers aged 18 years and older in 1990, or 39 percent more than in 1989.

Another study cited by GAO estimated that the gap between total child support that should be paid nationwide and total child support paid as $34 billion in 1990.[1]

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[1] Noncustodial Fathers: Can they afford to pay more Child Support. (Washington, D.C. Urban Institute, Jan. 1994)

The GAO report also found that a widespread public perception exists that the child support enforcement program is failing to adequately address the nationwide problem of child support non-payment. Estimates of state child enforcement worker caseloads ranged from 300 to 2,500 cases per worker, and officials believe that many cases now take more time than ever before.

JUSTIFICATION

The Child Support Recovery Act (CSRA) and the DPPA provided the United States Attorneys' offices with new imperatives, but no additional prosecutive or investigative resources to carry them out. The 10 paralegals provided in FY 1998 enhanced the CSRA efforts in the 10 districts that received them. However, insufficient resources were available for all of the other districts who expressed the need for the paralegals in 1998. The request for FY 2001 will enable us to expand to every United States Attorneys office throughout the country.

When the Child Support Recovery Act of 1992 was passed it was hoped that the program would be implemented without the need for additional United States Attorneys' office staff because prosecutions were to be against individuals who had already been ordered to pay child support, and against whom legal action had been taken in the state courts to enforce the orders which had been issued. It was further anticipated that state agency efforts to collect delinquent child support obligations would have resulted in the creation of fully investigated, completely assembled referral packages/matters which would need little more than efficient presentation to grand juries.

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The experience of the AUSAs who have prosecuted these cases, however, has been that often a substantial amount of background work is needed to amass the documentary evidence required to support these prosecutions. This work often cannot be done by state child support enforcement personnel because of their excessive caseloads or because the non-custodial parent and his or her assets are located in distant states. Responsibilities related to a successful CSRA prosecution include:

- Obtaining a copy of the divorce files;
- Obtaining copies of employment records, payroll records;
- Communicating with the state's child support enforcement agency;
- Reviewing Federal income tax returns;
- Performing a credit check in a state other than that in which the USAO is situated; and
- Searching for ownership records of real property, and other assets, again in a state other than that in which the USAO is situated.

This workload can be further complicated by the flight of the non-complying individual.

Prior to the passage of the felony provisions in the DPPA, offenses were most often charged as misdemeanors which result in an inefficient use of attorney or agent resources. These cases are document-intensive and paralegals can gather the documents, organize the background materials, and present the package to AUSAs. The 93 additional paralegals requested in this budget will develop these cases so that they are ready for filing. This initial preparation is extremely time-consuming and can be efficiently handled by a paralegal.

The United States Attorneys have made steady progress in this type of prosecution:

	1995	1996	1997	1998	1999
Cases filed	82	140	201	249	396
Matters Defendants Pending	461	554	625	841	1,010
Total Defendants Guilty	28	43	112	134	194
Matters received	575	519	531	811	1,000

Between FY 1995 and FY 1999, the number of cases filed has increased by 383 percent. The number of matters defendants pending has increased by 119 percent from FY 1995 to FY 1999. The total number of guilty defendants (who pled or were found guilty) has increased by 593 percent from FY 1995 to FY 1999. The number of matters received has increased by 74 percent from FY 1995 to FY 1999.

The growing size and complexity of the caseload reflect the major changes in demographic characteristics of the American family. High rates of divorce and out-of-wedlock births have resulted in more children living in single-parent households. The number of families maintained without two parents present has grown from 6.8 million in 1970 to 15.4 million in 1995 an increase of 126 percent.

The benefits this initiative provides to custodial parents who have sought to collect past-due child support payments for years cannot be measured solely in dollars. In almost every case, the defendants were also ordered as part of their sentence to report address changes and to continue to make the prospective payments on a timely basis. The threat of revocation of probation undoubtedly will be far more persuasive than that of potential contempt citations imposed by state family courts.

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Examples of successful prosecutions.
In the Southern District of Florida, a defendant was sentenced following a two-day bench trial to five and one-half months in prison and ordered to pay more than $4 million in restitution for back child support, maintenance, and alimony. At the time of his divorce in 1992, the defendant's net worth was estimated at approximately $8.2 million. With the exception of $10,000 paid under threat of contempt, the defendant made no child support payments after his divorce and consistently failed to comply with court orders for temporary child support. In the meantime, he led a lavish lifestyle while his ex-wife was forced to seek public assistance. The defendant was also engaged in a number of real estate transactions that netted him more than $2 million in proceeds, which he transferred to the Cayman Islands.

In the Eastern District of Louisiana, following a two-day trial, a resident of Albuquerque, was convicted for failure to pay past due child support totaling $82,000. From 1995 until 1999, the defendant did not pay court-ordered child support. The defendant faces up to two years in prison, up to $250,000 in fines, and mandatory restitution of the child support.

In the District of Alaska, a defendant was sentenced to six months in prison for failing to pay more than $50,000 in support payments and approximately $15,000 in medical expenses for his four children. His former wife testified that, in spite of the fact that she was working two jobs and putting herself through college to obtain a teaching degree, she and her four children were evicted from their house and forced into bankruptcy because of the lack of child support.

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ALLOCATION OF RESOURCES

The positions for this program will be allocated to districts based on the following factors:

- Those districts with a demonstrated need for CSRA resources based on caseload and workload data;
- Those districts where HHS resources have increased the resources devoted to CSRA investigations;
- Those districts where the state does not have a statute making a CSRA offense a potential felony; and
- Finally, two support persons will be assigned to EOUSA.

ANTICIPATED RESULTS

We will measure our results in those districts, if provided the resources, by:

- The increase in the number of cases handled; and
- The increase in court-ordered restitution collected.

The new paralegal positions will allow the United States Attorneys the opportunity to provide a paralegal in every district for the necessary case development assistance and support to custodial parents who are the victims of the crime.

INVESTIGATIVE SUPPORT FOR SUPERIOR COURT

	Perm. Pos.	FTE	Amount
Criminal Decision Unit	**43**	**22**	**$2,863,000**

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses DOJ Strategic Plan Core Function 1: Investigation and Prosecution of Criminal Offenses, GOAL 1: Reduce violent crime, including organized crime and gang-related crime.

This initiative will address United States Attorney Goal 1: To identify, prosecute and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

Our strategies to increase public safety within the District of Columbia include:

- Strengthen the investigations of violent criminals, in order to ensure high quality investigation;
- Enhance evidence available to bridge the gap between probable cause and beyond a reasonable doubt; and
- Decrease reliance on the Metropolitan Police Department for investigation following the arrest of a suspect.

PROPOSED ACTIONS

Support the operations of the Superior Court, through professional investigation beyond the assumption of probable cause.

OVERVIEW

This initiative requests 43 positions, 22 FTE, and $2,863,000 for investigators to support the District of Columbia. The United States Attorneys' Office for the District of Columbia (USAODC) is requesting funding to assist in the investigation and successful prosecution of violent offenders. The USAODC is unique among United States Attorneys Offices nationwide in its dual responsibility for prosecution of violations of federal criminal statutes in the United States District Court and violations of the District of Columbia

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Code in the Superior Court of the District of Columbia.

The United States Attorneys Office for the District of Columbia prosecutes most violations of the criminal provisions of the D.C. Code committed by adult offenders.[1] The practical effect of this jurisdictional scheme is that the USAODC acts as the local District Attorney for the District of Columbia.

The concept of assigning investigators to a prosecutor's office is not unique. According to the National Prosecutor's Investigators Association (NPIA), a majority of local prosecutors' offices have in-house investigators.[2] For example, the Manhattan, New York District Attorney's Office has more than 100 investigators.

JUSTIFICATION

Unlike most federal cases, where defendants are arrested after a thorough investigation, a case in the Superior Court Division usually begins with a preliminary investigation, followed by an arrest by the Metropolitan Police Department (MPD). MPD, like all local police departments, operates primarily in a reactive mode. An arrest by MPD is based on probable cause to believe that the arrestee has committed a crime. Thus, it signals the beginning, rather than the culmination of, an in-depth investigation into the circumstances surrounding the crime. Hence, MPD presents the prosecutor with felony cases that require a substantial amount of investigative effort in order to procure an indictment in the Grand Jury and to secure a conviction thereafter. However, once MPD makes an arrest, the case is considered "closed" for MPD's statistical purposes and far too often the burden of completing the investigation seems to shift to the prosecutor's office. Ironically, the only way that prosecutors can carry out this responsibility is to call on MPD officers and detectives to go out on the streets and complete the required investigatory tasks.

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These investigators would be assigned to the following sections in the Superior Court Division: the Homicide Section; the Violent Crime Section; the 5D Community Prosecution Section; the Grand Jury Section; the Felony Trial Section; the Sex Offense and Domestic Violence Section.

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[1]The USAODC also prosecutes juvenile offenders who are charged with murder, first degree sexual abuse and other serious felony offenses certified for prosecution as adults. All other juvenile offenders are prosecuted by the Office of the Corporation Counsel for the District of Columbia.

[2]Prosecutors' offices from 31 states were represented on the NPIA's membership rolls for 1996.

As the primary local prosecutor's office in the District, the USAODC is responsible for prosecution of approximately 5,700 Criminal cases currently pending in the District of Columbia Superior Court. In 1998 alone, the USAODC processed more than 27,800 cases; approximately 9,400 of those cases involved felony charges. With such large and growing numbers of cases and nearly 250 AUSAs dedicated to the prosecution of local District of Columbia crimes, we believe this number of investigators is necessary to adequately support our unmet requirements for investigative work. The USAODC is seeking funding for a staff of in-house investigators to assist in the prosecution of the most serious and violent of those felony charges.

While the addition of in-house investigators to the USAODC staff would not eliminate the need for MPD involvement in investigations, it would provide much needed assistance to both prosecutors and police. MPD will continue to be primarily responsible for most of the investigative work that must be done "on the street" to prepare a case for indictment and trial -- processing the crime scene, making arrests, following investigative leads, locating and interviewing witnesses, analyzing criminal intelligence pertinent to the investigation, and the like.

USAODC investigators will be most helpful with the myriad of **post-arrest** tasks related to case investigation and preparation that can be done primarily "in the office," and would address the difficulties outlined above in the following ways:

It would provide the USAODC with investigators who would be directly accountable to the USAODC to ensure that violent crimes are thoroughly investigated following the initial MPD investigation and arrest; they would be particularly useful in post-indictment work which is essential to trial preparation. MPD officers and detectives do not work for the USAODC, the USAODC can only ask them to take certain investigative steps; the USAODC cannot require them to do so. Thus, the USAODC has little recourse when the speed with which an investigation is completed, the manner in which it is done, or even the failure to do it at all, is unsatisfactory and decreases the chance that USAODC will be able to convict a violent criminal.

In-house investigators could assume many of the responsibilities that do not require the service of an MPD detective, thus freeing up MPD officers, reducing the number of overtime hours MPD must allot to court overtime and producing a substantial savings for MPD. The officers and detectives who are tasked with completing the investigative process are often working on overtime. This situation leads to a significant overtime expenditure by MPD each year. During fiscal year 1998 alone, MPD spent over six million dollars on court overtime. A significant portion of that amount was expended on overtime pay for detectives conducting follow-up investigations in cases involving homicides and other violent crimes.

Relieving MPD detectives of many post-arrest tasks will free them up to spend more time patrolling the streets and working on

unsolved cases. Thus, it will allow the police to operate more efficiently and effectively. Conducting the full range of investigatory work in "closed cases" necessarily reduces the resources available for MPD to maintain a visible patrol presence on the streets and to solve "open" cases (cases where no arrest has been made). This inability to devote resources to investigations was, in part, responsible for the creation of the backlog of over 107 unsolved homicides in the District of Columbia that was widely publicized in 1997 and continues today.

The Proposed Role of In-house Investigators at the USAODC is to maximize the efficiency and effectiveness of investigators assigned to the USAODC. They need to be employed by, paid by, and housed at the USAODC. Under the provisions of local law, these investigators would have broad, but appropriate, authority to conduct investigations on behalf of this Office. D.C. Code Section 23-109 states: "Any special investigator appointed by the Attorney General and assigned to the United States Attorney for the District of Columbia shall have authority to execute all lawful writs, process, and orders issued under authority of the United States, and command all necessary assistance to execute his duties, and shall have the same powers to make arrests as are possessed by members of the Metropolitan Police Department of the District of Columbia."

The following list highlights some of the assignments that investigators might carry out in the USAODC. Many of these assignments are different from those typically carried out by local law enforcement agencies and involve post-arrest work that would complement the work done by MPD:

- Reviewing the case file and, in consultation with the prosecutor, determining what investigative leads and tasks should be pursued;
- Coordinating with the lead MPD detective to find witnesses for the prosecutor and subpoenaing witnesses for grand jury and trial appearances;
- Participating in witness interviews;
- Taking statements from witnesses and suspects in appropriate cases;
- Where appropriate, assisting MPD in the gathering of physical evidence and ensuring that laboratory tests are conducted and completed with respect to various types of forensic evidence;
- Coordinating and communicating with local law enforcement officials to ensure their presence at grand jury proceedings and at trial and to ensure that all investigative tasks falling within the purview of MPD are completed;
- Coordinating with intelligence officials to ensure that all relevant information is investigated and provided to the prosecutor;
- Visiting crime scenes;

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- Interviewing expert witnesses;
- Preparing trial exhibits and physical evidence for presentation at trial; and
- Conducting computer and police file checks on all witnesses and suspects.

The rationale behind assigning special investigators to the USAODC is clear: the primary means of making the streets of Washington, D.C., safer is to successfully prosecute violent offenders and incarcerate them for appropriate periods of time. Successful prosecutions depend on a thorough and professional investigation that produces strong evidence for use at trial. Succinctly stated, the prosecutions are only as good as the investigations. The quality of the investigations being conducted in D.C. would be significantly improved by the hiring of special investigators assigned to the USAODC. Moreover, the availability of such investigation should allow more time for MPD officers to patrol the street and work on unsolved cases. It should also allow MPD to expend fewer resources on costly police overtime pay for court-related tasks, making that money available within MPD to meet other pressing crime-fighting needs.

CALCULATION OF NEED

The State's Attorney's Office in Miami, Florida, has more than 40 investigators, process servers, investigative accountants, and investigative supervisors. The Middlesex County Prosecutor's Office in New Jersey has more than 90 investigators and investigative supervisors on its staff. In addition, the District Attorneys' Offices in Dallas, Texas, and Kings County, New York, have their own investigative staffs. These prosecutors' offices are comparable to the District of Columbia USAO in their primary mission -- the prosecution of violent crimes in their communities.

Prosecutors surveyed, in these offices confirm that in-house investigators have been vital to their success in conducting thorough and high-quality grand jury investigations and securing convictions at trial. They see the work of in-house investigators not as a substitute for the work of local police departments, but as a necessary complement to police efforts.

ANTICIPATED RESULTS

We will measure our results, if provided these resources, by the percentage of arrested violators who are convicted.

VICTIM WITNESS ASSISTANCE

	Perm. Pos.	FTE	Amount
Criminal Decision Unit	**20**	**10**	**$1,115,000**

This initiative requests 20 positions, 10 FTE and $1,115,000 in support of the Superior Court in the District of Columbia.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses DOJ Strategic Plan Core Function 2: Assistance to State and Local Governments, GOAL 4: Uphold the rights of, and improve services to, America's crime victims.

This initiative will address United States Attorney Goal 1: To identify, prosecute and convict those persons and legal entities who have committed criminal offenses against the laws of the United States.

Our strategy is to improve services provided to victims of crime, witnesses and prosecutors by:

- Assisting in implementing the Attorney General's Guidelines for Victim and Witness Assistance;
- Improving the state of services offered to victims and witnesses by the Witness Security Section, the Community Prosecution Section, the Sex Offense (child victims) and Domestic Violence Section, the Grand Jury & Felony sections and the Central Services staff for the United States Attorney's Office for the District of Columbia; and
- Promoting the participation of crime victims and witnesses throughout each stage of criminal justice proceedings.

PROPOSED ACTIONS

To enhance the Victim Witness services provided for the Superior Court.

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OVERVIEW

This initiative requests 20 positions, 10 FTE, and $1,115,000 for victim witness services within the District of Columbia. The United States Attorney's Office in the District of Columbia is unique because it handles a huge volume of local criminal cases in addition to its significant Federal criminal cases. The Victim Witness Assistance Unit (VWAU) plays a crucial role in the success of these prosecutions by improving the cooperation of witnesses and by helping the Office implement the Attorney General's Guidelines for Victim and Witness Assistance. The VWAU staff members, who have specialized training and experience, assist many thousands of victims and witnesses who face a myriad of problems. The VWAU staff has aided victims of torture and abduction, family members and tourists who survived the slaying of two Capitol Police officers in the United States Capitol building, domestic violence victims (including at least two who later were murdered), child witnesses whose parents were murdered execution style, family members who lost their children to random acts of violence, women who were brutally raped, and victims who suffered paralysis or permanent disability as a result of crime.

These victims and witnesses often are repeatedly exposed to traumatizing events in their communities and in their homes. Many of these people are seen by this Office as a result of gang activity, resulting in serious and ongoing concerns for their safety. Beginning in 1999, the VWAU has taken on the additional duty of notifying victims about the parole process and assisting victims in attending the hearings.

Finally, the unit's work occurs in the District of Columbia which is an international community consisting of people from numerous countries who speak many languages and present complex cultural issues.

JUSTIFICATION

As set forth in the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and pursuant to the Attorney General's Guidelines, we must ensure that innocent victims of all crime have their rights upheld, have their dignity and privacy respected, and are treated with fairness. During the prosecution stage of the process, it is the Victim-Witness personnel who are responsible for compliance with these mandates. The 2000 Attorney General's Guidelines on Victim and Witness Assistance will be implemented during the upcoming year. These guidelines will require this Office to provide notification and other services to victims and witnesses in Superior Court which have not always been provided previously. Adding the requested security specialists and advocates will significantly increase the Office's ability to comply with the Guidelines.

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The Victim Witness Assistance Unit handles responsibilities such as witness management, trial coordination and the entry and maintenance of victims' names and data into the notification system database. The VWAU advocates assist in consulting with victims; coordinating the attendance of victims at judicial proceedings; involving victims in sentencing hearings; and administering to the needs of victims and witnesses during the course of the cases.

Beyond its role of aiding the victims of crime and assisting prosecutors in obtaining more cooperative and often more credible witnesses, the VWAU performs an instrumental role in shaping public policy. The Unit helped develop the Washington, D.C. City Wide Initiative on Children and Violence and was involved in planning the Child Advocacy Center. The domestic violence section has initiated a domestic violence fatality review team and has played a significant role in making recommendations for the Mayor's Commission Against Domestic Violence to improve the state of services in the District of Columbia. The VWAU section pioneered work on victim impact statements and has made use of community impact statements.

The increasing skill and professionalization of the VWAU staff members have resulted in a rapid increase in the utilization of the VWAU services. As the Office implements its expansion of community prosecution, the VWAU staff will become increasingly important because of their familiarity with community resources which help crime victims. Current staffing of the VWAU is inadequate to handle the existing number of cases, let alone expand services to victims not yet being reached. To comply with the Attorney General's Guidelines, the unit needs significant increases to its staff.

	Advocates	Other
Witness Security Program	1	2
Community Prosecution Section	5	0
Child Cases	2	0
Domestic Violence Cases	5	0

(Continued)	Advocates	Other
Grand Jury and Felony Trial Sections	4	0
Central Service Coordinators	0	1
Total	17	3

Witness Security Program
Requesting 2 Witness Security Specialists and 1 Witness Security Advocate

The fear of retribution from the defendant or the defendant's associates may be the most powerful deterrent to cooperation by victims and witnesses. Accordingly, the VWAU maintains a Witness Security Program (WSP) in order to help safeguard threatened witnesses and their families from potentially lethal violence, and to ensure their continuing cooperation with the government. The WSP consists of multiple program options matched to the proximity, severity, and potential duration of the threat. Currently two witness Security Specialists and a supervisor are responsible for processing victims and witnesses into all of the program options. They perform a variety of tasks that involve the intake, lodging and movement of the protected persons. These tasks are extremely process-intensive and time-sensitive. Moreover, a threat against a single individual frequently means that an entire family has been endangered, and may have to be brought into protection or moved. Under these circumstances, the effort involved in obtaining an appropriate and satisfactory living arrangement is extremely demanding and time-consuming. The specialists carry case loads as high as 60 active cases. This is an overwhelming burden given the immediacy of the danger posed toward each witness seeking assistance. Providing two additional specialists is necessary to lessen this burden and allow each specialist to assist threatened witnesses more effectively.

Victims and witnesses who need protection bring an assortment of social service needs that must be resolved before they can be protected successfully. These needs, which may include housing, finance, employment, health care or child care, require dedicated time and attention as well as a detailed understanding of the social services systems of the District of Columbia and surrounding jurisdictions. For example, in a recent homicide case, a threatened witness critical to the prosecution was both unemployed and homeless. In addition, he required medical treatment or rehabilitation for several health problems, including an acute seizure disorder, pancreatitis and alcoholism. Because of the demands on the Specialists just to process applications, the social service needs of victims and witnesses with these kinds of

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compound problems are not being addressed fully. A witness security advocate will ensure these needs are met by connecting the witnesses to appropriate social services and helping the witnesses to find safe housing.

The demands upon the WSP are expanding dramatically as the protection needs of victims and witnesses of gang-and drug-related violence, domestic violence, and sexual abuse become more apparent. For instance, one of the programs has become such an integral part of prosecution strategy, that it needed an increase in its program budget just four months into Fiscal Year 1999. The recent establishment of a Gang Prosecution and Intelligence Unit in the United States Attorney's Office virtually assures a significant increase in protection activity in that area alone. The extreme and increasing demand now placed upon the unit already has resulted in processing delays that are troubling given the critical importance of the safety of victims and witnesses.

Community Prosecution Section
Requesting 5 Advocates

Our Office is the first city prosecutor's office in the nation to implement Community Prosecution on a city wide basis. Under the concept of Community Prosecution, prosecutors and support staff focus on crime committed in a particular section of the city. Before expanding Community Prosecution city wide, we began a pilot initiative in the Fifth Police District. The Fifth District initiative handled in excess of 4,000 cases per year covering a wide range of crime from simple assaults to burglaries, robberies and homicides. The initiative's results have been extremely encouraging. Not only has the crime rate fallen in the district, but it has fallen at a faster rate than that of other districts. The Community Prosecution concept is very resource intensive, however, because it focuses on the needs of the community as well as conviction of defendants.

When we expanded the initiative to all seven police districts in November 1999, our office realigned fifty-four prosecutors and many support staff from the Homicide, Violent Crime, General Felony and Grand Jury sections into six Community Prosecution Sections. (Police Districts Two and Four are combined.) These six sections are supported by only two victim advocates. These advocates work with victims of a wide range of crimes, including homicide, carjacking, assault with intent to kill, assault with a deadly weapon, and armed robbery. Advocates provide support and referrals for services to the victims and their families. In homicide cases, advocates work with the family members of the deceased who are devastated by the sudden and senseless death of a loved one. They are among the most traumatized victims who often deal with issues pertaining to loss for years. Homicide cases involve a great deal of crisis work over extended periods of time because the family members may become extremely depressed, and the community offers few services specifically for family members of homicide victims. Similarly, the witnesses to homicide often are traumatized and may be reluctant to cooperate without special intervention.

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In addition to homicide cases, the Community Prosecution Section prosecutes many cases which involve violence and, at times, bodily injury causing permanent physical impairment and/or paralysis to the victim. Routinely there are multiple victims per case. These cases often are complex, and the victims are horribly traumatized. For example, one victim was shot in the face at close range. His face was completely disfigured, and he is permanently disabled. He has undergone several reconstructive surgeries and lost one-third of his tongue, cannot control his saliva, and has a hole in the roof of his mouth. He has not been able to eat solid food and he has to keep gauze in his mouth to absorb his saliva 24 hours a day. He cannot return to his previous profession as a paralegal of a prominent law firm in Washington, D.C. He is fearful, continues to experience flashbacks and nightmares, and feels frustrated knowing that he cannot speak clearly enough for the Court or others to understand him. As more attention is paid to the needs of the community, the work load of these victim advocates is sure to increase. Therefore, we are requesting five additional victim advocates for Community Prosecution.

Child Cases
Requesting 2 Advocates

Currently there are two advocates and two child interview specialists who support the AUSAs working with child victims. These children have been physically or sexually abused or they have witnessed criminal acts (e.g., homicide). Each advocate has a caseload of about 60 cases. The VWAU child advocates provide forensic interviewing services, clinical consultation, crisis intervention, and case management of cases involving child victims and witnesses. Furthermore, they are used locally and nationally by social services and criminal justice employees to provide extensive training on interviewing children. The child interview specialists interview about 100 victims per year. These cases are complex and often involve a great deal of coordination with other social services. In addition, as the advocates expand their assistance to more children who are the victims of physical abuse, there will be a need for additional advocates.

Domestic Violence Unit (DVU)
Requesting 5 advocates

In order to reflect a priority given domestic violence cases, there currently are six advocates to support the AUSAs in the DVU. This number is insufficient and will be even more taxed now that AUSAs have been added to the unit to prosecute felony domestic violence cases. Advocates support AUSAs while working with adult victims of domestic violence as defined by the Intrafamily Offenses Act (excluding child abuse) as well as with some family members of domestic violence-related homicide victims. They conduct lethality assessments and provide ongoing safety planning to victims. They also consult with prosecutors on the dynamics of abuse and provide expert testimony in court. Their work is complicated and often involves victims who are reluctant to testify. Currently the advocates

have active caseloads of between 350 and 400. Not only is this ratio excessive for the individual advocates, but there are an additional 2,000 victims of domestic violence currently in the court system who are not receiving advocate services. Thus, despite their huge caseloads, the DVU advocates currently provide services only to a fraction of the victims in misdemeanor and felony DVU cases.

Grand Jury and Felony Trial Sections
Requesting 4 advocates

According to estimates made by the Grand Jury supervisors, there are about 2,100 felony cases a year that are likely to have victims who need our services during the investigation stage. Many of the cases involve serious injury, post-traumatic stress disorder, and/or permanent injury (e.g., mayhem, kidnaping while armed, assault with intent to kill, assault with a dangerous weapon). Because there is currently only one advocate supporting the Grand Jury and Felony Sections, the vast majority of victims are not receiving VWAU services. Additional advocates are necessary to provide services to many of these under served victims.

Central Services
Requesting 1 Assistant Coordinator

Central Services handles vouchers, billing, and administrative issues pertaining to witness travel and payment. Over the years, there has been an increasing demand for these services. With the increase of AUSAs hired by the office and the increasing use of expert witnesses, Central Services are in heavy demand. The Central Services Coordinator is responsible for obtaining hotels, interpreters and other services for witnesses. The Central Services Coordinator is required to keep current with regulations, procedures and fee schedules for all witnesses (e.g., expert witnesses, out-of-town witnesses, incarcerated witnesses). In addition, effective July 1, 1999, the Justice Management Division delegated the authority to commit funds for payment of fact witnesses to individual United States Attorney's Offices, and this is being handled by our Central Services Coordinator. Because of the volume of our Superior Court operations, this new responsibility increases the work load of Central Services. With only one Central Service Coordinator for Superior Court, this function is understaffed.

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SHORT-TERM PROTECTION PROGRAM

	Perm. Pos.	FTE	Amount
Criminal Decision Unit	2	1	$172,000

This initiative requests two positions, one FTE and $172,000 to develop on a pilot basis the need for expansion of the short-term witness protection program to two or three other districts.

RELATIONSHIP TO THE STRATEGIC PLAN

This initiative addresses DOJ Strategic Plan Core Function 6: Protection of the Federal Judiciary and Improvement of the Justice System, GOAL 3: Promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings at the Federal, State, and local levels and in Indian Country.

This request will address United States Attorney Goal 3: Promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceeding at the Federal, State and local levels.

Our strategies include:

- Expanding the Short-Term Protection Program to two or three other districts to assist with the prosecution of violent crime relating to local gang and drug activity.

PROPOSED ACTIONS

- Ensure the physical safety of witnesses of violent crime so that they can testify confidently in court.

OVERVIEW

Over the past decade, the Department of Justice, largely through the United States Attorneys' offices, has become increasingly involved in the prosecution of violent crime. As a result, the problem of threats to and intimidation of witnesses in prosecutions is increasing. Witnesses to violent crime, particularly gang-related violent crime, are often the targets of intimidation, threats, and assaults. Fear of gangs can be pervasive in a neighborhood, intimidating witnesses without any explicit threat needing to be made. Effective law enforcement requires that prosecutors and law enforcement agencies be able to respond to the needs of threatened and intimidated witnesses.

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JUSTIFICATION

The Short-Term Protection Program ("STPP") has been operating in the District of Columbia since 1991. The program was designed for witnesses facing serious threats if they remained in the District of Columbia, but for whom the threat did not extend beyond the District and where the expectation is that the threat will dissipate once the case in which the witness will testify has been completed. The STPP has provided services to approximately 175 witnesses since its inception in FY 1991 through FY 1997. The program has been quite successful: no witness in the program has been harmed, and the United States Attorney's office reports a very high conviction rate for cases involving STPP witnesses. The additional resources sought for this initiative will support expansion of the current program outside the District of Columbia.

Law enforcement agencies commonly encounter witnesses who are threatened by targets of investigations. The agents involved in the investigation generally deal with the problem on an ad hoc basis, providing services such as lodging, relocation, subsistence, and protection as required in the judgement of the agents. A large percentage of witnesses in drug and gang investigations live in some form of public or assisted housing, and it is this kind of setting that the problem of threatened and intimidated witnesses is most acute. None of the participating organizations has received any additional funding or personnel for the implementation of the program in the District of Columbia. The Department is requesting resources for the United States Marshals Service, the United States Attorneys and the Criminal Division to implement a pilot program outside the District of Columbia.

The STPP would bridge the gap between the long term witness protection program and emergency witness assistance program. The long term witness protection program provides witnesses with a new identity, relocation and housing, living expenses, employment assistance, and other services isn't necessary in cases where the threat will dissipate after the defendant has pled or a verdict is issued.

The STPP operates under the same legal authority as the long-term witness protection program, but is designed to provide a more limited range of services. An Assistant United States Attorney must sponsor the witness into the program. An application to admit the witness is submitted to the Department. Once admitted to the program, participants (and family members, if necessary) are relocated out of town for a period of time, usually six months to a year. While they are out of town, the Marshals Service provides subsistence to participants.

In response to a survey, FBI field offices reported a number of threatened witnesses requiring assistance in the past two years ranging from zero in Honolulu to 73 in Washington, D.C. Baltimore, Boston, and Miami each reported in excess of twenty witnesses.

ANTICIPATED RESULTS

- Improve the availability and quality of testimony of witnesses in violent crime prosecution.

PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.1 Reduce violent crime, including organized crime and drug and gang-related violence.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: Violent Crime	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted to violent crime.	USA-5	411	411	414	414	451
	2. Percentage of criminal attorney workyears devoted to violent crime	USA-5	13%	13%	13%	13%	14%
	3. Number of violent crime cases filed.	LIONS	6,889	6,889	7,392	7,392	8,050
Output/ Activity	4. Number of violent crime cases terminated.	LIONS	6,150	6,150	6,539	6,539	7,121
	5. Number of violent crime cases handled.	LIONS	13,115	13,115	13,964	13,964	15,206
End Outcome	6. Number of violent criminals removed from the streets (sentenced to prison) via Federal prosecutorial efforts.	LIONS	6,115	6,115	6,536	6,536	6,536
	7. Number of violent crime in Indian Country cases handled.	LIONS	1,091	1,091	1,110	1,110	1,209
	8. Number of Federal Hate Crime prosecutions	LIONS	33	33	38	38	38
Productivity/ Efficiency	9. Average cases handled per attorney workyears devoted to violent crime.	LIONS	32	32	34	34	37

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A. Data Validation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report: The United States Attorneys continue to prosecute the most violent criminal offenders under the Attorney General's Anti-Violent Crime Initiative and through use of the enhanced criminal provisions of the Violent Crime Control Act of 1994. The United States Attorneys filed a total of 7,392 violent criminal cases against 9,175 offenders during FY 1999, representing a seven percent increase in the number of cases filed when compared to FY 1998.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

In contrast to declining National Violent Crime trends, violent crime in Indian Country has risen significantly in recent years. The projected performance indicator for FY2001 is based on the assumption that the requested workyears received will result in an overall increase of cases being handled by United States Attorneys.

PERFOR. ICE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.2 Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGET				
Type of Indicator	Performance Indicator: All Drugs	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted to drugs.	USA-5	911	911	954	1,002	1,007
	2. Percentage of criminal attorney workyears devoted to drugs.	USA-5	30%	30%	30%	30%	30%
	3. Number of drug cases filed.	LIONS	15,046	16,433	16,617	17,448	17,535
Output/ Activity	4. Number of drug cases terminated.	LIONS	12,282	13,414	14,800	15,540	15,618
	5. Number of drug cases handled.	LIONS	32,580	32,580	36,340	38,157	38,348
End Outcome	6. Number of drug cases (OCDETF) handled involving major drug organizations.	LIONS	6,089	6,089	7,837	8,229	8,270
Productivity/ Efficiency	7. Average drug cases handled per attorney workyears devoted to drug cases.	LIONS	37	37	39	41	41

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A. Data Validation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report:

United States Attorneys (USAs) directed substantial resources to the prosecution of narcotics and OCDETF cases. The cases represented 34% of all cases filed during FY 1999. A total of 16,617 cases were filed against 29,846 drug defendants classified under the Narcotics and Dangerous Drugs (NON-OCEDETF) and OCDETF program categories. This represents an increase of ten percent in the number of cases filed and eleven percent in the number of defendants filed when compared to FY 1998 and the highest number of drug cases and defendants filed over the past seven years.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The projected performance indicators for FY 2000 and 2001 are based on the assumption that the requested workyears received will result in an overall increase of cases handled by USAs.

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PERFOR ICE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.4 Reduce white-collar crime, including public corruption and fraud.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: White Collar Crime	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted to white collar crime.	USA-5	840	840	834	834	855
	2. Percentage of criminal attorney workyears devoted to white collar crime	USA-5	27%	27%	26%	26%	27%
	3. Number of white collar cases filed.	LIONS	6,669	6,669	6,558	6,558	6,721
	4. Number of cases filed involving computer crime	LIONS	85	85	104	104	107
	5. Number of cases filed involving child pornography	LIONS	714	714	847	847	847
Output/ Activity	6. Number of white collar cases terminated	LIONS	6,063	6,063	6,311	6,311	6,469
	7. Number of cases terminated involving computer crime	LIONS	62	62	96	96	98
	8. Number of cases terminated involving child pornography	LIONS	576	576	731	731	731
	9. Number of white collar crime cases handled.	LIONS	13,452	13,452	13,696	13,696	14,038
End Outcome	10. Number of health care fraud cases handled involving major health care schemes	LIONS	610	610	736	736	736
Productivity/ Efficiency	11. Average cases handled per attorney workyears devoted to white collar crime	LIONS	16	16	16	16	16

1056

A. Data Validation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report:

USAs handled a myriad of White Collar Crime cases during FY 1999. In all, 6,558 cases were filed against 8,670 defendants charged with white collar crime. Some priority White Collar Crime prosecution areas are: Computer and Intellectual Property Crime - during FY 1999, USAs filed 104 computer crime cases against 148 defendants. This represents a 22 percent increase in cases filed and a 28 percent increase in defendants filed when compared to FY 1998. Child Exploitation and Pornography - USAs filed 847 cases a 17 percent increase when compared to FY 1998. Health Care Fraud - USAs filed 370 cases against 504 defendants. This represents a 16% increase in cases filed and 16% increase in defendants filed when compared to FY 1998.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

On August 11, 1999 the Attorney General approved a new enforcement initiative to protect intellectual property rights. Computer-aided attacks on government and corporate entities are growing rapidly. The performance indicators for FY 2001 are based on the assumption that the requested workyears received will result in an overall increase of cases being handled by USAs.

PERFOR. .ICE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.1 Reduce violent crime, including organized crime and drug and gang-related violence

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: Organized Crime	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted to organized crime.	USA-5	146	146	137	137	137
	2. Percentage of criminal attorney workyears devoted to organized crime.	USA-5	5%	5%	4%	4%	4%
	3. Number of organized crime cases filed.	LIONS	199	199	209	209	209
Output/ Activity	4. Number of organized crime cases terminated.	LIONS	198	198	173	173	173
	5. Number of organized crime cases handled.	LIONS	812	812	807	807	807
End Outcome	6. Number of organized crime cases handled involving traditional (LCN) organizations.	LIONS	663	663	608	608	608
	7. Number of cases handled involving non-traditional emerging organizations, for example, Russian and Asian organizations.	LIONS	126	126	199	199	199
Productivity/ Efficiency	8. Average organized crime cases handled per attorney workyears devoted to organized crime.	LIONS	4	4	4	4	4

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A. Data Validation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report:

The Department will continue to identify, penetrate and dismantle major criminal enterprises by emphasizing enterprise enforcement strategies targeting traditional, as well as non-traditional organized crime organizations. In FY 1999 the number of organized crime cases filed increased by seven percent compared to FY 1998.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Productivity/Efficiency measures are expected to remain fairly consistent throughout the projected period even if the requested workyears are received because the additional workyears will not be used to reduce the workload on existing attorneys, but rather to increase the overall number of cases being handled by the U.S. Attorneys. The projected performance indicators for FYs 2000 and 2001 are based on the assumption that a consistent level of resources will remain as the base for the program.

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PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.1 Reduce violent crime, including organized crime and drug and gang related violence.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: Other Priority Programs	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted to:						
	a. Criminal immigration cases.	USA-5	90	90	111	111	118
	b. Official corruption cases.	USA-5	113	113	116	116	116
	c. Criminal forfeitures.	USA-5	50	50	56	56	56
	2. Number of Coordinator workyears devoted to LECC.	USA-5	76	76	76	76	76
	3. Percentage of criminal attorney workyears devoted to:						
	a. Criminal immigration cases.	USA-5	3%	3%	4%	4%	4%
	b. Official corruption cases.	USA-5	4%	3%	4%	4%	4%
	c. Criminal forfeitures.	USA-5	2%	2%	2%	2%	2%
	4. Cases filed:						
	a. Criminal immigration.	LIONS	10,080	10,080	11,580	11,580	12,310
	b. Official corruption.	LIONS	526	526	535	535	535
	c. Criminal forfeitures.	LIONS	1,214	1,214	988	988	988
	5. Attorney workyears devoted to Freedom of Information Act (FOIA).	USA-5	7	7	7	7	7
Output/ Activity	6. Cases terminated:						
	a. Criminal immigration.	LIONS	8,671	8,671	10,769	10,769	11,447
	b. Official corruption.	LIONS	462	462	477	477	477
	c. Criminal forfeitures.	LIONS	1,056	1,101	758	758	758
	7. Cases handled:						
	a. Criminal immigration.	LIONS	10,084	11,822	16,671	16,671	17,721
	b. Official corruption.	LIONS	1,040	1,040	1,093	1,093	1,093
	c. Criminal forfeitures.	LIONS	3,527	3,422	3,458	3,458	3,458
	8. Number of FOIA/PA requests processed.	FOIA	4,913	3,624	3,159	3,159	3,159

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Type of Indicator	Performance Indicators: Other Priority Programs	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
End Outcome	9. Number of multi-agency community initiatives that include prevention and enforcement elements.	LECC	196	196	196	196	196
	10. Percent reduction in the backlog of FOIA requests.	FOIA	10%	10%	10%	10%	10%
	11. Number of federal prosecutions resulting from federal, state, and local cooperative efforts.	LECC	414	414	414	414	414
Productivity/ Efficiency	12. Average cases handled per attorney workyears devoted to:						
	a. Criminal immigration	USA-5	149	180	150	150	150
	b. Official corruption.	USA-5	9	9	9	9	9
	c. Criminal forfeitures.	USA-5	59	59	59	59	59

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A. Data lation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

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B. FY 1999 Performance Report:

United States Attorneys (USAs) filed 11, 580 immigration cases against 12,650 defendants. This represents growth over two years of 67% in the number of cases filed and a 65 percent increase in the number of defendants filed. United States Attorney Offices also devoted 111 attorney workyears to immigration cases, an increase of 71 percent when compared to FY 1997.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Productivity/Efficiency measures are expected to remain fairly consistent throughout the projected period even if the requested workyears are received because the additional workyears will not be used to reduce the workload on existing attorneys, but rather to increase the overall number of cases being handled by U.S. Attorneys.

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PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.3 Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens directed at U.S. citizens in institutions)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: Domestic & International Terrorism	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Attorney workyears devoted terrorism.	USA-5	14	14	11	11	11
	2. Percentage of criminal attorney workyears devoted to terrorism.	USA-5	0.4%	0.4%	0.4%	0.4%	0.4%
	3. Number of terrorism cases filed.	LIONS	28	28	38	38	38
Output/ Activity	4. Number of terrorism cases terminated.	LIONS	23	23	42	42	42
End Outcome	5. Establish a deterrence as measured by number of terrorism cases handled.	LIONS	59	59	74	74	74
Productivity/ Efficiency	6. Average number of terrorism cases handled per attorney workyears devoted to terrorism.	LIONS	3	3	3	3	3

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A. Data ...dation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report:

The number of terrorism cases handled increased by 25 percent in FY 1999 and the number of cases filed increased by 36 percent in FY 1999 as compared to FY 1998.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Productivity/Efficiency measures are expected to remain fairly consistent throughout the projected period even if the requested workyears are received because the additional workyears will not be used to reduce the workload on existing attorneys, but rather to increase the overall number of cases being handled by U.S. Attorneys. The projected performance indicators for FYs 2000 and 2001 are based on the assumption that a consistent level of resources will remain as the base for the program.

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PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Legal Representation, Enforcement of Federal Laws and Defense of U.S. Interests
Strategic Goal: 3.5 Represent the U.S. in civil matters for which the Department of Justice has jurisdiction

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicator: Civil Litigation	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Defensive civil litigation:						
	a. Number of attorney workyears devoted.	USA-5	466	466	474	474	483
	b. Percentage of total civil attorney workyears.	USA-5	47%	47%	48%	48%	49%
	2. Affirmative civil litigation:						
	a. Number of attorney workyears devoted.	USA-5	228	228	224	224	224
	b. Percentage of total civil attorney workyears.	USA-5	23%	23%	23%	23%	23%
	3. Civil forfeitures:						
	a. Number of attorney workyears devoted.	USA-5	89	89	89	89	89
	b. Percentage of total civil attorney workyears.	USA-5	9%	9%	9%	9%	9%
	4. Civil appeals:						
	a. Number of attorney workyears devoted.	USA-5	24	24	24	24	24
	b. Percentage of total civil attorney workyears.	USA-5	2%	2%	2%	2%	2%
	5. Number of attorney workyears devoted to debt collection.	USA-5	40	40	41	41	41
	6. Number of defensive civil cases filed.	LIONS	52,517	52,517	50,498	50,498	51,457
	7. Number of affirmative civil cases filed.	LIONS	8,536	8,536	7,556	7,556	7,556
	8. Number of civil debts pending.	LIONS	87,641	87,641	1	1	1

A. Data V ..ation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5) The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. Also, data comes from the Legal Information Office Network System (LIONS). LIONS allows individual districts to maintain information on pending work loads on the database and produce a variety of reports, such as, criminal matters, cases and appeals.

Validation and Verification: Before data is entered in the system, data is reviewed by knowledgeable personnel (such as supervisory attorney or legal clerks) in each district. LIONS has an on-line error edit that prevents invalid code entry or dates. The error list is reviewed monthly.

Data Limitations: Error edit/lists cannot be used as a sole quality control device since they can only ensure that valid codes are reported in each field. There is no way to determine that a record has been classified and reported correctly. In an effort to mitigate data limitation, attorneys and support personnel must be held responsible to ensure that local procedures are followed for maintaining the integrity of the system.

B. FY 1999 Performance Report:

The United States Attorneys filed or responded to a total of 75,603 civil cases. These cases include those filed or responded to in the U.S. District courts, U.S. Bankruptcy courts and state courts. Of the total, USAs filed suit on behalf of the United States in 7,556 cases or 10 percent of all civil cases. The USAs defended the United States in 50,498 cases or 57 percent of all civil cases, up from 66 percent in FY 1998.

1 FY 1999 ACTUAL INFORMATION WILL BE PROVIDED BY THE END OF 2ND QUARTER FY 2000. FY 2000 AND FY 2001 PLAN WILL BE CONSISTENT WITH FY 1999 ACTUALS.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The measures for Productivity/Efficiency for the most part will remain fairly consistent. except for Defensive cases handled per attorney workyear, which we project will begin to decrease with the increase in workyears. Civil defensive is unique in that we have no discretion in declining these cases. All cases filed against the United States must be defended. In requesting increased positions, the U.S. Attorneys hope to reduce this caseload to a more manageable level so that the Assistant U.S. Attorneys can best be utilized in representing the United States. Therefore the caseload per Assistant U.S. Attorney should decrease slightly as more resources are received. This chart does not represent the total civil program for the Offices of the United States Attorneys, but rather includes some key civil initiatives. Therefore, workyear percentages will not total 100%.

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PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Protection of the Federal Judiciary and Improvement of the Justice System
Strategic Goal: 6.2 Enhance the level of assistance provided to crime victims and witnesses
In an effort to promote increased participation in the prosecution of criminals.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators: Victim Witness	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Workyears devoted to the Victim/Witness program.	USA-5	109	109	142	142	142
	2. Percentage of districts assigned a full-time Victim/Witness Program.	LECC	100%	100%	[1]	[1]	[1]
Output/ Activity	3. Districts providing victims timely notice of pretrial release/detention status of defendant.	LECC	80	80	[1]	[1]	[1]
	4. Districts consulting victims timely concerning pretrial status, court proceedings, and pleas.	LECC	75	75	[1]	[1]	[1]
	5. Districts notifying victims of violent crime of the right to allocate in court.	LECC	89	89	[1]	[1]	[1]
	6. Districts informing victims of the right to provide a Victim Impact Statement to the court regarding sentencing.	LECC	89	89	[1]	[1]	[1]
End Outcome	7. Percentage of districts that have implemented a victim notification process.	LECC	70%	70%	[1]	[1]	[1]
	8. Percentage of positive responses to client survey.	LECC	[2]	[2]	[2]	[2]	[2]

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A. Data Validation and Verification:
Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5). The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. LECC data is reported by survey. A survey is sent via e-mail to each district.
Validation and Verification:
Data is reviewed and approved by knowledgeable personnel. Information is updated periodically.
Data Limitations: This method of collection will be replaced by a comprehensive automated victim information and notification system expected to be fully implemented by April 2002.

B. FY 1999 Performance Report:
The Emergency Assistance Program (EWAP) continues to be an asset to the USAOs. Five to six hundred witnesses have been assisted by the program to date. Improvements to the program continue and an EWAP manual is currently being developed to include current procedures, scenarios for EWAP, and cost reduction strategies.

1 FY 1999 ACTUAL INFORMATON WILL BE PROVIDED BY 3rd QUARTER FY 2000. FY 2000 AND FY 2001 PLAN WILL BE CONSISTENT WITH FY 1999 ACTUALS.

2 THIS INDICATOR HAS BEEN CHANGED.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:
Future plans include training through video teleconferencing for new coordinators, refresher training for current users and updates on program uses.

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PERFORMANCE MEASUREMENT TABLE

DECISION UNIT/PROGRAM: UNITED STATES ATTORNEYS

Department of Justice Core Function: Management
Strategic Goal: 7.5 Strengthen human resource recruitment and retention efforts, providing for a workforce that is well trained and diverse.

Type of Indicator	Performance Indicators: Legal Education	Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Workyears devoted to the Office of Legal	USA-5	34	36	36	36	36
Output/ Activity	2. Courses conducted:						
	a. Legal skills Courses	OLE	149	145	145	145	145
	b. Administrative Courses	OLE	15	15	16	15	15
	c. Distance Education Courses	OLE	61	100	100	120	120
	3. Students Trained:						
	a. Legal Skills Courses	OLE	9,368	9,000	9,204	9,000	9,000
	b. Administrative Courses	OLE	803	1,400	1,416	1,400	1,400
	c. Distance Education Courses	OLE	1,026	2,000	2,250	2,500	2,500
End Outcome	4. Percentage of positive responses to student evaluations. (3.0 or higher)	OLE	n/a	90%	95%	95%	95%
Productivity/ Efficiency	5. Average number of courses per workyear	OLE	6.62	7.22	7.25	7.25	7.25
	6. Average number of students per workyear	OLE	329.32	344.44	357.5	348.65	348.65

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A. Data Validation and Verification:

Data Collection and Storage: Measurements for this goal includes data from the United States Attorneys' monthly Resource Summary Report System (USA-5). The USA-5 summarizes the use of personnel resources allocated to USA offices on a monthly basis. OLE data is reported from a data system called People-Ware - a student roster database. Responses are based on an evaluation by every student.

Validation and Verification: Before data is entered into the system, it is reviewed and approved by knowledgeable personnel. The information is verified and updated periodically.

Data Limitations:

B. FY 1999 Performance Report:

OLE trained 10,620 students in 261 courses and an additional 2,250 students were trained through OLE's distance education programs. OLE also hosted staffs from twenty-four USAOs and EOUSA for Management Team Training.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The projected performance indicators are based on the assumption that a consistent level of resources will remain as the base for the program.

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United States Attorneys
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Estimates by budget activity	Firearms Prosecutions			Violent Crime in Indian Country			Computer Crime & Intellectual Property Theft			Civil Defensive Litigation			Child Exploitation & Pornography		
	Perm Pos.	Amount	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Criminal Litigation	160	80	$14,121	59	29	$4,633	49	25	$3,882	...	...	...	46	23	$3,993
Civil Litigation	...	...	...	...	...	...	...	...	...	74	37	$5,613	...	...	...
Office of Legal Education	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management & Administration	3	2	197	1	1	66	1	...	66	2	1	131	1	1	66
Total	163	82	$14,318	60	30	$4,699	50	25	$3,948	76	38	$5,744	47	24	$4,059

Estimates by budget activity	Immigration			Infrastructure			Child Support Enforcement			D.C. Superior Court			Short-term Protection Program		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Criminal Litigation	47	24	$3,778	36	18	9,266	93	47	4,869	63	32	$3,978	2	1	$172
Civil Litigation	...	...	...	11	6	2,820	...	...	...	...	...	...	...	...	...
Office of Legal Education	...	...	...	...	...	37	...	...	...	...	...	...	...	...	...
Management & Administration	1	...	66	...	...	200	2	1	131	...	...	...	...	...	...
Total	48	24	$3,844	47	24	$12,323	95	48	$5,000	63	32	$3,978	2	1	$172

Estimates by budget activity	Total		
	Perm Pos.	WY	Amount
Criminal Litigation	555	279	$48,692
Civil Litigation	85	43	8,433
Office of Legal Education	...	...	37
Management & Administration	11	6	923
Total	651	328	$58,085

United States Attorneys
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal		Civil		Office of Legal Education		Management & Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-13	32	$2,014	9	$566	...	...	11	$692	52	$3,272
GS-12	64	3,388	...	...	...	...	...	...	64	3,388
GS-11	128	5,653	18	795	...	...	...	...	146	6,448
GS-8	99	3,272	22	727	...	...	...	...	121	3,999
Ungraded	232	22,372	36	3,472	...	...	...	...	268	25,844
Total positions and annual rate	555	36,699	85	5,560		...	11	692	651	42,951
Lapse (-)	(276)	(18,306)	(42)	(2,780)		...	(5)	(346)	(323)	(21,432)
Other personnel compensation	2	81		16		...		...	2	97
Special Personal Service Payments		118		18		...		...		136
Total workyears and personnel Compensation	281	18,592	43	2,814	...	...	6	346	330	21,752
Personnel benefits		6,038		897		...		100		7,035
Travel and transportation of persons		1,685		236		...		6		1,927
Transportation of things		141		21		...		3		165
Rental payments to others		150		23		...		1		174
Comm., utilities, and misc charges		1,077		165		...		20		1,262
Printing		186		28		...		1		215
Other services:										
25.1 Advisory and assistance services		261		44		...		3		308
25.2 Other services		4,846		811		...		61		5,718
25.3 Purchases of goods & svcs from Gov't accts.		1,073		180		...		14		1,267
25.4 Operation of GOCOs		417		70		...		5		492
25.6 Medical Care		59		10		...		1		70
25.7 Operation & Maintenance of Equipment		329		55		...		4		388
Supplies and materials		997		152		...		20		1,169
Equipment		12,841		2,927		37		338		16,143
Total program workyears and obligations changes requested, 2001	281	48,692	43	8,433		37	6	923	330	58,085

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United States Attorneys
Salaries and Expenses

Status of Congressionally Requested
Studies, Reports and Evaluations

Senate Report 106-76 required the United States Attorneys to submit a spending plan for the $7,125,000 to be allocated for Firearms prosecutions projects. It is anticipated that the report will be submitted as agreed.

United States Attorneys
Salaries and Expenses
2001 Priority Rankings

Base Program

Program	Ranking
Criminal	1
Civil	2
Management and Administration	3
Legal Education	4

Program Increases

Initiative	Ranking
Firearms Prosecution	1
Violent Crime in Indian Country	2
Computer Crime and Intellectual Property Theft	3
Civil Defensive Litigation	4
Child Exploitation and Pornography	5
Immigration	6
Infrastructure	7
Child Support Enforcement	8
D.C. Superior Court	9
Short-term Protection Program	10

United States Attorneys
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001		
	Authorized	Reimbursable	Authorized	Reimbursable	Changes	Authorized	Reimbursable
Attorneys (905)	4,370	537	4,408	537	268	4,676	537
Paralegal Specialist (950)	792	49	799	49	129	928	49
Legal Clerk and Technicians(986)	2,380	...	2,401	...	111	2,512	...
Criminal Investigative Series (1811)	13	...	13	...	45	58	...
General Investigative Series (1810)	3	...	3	...	...	3	...
Other Miscellaneous Occupations (080)	11	...	11	...	...	11	...
Social Sciences, Economics and kindred (100-199)	11	...	11	...	...	11	...
Personnel Management (200-299)	59	...	59	...	...	59	...
General Administrative and Clerical (300-399)	1,232	400	1,242	400	88	1,330	400
Accounting and Budget (500-599)	135	52	135	52	10	145	52
Information and Arts Group (1000-1099)	11	...	11	...	...	11	...
Business and Industry Group (1100-1199)	6	...	6	...	...	6	...
Library and Archives Group (1400-1499)	13	...	13	...	...	13	...
Supply Group (2000-2099)	7	...	7	...	...	7	...
Transportation (2100-2199)	1	...	1	...	...	1	...
Total	9,044	1,038	9,120	1,038	651	9,771	1,038
Washington	192	...	194	...	11	205	...
U.S. Field 1/	8,852	1,038	8,926	1,038	640	9,566	1,038
Foreign Field	...	...	...	...	...	...	...
Total	9,044	1,038	9,120	1,038	651	9,771	1,038

1/ Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year.

United States Attorneys
Summary of Attorneys and Support Positions
FY 2000 - 2001

Appropriated Positions Decision Unit	2000 Appropriation Anticipated						2001 Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Criminal Litigation	3,296	3,170	3,557	3,828	6,853	6,998	232	116	323	163	555	279	3,528	3,286	3,880	3,991	7,408	7,277
Civil Litigation	1,096	1,116	937	1,018	2,033	2,134	36	18	49	25	85	43	1,132	1,134	986	1,043	2,118	2,177
Legal Education	5	5	31	32	36	37	...	...	...	...	...	...	5	5	31	32	36	37
Management and Administration	11	12	187	217	198	229	...	...	11	6	11	6	11	12	198	223	209	235
Total	4,408	4,303	4,712	5,095	9,120	9,398	268	134	383	194	651	328	4,676	4,437	5,095	5,289	9,771	9,726

Reimbursable Positions Decision Unit	2000 Appropriation Anticipated						2001 Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
OCDETF	484	463	403	384	887	847	...	...	...	...	...	...	484	463	403	384	887	847
Justice Management Division	53	53	98	98	151	151	...	...	...	...	...	...	53	53	98	98	151	151
Other	...	43	...	...	...	43	...	...	...	...	...	...	...	43	...	...	...	43
Total	537	559	501	482	1,038	1,041	...	...	...	...	...	...	537	559	501	482	1,038	1,041

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United States Attorneys
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 Appropriation enacted	9,120	9,398	$1,161,957
Government-wide rescission pursuant to H.R. 3425	...	...	(22)
2000 Availability	9,120	9,398	1,161,935
Increases:			
2001 Pay Raise	...	...	31,459
Annualization of 2000 Pay Raise	...	...	19,183
Within-grade Increases	...	...	1,721
Administrative Salary Increase	...	...	4,395
Transfer of CSRS employees into FERS retirement systems	...	...	187
Federal Health Insurance Premiums	...	...	2,727
GSA Rent	...	...	4,239
Lease Expirations	...	...	889
Antenna Fees	...	...	15
Accident Compensation	...	...	319
GSA Blue Pages	...	...	32
Travel Management Centers Contract Fees	...	...	70
General Pricing Level Adjustments	...	...	3,114
National Archives and Record Projections	...	...	41
National Litigation Support - Base Restoration	...	...	2,590
	...	...	$70,981
2001 Base	9,120	9,398	$1,232,916
Program Increase:			
Firearms Prosecutions	163	82	14,318
Violent Crime in Indian Country	60	30	4,699
Computer Crime and Intellectual Property Theft	50	25	3,948
Civil Defensive Litigation	76	38	5,744
Child Exploitation & Pornography	47	24	4,059
Immigration	48	24	3,844
Infrastructure	47	24	12,323
Child Support Enforcement	95	48	5,000
D.C. Superior Court	63	32	3,978
Short-term Witness Protection Program	2	1	172
Total, program increases	651	328	$58,085
2001 Congressional Request	9,771	9,726	$1,291,001

United States Attorneys
Salaries and Expenses
Justification of Adjustments to base
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $31,459,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($23,556,000 for pay and $7,903,000 for benefits totaling $31,459,000).	...	...	$31,459
Annualization of 2000 pay raise. This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $19,183,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($14,426,000 for compensation and $4,757,000 for benefits).	...	...	19,183
Within-grade increases. This request provides for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $1,399,000 for pay and $322,000 for benefits.	...	...	1,721
Administrative Salary Increase. This request provides for the annual pay adjustment of administratively determined salaries for the Assistant U.S. Attorneys occupying ungraded positions in the U.S. Attorneys offices ($3,573,000 for pay and $822,000 for benefits totaling $4,395,000).	...	...	4,395

United States Attorneys
Salaries and Expenses
Justification of Adjustments to base
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
Transfer of CSRS employees into FERS retirement systems. This request provides for the increase in Federal Employees retirement system (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is base on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $187,000 for benefits.	...	...	$187
Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $2,727,000 for these costs.	...	...	2,727
General Services Administration (GSA) rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $4,239,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	...	...	4,239
Lease Expirations: GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $889,000 is requested for the United States Attorneys.	...	...	889

United States Attorneys
Salaries and Expenses
Justification of Adjustments to base
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
Antenna Fees: GSA will charge the Department antenna fees in FY 2001. The fees includes all current antenna's utilized by Justice components that have antenna's atop their buildings. Funding of $15,000 is requested.	...	...	$15
Accident compensation. This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $319,000.	...	...	319
General Services Administration (GSA) Blue Pages. Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000.00. Funding of $32,000 is requested for the United States Attorneys.	...	...	32
Travel Management Center Fees. In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000.00. Funding of $70,000 is requested for the United States Attorneys.	...	...	70
General pricing level adjustments. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	3,114

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United States Attorneys
Salaries and Expenses
Justification of Adjustments to base
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
National Archives and Records Administration (NARA). The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001estimated costs total $6,599,584, an increase of almost $300,000, based on current records maintained by NARA. Funding of $41,000 is requested for the United States Attorneys.	...	...	$41
National Litigation Support - Base Restoration. An increase of $2,590,000 is necessary to ensure that sufficient funding is available for the effective use of the best available management practices, including current and new information technology, that will improve program performance and overall efficiency.			2,590
Total, adjustments to base	...	...	$70,981

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United States Attorneys
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Enacted Pos.	1999 Enacted Amount	FY 2000 as enacted Pos.	FY 2000 as enacted Amount	2001 Request Pos.	2001 Request Amount	Increase/Decrease Pos.	Increase/Decrease Amount
ES-4, $125,900	1		1		1		...	
ES-3, $120,814	1		1		1		...	
ES-2, $115,529	1		1		1		...	
ES-1, $110,351	1		1		1		...	
GS-15, $80,658-104,851	68		68		68		...	
GS-14, $68,570-89,140	93		93		93		...	
GS-13, $58,027-75,433	290		290		342		52	
GS-12, $48,796-63,436	434		434		498		64	
GS-11, $40,714-52,927	683		692		838		146	
GS-10, $37,057-48,173	79		79		79		...	
GS-9, $33,650-43,747	443		443		443		...	
GS-8, $30,465-39,600	706		715		836		121	
GS-7, $27,508-35,760	1,304		1,321		1,321		...	
GS-6, $24,754-32,181	232		235		235		...	
GS-5, $22,208-28,868	121		121		121		...	
GS-4, $19,849-25,800	94		94		94		...	
GS-3, $17,682-22,983	123		123		123		...	
Ungraded positions	4,370		4,408		4,676		268	
Total, appropriated positions	9,044		9,120		9,771		651	
Average Ungraded Salary	$98,397		$102,726		$106,733			
Average ES Salary	$118,149		$123,348		$128,158			
Average GS Salary	$36,618		$38,229		$39,720			
Average GS Grade	8.7		8.7		8.8			

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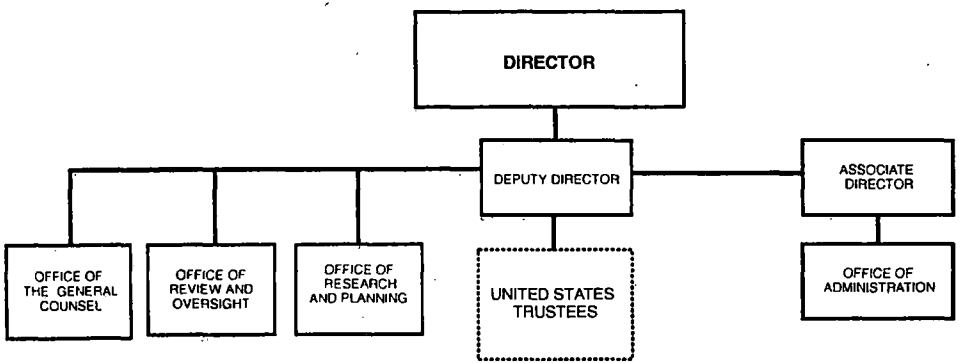
United States Attorneys
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1999 Actual		2000 as enacted		2001 Request		Increase/Decrease	
Object Class	Wyrs.	Amount	Wyrs.	Amount	Wyrs.	Amount	Wyrs.	Amount
11.1 Total workyears & personnel compensation	8,477	$556,357	8,753	$603,123	9,059	$655,979	306	$52,856
11.3 Other than full-time permanent	624	41,170	645	44,076	667	46,464	22	2,388
11.5 Other personnel compensation	80	11,116	71	10,266	73	10,364	2	98
Overtime		*2,991*		*2,991*		*3,019*		
11.8 Special personnel services payments		4,596		4,742		4,903		161
Total	9,181	613,239	9,469	662,207	9,799	717,710	330	55,503
Reimbursable workyears:								
Full-time permanent	(964)		(1,041)		(1,041)		(0)	
Other Object Classes:								
12.0 Personnel benefits		140,096		153,412		175,171		21,759
13.0 Benefits former personnel		163		166		166		
21.0 Travel and transportation of persons		23,044		23,876		26,104		2,228
22.0 Transportation of things		2,689		2,943		3,184		241
23.1 GSA rent		139,389		156,379		160,618		4,239
23.2 Rental payments to others		3,659		4,757		5,048		291
23.3 Comm., util., & other misc. charges		36,780		43,849		43,479		(370)
24.0 Printing and reproduction		5,156		5,513		5,483		(30)
25.1 Advisory and assistance services		7,563		11,375		13,965		2,590
25.2 Other services		60,752		58,531		60,286		1,755
25.3 Purchases of goods & svcs from Gov't accounts		17,868		16,261		17,739		1,478
25.4 Operation and maintenance of facilities		8,565		8,280		8,780		500
25.6 Medical care		612		626		912		286
25.7 Operation and maintenance of equipment		5,485		5,810		7,495		1,685
25.8 Subsistence & support of persons		227		232		233		1
26.0 Supplies and materials		16,641		16,498		18,489		1,991
31.0 Equipment		54,909		18,881		26,139		7,258
42.0 Insurance Claims & Indemnities		1,090		1,110		1,110		
Total obligations		1,137,727		1,189,596		1,291,001		101,405
Unobligated Balance, start of year		(8,316)		(27,588)		(3,727)		
Resources available from recoveries of prior year obligations		(28,007)		...		...		
Unobligated Balance, expiring		7,852		...		...		
Unobligated Balance, end of year		27,588		3,727				
Total requirements		1,136,844		1,165,735		1,291,001		
Relation of Obligation to Outlays:								
Total obligations		1,137,727		1,189,596		1,291,001		
Obligated balance, start of year		88,497		129,503		160,399		
Adjustments in expired accounts		(27,487)		...		...		
Obligated balance, end of year		(129,503)		(160,399)		(208,464)		
Outlays		1,069,234		1,158,700		1,242,936		

Department of Justice
United States Trustee Program
Estimates for Fiscal Year 2001
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EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



Boston
New York
Philadelphia
Columbia
New Orleans
Dallas
Houston
Memphis
Cleveland
Indianapolis
Chicago
Cedar Rapids
Kansas City
Phoenix
San Diego
Los Angeles
San Francisco
Seattle
Denver
Wichita
Atlanta

Approved by: Janet Reno Date: 4/19/94
JANET RENO
Attorney General

United States Trustee Program
Summary Statement and Performance Plan[1/]
Fiscal Year 2001

The United States Trustee Program ("the Program") is requesting a total of 1,128 permanent positions (229 attorneys), 1,059 workyears, and $127,202,000 in its appropriation. This request represents the FY 2001 anticipated appropriations level adjusted for base increases. The Program's request for FY 2001 addresses the 1.3 million cases expected to be filed in FY 2001, as well as the Program's on-going efforts to combat bankruptcy fraud.

FY 2001 United States Trustee Program Performance Plan and 1999 Accountability Report

A. Program Mission, Goals, and Relationship to DOJ Strategic Plan

Mission: The United States Trustee Program (USTP) acts in the public interest to promote the efficiency, and to protect and preserve the integrity, of the bankruptcy system. It works to secure the just, speedy, and economical resolution of bankruptcy cases, monitors the conduct of parties and takes action to ensure compliance with applicable laws and procedures; identifies and investigates bankruptcy fraud and abuse; and oversees administrative functions in bankruptcy cases.

Long-Range Goals: The Program's long-range goals, articulated below, directly relate to the Department of Justice Strategic Plan, Core Function 6: Protection of the Federal Judiciary and Improvement of the Justice System: Goal - Protecting the Integrity of the Bankruptcy System.

- USTP Goal #1: The United States Trustee Program will provide administrative support to move cases effectively and efficiently through the bankruptcy system.
- USTP Goal #2: The United States Trustee Program will ensure that parties adhere to the standards of the law; and will police for embezzlement, fraud, and other abuses.
- USTP Goal #3: The United States Trustee Program will maximize the return of estate assets to creditors by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as other forms of oversight.
- USTP Goal #4: The United States Trustee Program will be a resource for accurate information and practical analysis about the operation of the bankruptcy system.

The Program's four long-range goals provide the basis for its annual performance plans.

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1/ This Budget submission does not take into account the substantial new duties the Program would have to perform if the Bankruptcy Reform Bills currently under consideration in Congress are enacted.

B. Highlights of 1999 Mission-Critical Results

The following discussion describes some of the achievements of the U. S. Trustee Program in relation to its mission and long-range goals. It should be noted that the Program is experiencing a shortfall in its funding, as a result of a decline in chapter 11 quarterly fee collections in FY 1999. The Program took emergency measures in FY 1999 to address the shortfall imposing a hiring freeze, reducing our Justice Consolidated Office Network (JCON) office automation support and help desk by two-thirds, canceling the development of our Case Management Database, eliminating a number of training programs, and making cuts in virtually all discretionary spending categories. The practical result of the shortfall, however, is that the Program has affected the Program's ability to reach the goals it set for fiscal year 1999, and will likely affect those set for fiscal years 2000 and 2001. Yet, we are continuing to make progress in achieving our long-range goals. The following describes some of our accomplishments, organized by long-range goal.

USTP Goal #1: Ensure that cases move effectively and efficiently through the bankruptcy system.

The General Accounting Office noted in a July 1994 report that "at almost every level of case size, the longer a case takes to close the smaller the percentage of total receipts paid to creditors and the larger the percentages of receipts paid for professional fees". U. S. General Accounting Office, *"Bankruptcy Administration: Case Receipts Paid to Creditors and Professionals,"* July 1994, 16-17. The U. S. Trustee Program works to ensure that cases are administered promptly, effectively, and fairly. Timely administration of bankruptcy cases is critical to the integrity of the bankruptcy system and for the maximum distribution of funds to creditors.

Chapter 7: To ensure that the approximately 1 million chapter 7 cases filed each year are effectively and efficiently moved through the bankruptcy system, the Program has implemented a comprehensive oversight process whereby we audit and evaluate private trustees, follow up on deficiencies, ensure that old cases are closed promptly, and initiate action when private trustees fail to comply with their obligations. Specifically, the Program reviews semi-annual reports filed by over 1,600 panel and non-panel trustees, reviews trustee final reports (TFRs) and trustee final accounts (TDRs) for all asset cases, and conducts annual performance reviews for all 1,200-plus panel trustees. In addition, 25% of all trustees operations are closely reviewed each year either through OIG audits or on-site examinations by Program personnel.

- In addition, Program staff review every case before it is closed to ensure that all assets have been disclosed and that estate funds are properly paid out to creditors. They participate in thousands of asset cases, file pleadings and objections, and appear in court on a daily basis. Finally, Program staff spend a considerable amount of time identifying individuals who have filed under chapter 7, yet are not legally entitled to its protection, and making motions to convert the cases to chapter 13 wage earner repayment plans, or to have the case dismissed.

- As a result of these oversight efforts, today there are only 200 cases that are over 10 years old, as opposed to the approximately 4,000 chapter 7 cases that had been lingering in the system in 1992. In addition, only 3.9 % of the total caseload was over three years old in December 1999, compared to 8.2% in January 1992.

- Considering that chapter 7 filings reached over 1 million for FY 1998 - a 39% increase in filings over FY 1993 - the reductions in the number of cases over three and 10 years old clearly shows the Program's success in meeting its objective to help effectively and efficiently move cases through the bankruptcy system. And, considering that this 39% increase in filings is met with a corresponding 43% increase in dollars associated with these cases, it is evident that the Program must continue its efforts to have these cases properly and promptly administered to maximize the funds distributed to creditors. In FY 1999, new case filings reached nearly a million, a 35% increase over FY 1993. The key to maintaining our success in the face of approximately 1 million bankruptcy chapter 7 cases a year is the Program staff's persistence and commitment to our oversight efforts.

Chapter 11: Since the nationwide expansion of the United States Trustee Program from 18 districts to 88 districts, chapter 11 cases have been processed more quickly and have reached more successful conclusions. Between 1980 and 1986, only about 17 percent of chapter 11 cases resulted in a confirmed plan or reorganization. Since 1989, the confirmation rate has exceeded 25 percent each year, and is now above 30 percent (see Figure 1). More than 60 percent of all chapter 11 cases are either converted, dismissed

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or confirmed within the first year of filing; over 90 percent of them are disposed of within two years.

- U. S. Trustees have been instrumental in moving these cases through the system. They meet with the debtor shortly after a case is filed to make sure the debtor knows what is expected in chapter 11 and to gather information about the general condition of the debtor's financial situation. Monitoring the progress of the case and the debtor's financial condition, the U. S. Trustees act promptly to move the case out of chapter 11 if the debtor is not complying with the Bankruptcy Code or is unable to reorganize.

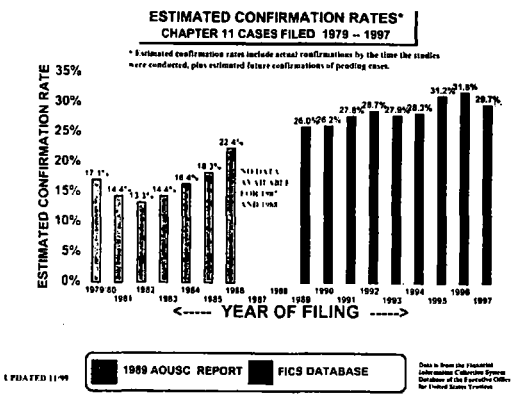


Figure 1

Chapter 13: United States Trustees appoint and supervise chapter 13 standing trustees, and monitor and supervise cases under chapter 13 of Title 11. The Program is also charged with ensuring that standing trustees adhere to fiduciary standards. Our goal is to establish a system that provides for a thorough, economical, fair and expeditious administration of chapter 13 cases.

- The number of chapter 13 cases has increased dramatically in recent years, with over 700,000 cases open at the end of fiscal year 1998. Notably, the percentage of cases that are over 60 months old has continually decreased during the last four years. For the most recent year data is available, fiscal year 1998, only 0.50% of the chapter 13 cases are over 60 months old as opposed to 0.95% four years ago. Also, funds that flow through chapter 13 trust operations have increased by almost 200% during the past decade, including an increase of over $1 billion in the past 4 years.

- Finally, the Program issued a revised ***Handbook for Chapter 13 Standing Trustees***. The revised ***Handbook*** provides more thorough case administration guidance and operational policy for standing trustees.

Training: During FY 1999, the Program worked hard on its long-term goal to develop a comprehensive training program for both Program employees as well as panel and standing trustees. A major part of this goal, was met in February 1999, when the National Bankruptcy Training Institute opened its doors within the National Advocacy Center in Columbia, S.C. The Institute's establishment provided a permanent site for a comprehensive employee training program as well as a national center for scholarship in bankruptcy. With the anticipated participation of judges, legal scholars, practitioners, and private trustees in addition to the experienced staff of the EOUSA, the Institute will foster the professional development of Program personnel and the integrity of the bankruptcy system.

- In addition, the Program and the Chapter 7 private trustees developed and provided training sessions for newly appointed trustees. This training is part of a long-term effort to develop courses and materials that will provide continuing training to new and experienced trustees, and identify and address new issues in bankruptcy administration.

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- To further enhance bankruptcy-related training and education the Program contributed articles for, and helped coordinate the publication of, an issue of the EOUSA's USA Bulletin devoted to the investigation and prosecution of bankruptcy fraud. This issue was distributed to all U.S. Attorneys' offices and to other law enforcement agencies, and is regularly made available at training sessions and conferences for bankruptcy judges, practitioners, and trustees.

"Expert" Teams: In order to improve upon its efforts of ensuring that cases move efficiently and effectively through the bankruptcy system, the Program also experimented with the idea of using a team of "experts" to assist various Program offices on particularly difficult or large cases. This concept was used on several occasions in FY 1999, to assist Program offices with case(s) in Philadelphia, Pennsylvania, Brooklyn, New York, Garden City, New York, and Salt Lake City, Utah.

USTP Goal #2: Ensure that parties adhere to the standards of the law and police for embezzlements, fraud, and other abuses.

The need for integrity is particularly resonant in bankruptcy because the system depends on honesty and full disclosure by debtors, creditors and professionals in order to resolve disputes and to distribute money and property. Therefore, in FY 1999, the Program continued its efforts to combat abuse of the bankruptcy system by increasing its contacts with federal, state, and local law enforcement agencies to help reduce misconduct and fraud in bankruptcy, and to increase the number of civil enforcement actions filed in response to such misconduct and fraud.

The establishment in FY 1999 of a National Bankruptcy Fraud Working Group marked a significant milestone toward this performance goal. The National Working Group includes representatives from the Program, the U.S. Attorneys' offices, DOJ's Criminal Division, the FBI, IRS-CID, the Postal Inspection Service, the Executive Office for U.S. Attorneys, the SEC, and the Inspectors General for HUD, Veterans Affairs, and the Commodities Futures Trading Commission. The working group will coordinate a national response to bankruptcy fraud issues, coordinate pro-active national investigations, assist districts in establishing local bankruptcy fraud task forces, track all bankruptcy fraud referrals and convictions, and develop training programs on bankruptcy fraud. One of the national working group's first projects was to present a bankruptcy fraud training session for FBI agents at the FBI Academy in Quantico, Va.

The value of coordination among law enforcement agencies to target abuse of the bankruptcy system is demonstrated by the successful actions brought in recent years against several major retailers who engaged in improper debt collection practices. For example, the United States Trustee Program, the U.S. Attorney's office in Boston, the FBI, the Federal Trade Commission, and the State Attorneys General jointly devised criminal and civil enforcement remedies against Sears, Roebuck & Co., culminating in Sears' February 1999 agreement to pay a $60 million criminal penalty—the largest ever paid in a bankruptcy fraud case. Sears had already paid over $180 million in restitution and $40 million in civil fines in connection with civil settlements in the case.

Criminal Enforcement: Pursuant to its goal of reducing bankruptcy fraud, the Program continues to increase the number of matters it refers to the United States Attorneys for prosecution for bankruptcy fraud and related crimes. In FY 1999, the Program referred 1,291 cases of suspected bankruptcy crimes, which can range from relatively straightforward concealment of assets to complex "bankruptcy foreclosure scams" designed to cheat scores of financially distressed homeowners out of their property. Successful prosecutions by U.S. Attorneys involved both small and large cases and served as a deterrent for those who may contemplate bankruptcy fraud. The deterrent factor is critical because of the many competing priorities for prosecutorial resources. The following examples of bankruptcy fraud convictions were chosen to illustrate the range of fraudulent activity in the system and for their deterrent effect.

- Concealing Assets: In the Southern District of Florida a debtor was sentenced to 97 months imprisonment and ordered to pay more than $5 million restitution after his October 1998 conviction on seven counts of bankruptcy fraud, bank fraud and money laundering. During a June 1998 bond hearing, the debtor perjured himself before the United States Magistrate Court when he testified that he had no interest in stocks or other assets in the Turks and Caicos Island; in fact, he held around $25 million

worth of stock in a publicly traded company. In addition, although he claimed he was indigent and could not pay restitution, he controlled more than $10 million in assets that he hid by placing them in the names of family members and off-shore shell corporations. His bankruptcy convictions resulted from a 1992 bankruptcy in which he claimed over $7.2 million in debt and no assets, when he actually expected to receive at least $1.2 million in real estate sale profits. The debtor laundered approximately $250,000 of these profits by transferring the funds to his wife and then using them for living expenses. The bank fraud conviction resulted from the debtor filing false financial statements to obtain a $600,000 loan that he did not repay.

- In October 1999, a debtor, in the Western District of New York, was sentenced to 27 months in prison, three years supervisory release, and ordered to pay $235,000 in restitution, based on his conviction on three counts of bankruptcy fraud. The debtor had failed to disclose in his chapter 7 schedules that he owned one insurance agency and was 47 percent shareholder and officer in another insurance agency.

- False Claims: In the District of Arizona, an individual pleaded guilty to two counts of bankruptcy fraud arising from his actions as a creditor in a chapter 7 bankruptcy case. The individual loaned $50,820 to a married couple, obtaining an unsecured promissory note in return. After the spouses filed for bankruptcy, he altered the note so it purported to take a security interest in their property. He then recorded the note and later testified in bankruptcy court as to its validity.

- In July 1999, an attorney, in the Eastern District of New York, pleaded guilty to two counts of bankruptcy fraud arising from the filing of two false proofs of claim on behalf of a fictitious creditor. The attorney, an associate with a chapter 7 bankruptcy trustee's law firm, admitted to embezzling $117,000 from five bankruptcy estates.

- Serial Filers: An individual was sentenced to five years imprisonment and three years supervised probation, and ordered to pay restitution in the amount of $43,000 following his conviction for bankruptcy fraud. Between September 1991 and December 1995, he filed eight bankruptcy cases in the Western District of North Carolina and the District of South Carolina for the purpose of defrauding creditors by delaying foreclosure and eviction proceedings. An attorney from the United States Trustee's Columbia, S.C. office provided testimony at the sentencing hearing that the defendant's conduct challenged and compromised the integrity of the bankruptcy system. The District Court found grounds for an upward departure from the sentencing guidelines based on the disruption to the bankruptcy system.

- Petition Mills: In April 1999, the District Court for the District of Arizona sentenced a bankruptcy petition preparer to six months in prison on criminal contempt charges for violating a January 1997 Bankruptcy Court order barring the individual from charging more than $200 per case for his services absent court approval of a higher fee. However, the District Court found that the individual continued to routinely charge almost $600 per Chapter 7 case. The Bankruptcy Court had previously fined the individual and his two corporations $1 million each for wilfully violating various orders pertaining to bankruptcy petition preparation.

- Foreclosure Scams: In the Northern District of Texas, an individual was found guilty in June 1999 of 14 counts of bankruptcy fraud. The individual persuaded homeowners facing foreclosure to transfer a part interest in their homes to companies he controlled or individuals working with him. The companies and individuals would then file for bankruptcy to delay foreclosure. Homeowners paid the individual a $500 "set up" fee plus $500 per month, assuming he was working to address their mortgage problems. They lost their homes. His co-defendant was sentenced in October 1999 to 13 months in jail, three years supervised release, and ordered to pay $23,959 in restitution for his role in the foreclosure scam.

- In June 1999, an individual in the Northern District of California was sentenced to 57 months in federal prison and 36 months supervised release, and ordered him to pay more than $50,500 in restitution, based on his conviction for mail fraud, criminal contempt, and misuse of a Social Security Number. The non-lawyer offered to use "little-known federal relief programs" – that is, bankruptcy filing – to help individuals facing home foreclosure. He typically charged $500 to $1,000 per case, but disclosed only part of his fees to the Bankruptcy Court.

Civil Enforcement: To supplement the limited resources available for federal criminal prosecutions, the U. S. Trustee Program also uses civil enforcement remedies to combat misconduct and fraud, including actions under Bankruptcy Code Section 110 to regulate the unscrupulous activities of bankruptcy petition preparers, actions under

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Section 707 to dismiss or convert a consumer debtor's chapter 7 case due to lack of good faith or "substantial abuse" of the bankruptcy system, and actions under Section 727 to revoke or deny a debtor's bankruptcy discharge.

The Bankruptcy Reform Act of 1994 provided the U. S. Trustee Program with an important new civil remedy. Congress enacted Section 110 to regulate the unscrupulous activities of those bankruptcy petition preparers (non-lawyers who prepare bankruptcy petitions for a fee), who target poor and unsophisticated debtors lacking the resources to obtain competent bankruptcy counsel. The United States Trustee aggressively enforces this section and since 1994 has filed thousands of actions against bankruptcy petition preparers, with 765 filed in FY 1999 alone. The following examples illustrate the U. S. Trustee Program's success in enforcing the section 110 provisions:

- In April 1999, three bankruptcy petition preparers and associated individuals were ordered by the Bankruptcy Court for the District of New Jersey to disgorge more than $147,000 to victims of their scheme and to pay fines exceeding $96,000. These individuals had contacted the victims, offering to eliminate all debts and allow them to stay in their homes or apartments in exchange for a $300 fee. Most bankruptcy cases they filed were dismissed for failure to file complete petitions and schedules.

- In August 1998, the Bankruptcy Court for the Western District of Washington granted the United States Trustee's request to enjoin an attorney from continuing to practice bankruptcy law or act as a bankruptcy petition preparer. The court also referred her to the District Court Committee on Discipline. At a hearing, the United States Trustee established that the attorney took client funds paid to her in trust and failed to pay them to the bankruptcy court. Instead, she prepared and signed, on behalf of her clients, requests to pay the filing fees in installments. In several instances, she never paid the filing fees, or she paid the fees with NSF checks issued on her trust account. In at least one case, she altered her client's money order payable to the Bankruptcy Court, inserting her name as the payee and depositing it into her account. The attorney also showed a pattern of inattention to her clients and their cases by failing to timely file cases, failing to attend first meetings of creditors, failing to timely file complete schedules, and allowing cases to be dismissed. The Washington State Bar Association is now actively reviewing her conduct as a result of the United States Trustee's referral.

Section 707(b) of the Bankruptcy Code permits a bankruptcy case to be dismissed for substantial abuse. U. S. Trustees review debtors' cases for appropriate circumstances in which to move to dismiss cases for substantial abuse pursuant to section 707(b). These motions involve a consideration of the debtor's total circumstances, including the debtor's ability to repay creditors. In FY 1999 the Program filed 3,025 motions under section 707(b). However, these motions only represent a fraction of the Program's efforts under this section of the Bankruptcy Code. A nationwide survey in 1998 showed that, for every Section 707(b) motion filed, seven other cases required additional review and follow-up from the Program but were negotiated and resolved without the need to file a motion or objection. These negotiated cases and the work involved to resolve them are not reflected in the 3,025 motions noted above. The Program's efforts in Section 707(b) have a direct impact on the ability of unsecured creditors to be repaid. Because of the intervention of the United States Trustee Program, cases are directed into chapter 13, where unsecured creditors receive monthly payments, or they are removed from bankruptcy court protection without a discharge, thereby allowing creditors to seek recourse against the debtor. Several examples are noted below:

- In July 1999, the United States Trustee for the Central District of California filed a motion to dismiss under 11 U.S.C. § 707 (b) because the debtors sought relief under Chapter 7 despite the fact that they appeared to have the ability to repay a substantial portion of their listed debts with their net monthly income of $4,877. The debtors listed several expenses that appeared to be unreasonable, including $2,000 per month for credit card payments; $175 per month for entertainment; $225 per month for home maintenance; $250 per month for clothing for only two people, one of whom does not work; and $75 per month for dry cleaning. After making appropriate reductions for the excessive expenses, it was estimated that the debtors' true monthly expenses totaled $3,367, leaving $1,510 per month excess disposable income. With this excess disposable income, it was estimated that the debtors could pay up to 80% of their $111,383 unsecured debt over five years. Consequently, rather then risk having their case dismissed, the debtors agreed to convert their case to Chapter 13.

- In August 1999, the Bankruptcy Court for the Southern District of Ohio granted the United States Trustee's motion to dismiss a Chapter 7 case for "substantial abuse" under Bankruptcy Code Section 707(b). The debtors, who were doctors, listed $626,651 in unsecured non-priority claims, about half of which was due to deficiencies remaining after their home was foreclosed upon. The debtors reported a combined monthly income of approximately $13,800, and monthly expenses of approximately

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$12,600, including $1,485 for food, $1,100 for four vehicles, $1,750 for college, and $600 for private school. The Court concluded that the debtors were attempting to maintain the lifestyle they had before the advent of HMOs reduced the doctor's income.

- In October 1999, The Bankruptcy Court for the Eastern District of Texas granted the United States Trustee's motion to dismiss the Chapter 7 case of a couple as a "substantial abuse" of the Bankruptcy Code. The ruling barred the debtors from discharging more than $78,000 in unsecured debt. The court applied a "totality of the circumstances" test to find that these factors justified dismissal of the case: the debtors' combined monthly gross income totaled $6,480. In addition, next year, the wife is due to receive an additional $4,413 in monthly income from a structured settlement. The debtors' excessive monthly expenses included a $325 payment to a 401(k) plan, $758 for food for a family of three, and $191 for a timeshare vacation condominium. Furthermore, the debtors listed an undocumented $200 post-petition increase in monthly charitable contributions, and filed multiple amendments to their schedules, including amendments filed after the United States Trustee moved to dismiss and on the eve of trial.

Another civil enforcement remedy is 11 U.S.C. § 727, under which the Program can file a motion to object to discharge of a bankruptcy case, thereby denying the relief sought under the Bankruptcy Code. The Program takes this action when a debtor has failed to fully comply with responsibilities set forth under the Bankruptcy Code or has sought to defraud the system by concealing or transferring assets, destroying or failing to provide financial records, or making a false oath or statement. In FY 1999, the program filed 252 complaints under section 727. Again, this figure only represents a fraction of the cases reviewed under this section. Many other cases are resolved prior to the need for litigation, simply by the Program initiating an inquiry after reviewing the cases for possible violations under this section. Below are examples of several cases that did result in motions filed under section 727.

- In June 1999, the Bankruptcy Court for the Central District of California entered a default judgment, revoking a Chapter 7 debtor's discharge based on the United States Trustee's complaint filed under Section 727. The complaint charged that the debtor failed to accurately list the value of his insurance company, leading the Chapter 7 trustee to believe it was worthless. One month after the first meeting of creditors, the debtor sold his insurance business for $140,000, even though he attributed no value to it on his bankruptcy schedules and confirmed that to the trustee. In fact, even before filing for bankruptcy the debtor had begun negotiations to sell the business. The debtor failed to answer the United States Trustee's complaint, leading to the default judgment.

- Also in June 1999, a Central District of California debtor agreed to a judgement denying her bankruptcy discharge, based on a Section 727 complaint filed against her by the Chapter 7 trustee. The debtor allegedly converted $400,000 in customer deposit received by her travel agency. Criminal proceedings are now pending against her.

- In July 1999, the Bankruptcy Court for the District of South Carolina denied a debtor's bankruptcy discharge in an adversary proceeding brought by the Columbia, S.C., office of the United States Trustee. In a matter of first impression for the district, the Bankruptcy Court used the theory of continuing concealment to extend Bankruptcy Code Section 727(a)(7)'s one-year time bar. The debtor made a false oath during a Rule 2004 examination in his personal bankruptcy case concerning his receipt and use of corporate funds during his business' bankruptcy case; engaged in the continuing concealment of the collection and misappropriation of a business account receivable valued at approximately $50,000; failed to disclose his interest in a limited partnership; and concealed his receipt of $10,000 from the partnership after filing his personal bankruptcy case.

USTP Goal #3: Ensure that the return of estate assets to creditors is maximized by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as other forms of oversight.

The Program is continuing to review methods of reducing professional fees in bankruptcy and ensuring that the expenses of administering a case are actual and necessary, as specified by statute. Every dollar that is spent on administrative expenses or professional fees that does not meet the "actual and necessary" test means that one less dollar is

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returned to creditors. Dissipation of estate assets to excessive fees undermines the integrity of our bankruptcy system. The Program has standardized its fee guidelines, pursuant to a directive in the 1994 Bankruptcy Reform Act, and has implemented a pilot program to test automated fee review systems. In FY 1999, the Program collaborated with the chapter 7 private trustees to develop a new reporting form (Form 4) that provides a much more detailed breakdown of funds that trustees distribute to creditors in a chapter 7 bankruptcy liquidation. This form will permit closer scrutiny of many different types of payments made from the chapter 7 estate, such as payments, for professional services provided by attorneys, accountants, and auctioneers.

The Program also monitors cases to ensure that conflicts of interest are not present. For example, in February 1999, following extensive discovery by the United States Trustee, a debtor's attorney, in the Eastern District of Wisconsin admitted to representing certain of the debtor's creditors, which made the attorney "not disinterested" and in violation of the Bankruptcy Code. The Bankruptcy Court revoked the attorney's employment, disallowed $300,000 in requested fees and required the disgorgement of approximately $80,000 in interim compensation.

USTP Goal #4: Ensure that the Program will be a resource for accurate, thorough information, and for practical analysis about the operation of the bankruptcy system.

In FY 1999, the Program continued to improve its research, planning and statistics capabilities through its Office of Research and Planning (ORP). The Program also continued to increase public access to reliable information about the bankruptcy system. Among other initiatives, the Program made major additions to its "on-line" library of bankruptcy materials, including statistics, press releases, administrative rules and decisions, case summaries, handbooks, and the United States Trustee Manual; redesigned its FOIA and Privacy Act home page; and established links to web sites hosted by five of its 21 regional offices.

ORP also worked with many media outlets, ranging from specialized bankruptcy publications to national TV news networks to provide the latest information on the bankruptcy system. During FY 1999, Congress continued to consider and debate comprehensive legislation that would make major changes in the bankruptcy system. As in the previous year, the Program worked closely with the Department and the Administration to provide technical assistance regarding the various bankruptcy reform proposals before Congress. Similarly, it coordinated closely with the Department of Justice's Office of Public Affairs and Office of Legislative Affairs to handle press inquiries about the Administration's position on the various bankruptcy reform legislation proposals and assisted Program staff across the country in answering media inquiries.

ORP has conducted several empirical studies and written reports on various bankruptcy-related topics, such as confirmation rates in chapter 11 cases and the debtors' ability to pay in consumer chapter 7 cases. For example, ORP research has shown that the percentage of chapter 11 cases achieving confirmed plans has steadily increased during the U.S. Trustees' active participation in the cases. ORP staff have also contributed significantly to the important question of how changes in eligibility for chapter 7 liquidation might affect the amount of repayment available for unsecured creditors. ORP's work in this area has received a favorable evaluation by GAO in a June 1999 report that compared different studies addressing this issue.

In addition, ORP has provided Administration and Congressional staff with extensive information and technical assistance on the pending bankruptcy reform legislation. For example, ORP acts as the U.S. Trustee's point of contact for all issues involving debtor education.

C. FY 2001 Performance Plan and Summary-level Performance Indicators

In FY 2001, the Program will continue to carry out the goals noted in the FY 2000 Performance Plan. The Program will provide administrative support to assist in moving cases efficiently and effectively through the bankruptcy process. We will strive to maintain or reduce the number of old cases remaining in the system, recognizing that the

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longer it takes to move a case through the system, the smaller the percentage of total receipts paid to creditors and the larger the percentages of receipts paid for professional fees. Particular attention will continue to be placed on monitoring professional fees in bankruptcy, with emphasis on the increased use of computerized methods for tracking and auditing the accuracy and appropriateness of fee applications. The Program will also work to ensure that parties to the bankruptcy process adhere to the standards of the law. We will police for embezzlement, fraud and other abuses. Accordingly, the U. S. Trustee Program will continue to inform law enforcement agencies of possible violations of bankruptcy laws and continue to participate in task forces designed to identify and prosecute individuals or organizations engaged in the inappropriate or fraudulent use of the bankruptcy system. In addition, the Program will monitor estate asset sales and trustee compensation and fees, in order to maximize the return to creditors. Finally, while the Program is continuing its efforts to become a resource for accurate and thorough information, as well as practical analysis regarding bankruptcy processes and operations, many of its automated efforts in this area have been curtailed due to budgetary restrictions in FY 1999. Our goal to institute a number of automated tracking measures and indicators may not be achieved until FY 2000 and 2001.

USTP Goal #1: Ensure that cases move effectively and efficiently through the bankruptcy system.

In the U.S. Trustee Program's FY 2001 Performance Plan, the Program has added new measures to help it track how well it meets its goal of ensuring that cases move effectively and efficiently through the bankruptcy system. Generally speaking, due to the correlation between case duration and administrative expenses charged by trustees, the longer a case is in the system the less money is available for creditors. Consequently, many performance goals and indicators in this section are designed to help the Program reduce length of time a case remains in the bankruptcy system. Other subgoals and indicators are designed to improve the Program's internal processes as well as the skill set of its employees

Ensuring Cases are Moved Effectively and Efficiently Through the Bankruptcy System

In its efforts to ensure that chapter 7 and 13 cases do not linger in the system, the Program will try to establish what percentage of random evaluations of 180 day reports, annual performance reviews, IG audits and field examination, will most effectively identify non-performing trustees and cases that should be converted or dismissed. Those cases requiring motions to dismiss or convert will be tracked and the percentage of successful motions will be noted. The Program also plans to track the number of non-panel trustees administering chapter 7 cases and to work to reduce their numbers as a percentage of total caseload. Since most of non-panel trustees have been taken off the panel due to performance problems, they have little incentive to move their cases promptly through the bankruptcy system. It is critical that the Program monitor these trustees closely and encourage them to close out their cases quickly. As a result of these and other efforts, the Program hopes to continue reducing the number of non-panel trustees from a high of 978 in FY 1993 to below 400, and to keep the percentage of "old" cases to less than 4.5% for chapter 7 cases and less than 7.5% for chapter 11 cases. For chapter 13 cases, the Program's target is to keep the number of "old" cases, 5 years or more, to less than 1% of the total chapter 13 caseload.

Similarly, with respect to chapter 11 cases, the Program plans to continue its efforts to identify early intervention activities such as requiring the filing of financial data and the use of initial debtor interviews to determine the debtor's financial status. The Program will also identify which cases need a more pro-active approach to keep them on track or may need to be converted to chapter 7 or 13.

Other efforts to meet these targets include the implementation of a pilot program to test the Program's model for improving the targeting of private trustee oversight, new internal policies based on the results of a "Best Practices Review" scheduled for FY 2000, the establishment of the National Bankruptcy Training Institute, and the use of "expert" teams that can be called upon for special assistance across regions.

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Targeting Oversight of Trustees

The first initiative, targeting oversight of trustees, will begin in FY 2000. This initiative not only addresses USTP Goal # 1, providing administrative support to ensure that cases move effectively and efficiently through the bankruptcy system, but it also meets USTP Goals 2 and 3, to ensure that parties adhere to the standards of the law and policing for embezzlements and other abuses, and to maximize the return to of estate assets to creditors.

Congress created the U. S. Trustee Program to provide oversight and supervision bankruptcy case administration. The legislative history of the Bankruptcy Reform Act of 1978, P.L. 95-598, 92 Stat. 2549, set out in House Report 95-595, contemplated that the U. S. Trustees would supervise private trustees, assist them in the performance of their duties, oversee their actions, and see to it that the bankruptcy laws are properly executed. With the creation of the U. S. Trustee Program, Congress established one agency with responsibility for the administration of bankruptcy estates; to serve as a "watchdog" over the entire bankruptcy process.

Consequently, the Program has devoted substantial efforts to ensure that private trustees are held accountable for fiduciary responsibilities. For example, the Program has implemented fingerprint checks and background investigations of private trustees, published initiatives for the proper administration of cases, and conducted audits and reviews of private trustee operations. It has also required trustees to file reports on the status of their cases and prior to closure of each case. The review of these reports, audits, field reviews and office visits are resource intensive. In view of a stagnant budget, it has been difficult for staff to keep pace with this workload. It is crucial that Program staff receive the tools necessary to accurately identify indicators of problems that require attention or intervention.

As a result, the Program will analyze the findings of its reviews of trustee operations, as well as those conducted by the Department's Office of Inspector General, to identify benefits that may be derived from targeting its trustee oversight efforts. The Program will begin by developing a model to focus its oversight efforts nationally and regionally to determine whether specific problems are endemic to urban versus rural areas or to specific areas of the country. It will work to develop a mutual understanding with private trustees regarding what constitutes effective case administration and to improve on the existing model for measuring criteria of trustee effectiveness, e.g., the level of the efforts expended by those trustees to make criminal referrals or to review petitions for substantial abuse under section 707(b) of the Bankruptcy Code. Through these efforts the Program will develop criteria that can be used to successfully identify, on a targeted basis, lapses in accountability that harm the bankruptcy system.

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Successful Practices

Another effort to improve the Program's internal administrative practices is the issuance of new policies based on a "Best Practices Review," scheduled for FY 2000. In FY 1998, the Program formed a "Successful Practices" Working Group (SPWG) comprised of U.S. Trustees and Assistant U.S. Trustees from offices of various sizes and caseloads. The SPWG was divided into subgroups in which offices of similar size and caseload identified and shared their similar experiences with successful management practices. The national SPWG gathers the successful practices identified within its subgroups and disseminates the information to all the AUST's and USTs through "Successful Practices" memoranda. Examples of "Successful Practices" memoranda issued by the Group include one entitled "Archiving Suggestions" and another entitled "Petition Preparers - Monitoring and Enforcement," both issued in early FY 1999. The Group will issue a monograph regarding 707(b) reviews later this year.

In FY 2000, the SPWG plans to expand its efforts from disseminating successful management practices to identifying best practices in the Program's day-to-day activities. With the development of its new research capability and the redesign of its databases, the Program would have been able to collect and analyze information to provide the basis for analyzing current procedures and practices, determining their effectiveness, and developing an objective "Best Practices" review. The curtailment in the development of the Program's new Case Management Database, resulting from FY 1999 budget restrictions, will postpone the Program's goal of basing internal policy and operations on reliable, empirical information. Until the budget climate improves, the Program will survey employees for "Best Practices" and compile the information manually. Then, in FY 2001, the Program will issue a series of "Best Practices" policies derived from the results of the review, which will provide our attorneys and analysts in the field with a blueprint for successful practices.

Effective Bankruptcy-Related Training

The Program also plans to improve the efficiency and effectiveness of its own employees and processes, by taking advantage of the National Bankruptcy Training Institute (NBTI) in Columbia, S.C. The goal is to use an established location where standard courses can be offered to Program employees on various topics central to their day-to-day responsibilities, as well as specialized courses on an as-needed basis. Courses will be designed with input from various sources including the National Bankruptcy Fraud Working Group, the Successful Practices Working Group, the Program's Training Subcommittee, the American Bankruptcy Institute (ABI), the National Association of Bankruptcy Trustees (NABT), and law enforcement organizations. The Institute was dedicated February 9, 1999 and held its first Advanced Chapter 11 training class that week. A second class, Advanced chapter 7 training, was held in March.

"Experts" Teams

The remaining area identified to assist the Program in meeting its first goal of providing administrative support to move cases efficiently and effectively through the bankruptcy system is the concept of "Experts" Teams. The Program introduced the idea in its FY 2000 budget. It plans to institute a pilot project permitting the Program to draw on the specialized experience of its staff in such areas as analyzing financial data, writing briefs, or arguing cases. The Program envisioned that teams of experts would help to prevent "re-creating the wheel" every time an issue arises in a different bankruptcy forum. For example, a specialized civil litigation team could be formed to provide counsel or to litigate an issue previously litigated or appealed in a different court or judicial district, or presenting slightly different facts. Employing this innovative approach, the U.S. Trustee Program could use existing staff to assist regions with particularly difficult or large cases. Currently, the Program draws on the abilities and expertise of its staff to help handle the caseload particularly short-handed regions by temporarily reassigning staff. This project takes that concept one step further.

USTP Goal #2: *Ensure that parties adhere to the standards of the law and police for embezzlements, fraud, and other abuses.*

Ensure that Criminal Violations are Identified and Referred to Law Enforcement Authorities

The U. S. Trustee Program is increasingly being urged by others in the bankruptcy system – judges, trustees, and national creditor organizations – to do more to identify fraud and abuse and to ensure that its perpetrators are sanctioned. While the Program has identified many forms of bankruptcy fraud and abuse, there is little empirical evidence as to the extent of fraud within the system. There is reasoned debate about the extent of bankruptcy fraud.

In an effort to address this issue, the Program will improve its criminal referral database to track information such as: the number of referrals it receives from outside entities like the courts, trustees, debtors, and creditors; the number of criminal referrals the Program identifies through its reviews of trustee 180-day reports, Trustee Interim Reports (TIRs) and Final Reports (TFRs), IG audits and field examinations; the number and type of criminal referrals the Program makes; the number referrals that lead to prosecution; and the number and type of convictions.

Program employees perform an initial review of all referrals received from outside sources; if warranted, the Program refers the complaint and supporting documentation to the FBI and/or the U.S. Attorneys office for further action. In addition, all criminal violations identified by Program staff are referred to the FBI and/or the U.S. Attorneys. Through the data compiled in the criminal referral database, the Program hopes to answer a range of questions including: if a referral did not result in a prosecution or conviction, was that due to the Program's poor research or follow-through? If so, how can the Program improve its fraud referral procedures? The Program's goal is to ensure that all referrals are accurate, are properly researched and supported, and lead to prosecution and conviction.

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Work with Other Bankruptcy-Related Organizations and Law Enforcement Groups to Curtail Fraud and Other Abuses of the Bankruptcy System

With the recent substantial increase in bankruptcy filings and the increased interest in bankruptcy on the part of Congress, the public, and the news media, it is appropriate that the Program work with participants from within and outside the system to foster a dialogue on what constitutes bankruptcy fraud, the extent of such fraud, and what can be done to curtail fraud and abuse. This dialogue could take the form of a national symposium on bankruptcy fraud with participants from the bankruptcy bench and bar, national creditor organizations, academia, private trustees, and federal agencies that play a role in identifying, investigating and prosecuting bankruptcy fraud. If the Program is to reach its long-range goal of ensuring that parties adhere to the standards of the law, it must look at new ways of eliminating abuse and seek the active support of all participants in the system.

The Program's efforts to date include its pivotal role in the formation of a National Bankruptcy Fraud Working Group (NBFWG) comprised of members from the U.S. Attorneys' Offices, DOJ Criminal Division, FBI, IRS-CID, Postal Inspection Service, U.S. Trustees' Offices, and the Executive Office for U.S. Attorneys. The NBFWG held its first meeting in March 1999 and a second meeting in July 1999. It plans to meet semi-annually. The NBFWG will be instrumental in developing training programs, coordinating national fraud issues, and providing assistance to districts that have not established local a Bankruptcy Fraud Working Group. The Group has helped organize local working groups in approximately 70 judicial districts and plans to ensure that all judicial districts have a local working group by the close of FY 2001.

The NBFWG's training credits include a May training session at the FBI Academy in Quantico, Va. for which the Program provided the course material and two AUSTs as instructors. The course covered basic bankruptcy fraud criminal statutes, investigative techniques, a survey of civil bankruptcy law for criminal investigators, typical fraud schemes, undercover techniques in bankruptcy fraud cases, foreclosure scams, and Internet fraud. The local Bankruptcy Fraud Working Groups have also sponsored training courses covering similar topics for local law enforcement agents, bankruptcy court officials, and Assistant U.S. Attorneys. The NBFWG will develop formal training curricula for the Program's National Bankruptcy Institute in Columbia, S.C. To assist in this effort, it formed an education subcommittee during its second meeting in July. At this meeting the NBFWG also conducted foreclosure fraud training and developed a bankruptcy fraud newsletter.

In addition, the NBFWG will be responsible for tracking all bankruptcy fraud convictions, and has spent substantial time over the past year developing a method to effectively capture this information. These data are not only important to the Department, but also assist the Program in answering inquiries from the private bar and the media. Lastly, Program members have written extensive materials to educate DOJ staff and the public about bankruptcy fraud. These materials have been used by the U.S. Attorney's Office of Legal Education (OLE), the American Bankruptcy Institute (ABI), and the National Association of Bankruptcy Trustees (NABT).

Increase the Number of Civil Enforcement Actions

To assess the effectiveness of its civil enforcement actions, the Program planned to develop a national database that would track civil enforcement actions under Section 707(b) of the Bankruptcy Code. Due to budgetary restrictions, it is unclear whether the Program will meet its target date to complete this project by the end of this fiscal year. It will require continued efforts into FY 2000.

Section 707(b) permits a bankruptcy case to be dismissed for "substantial abuse" of chapter 7. U. S. Trustees review debtors' cases for appropriate circumstances in which to bring a motion to dismiss the case. These motions involve a consideration of the debtor's total circumstances, including the debtor's ability to repay creditors. The database would track: the number of reviewed chapter 7 petitions that require follow-up to determine whether the chapter 7 filing was appropriate; of those cases, the number converted to chapter 13 repayment plans, simply as a result of the follow-up inquiry; the number that require more formal action such as the filing of a 707(b) motion; and, the percentage of 707(b) motions granted, settled, denied, and pending.

The Program's efforts in Section 707(b) have a direct impact on the ability of unsecured creditors to be repaid, because the Program's intervention often results in the case being converted to chapter 13, where unsecured creditors receive monthly payments, or in dismissal of the case, allowing creditors to seek recourse against the debtor.

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Another civil enforcement national database the Program had planned to develop and activate by the end of FY 1999 would have tracked bankruptcy petition preparers. Again due to budgetary constraints, it is uncertain whether the Program will be able to complete this critical database as scheduled. Completion has been postponed until FY 2000. The Bankruptcy Reform Act of 1994 provided the U. S. Trustee Program with an important new civil remedy -- 11 U.S.C. § 110, which places stringent requirements on all non-lawyers who prepare bankruptcy petitions for compensation and establishes penalties for those individuals who negligently or fraudulently prepare bankruptcy petitions. The intent of this database is to nationally track petition preparers, the legal actions pursued against them, the outcome of those legal actions, and the monetary refunds granted to debtors.

Ensure that Trustees Adhere to Established Policies and Standards

To help trustees adhere to established policies and standards the Program periodically revises its chapter 7 and 13 handbooks and publishes administrative procedures for due process review of actions. Recent accomplishments include the issuance of the revised chapter 7 and 13 handbooks in October 1998 and December 1998, respectively. To address trustee mismanagement or abuses, the Program plans to publish the most current set of administrative procedures for due process review of actions at the end of FY 1999. As new Bankruptcy Reform legislation is passed, the Program has a responsibility to update these rules and handbooks accordingly.

To ensure that trustees adhere to these policies and standards the Program routinely audits and reviews each chapter 7 trustee's financial and case administration activities. These audits and reviews are performed by the Office of Inspector General and by Program staff. Formerly, the Program used the Accelerated Restricted Scope Review (ARS). In 1997, the Program undertook a project to significantly improve and streamline that review, resulting in the new "UST Field Examination." The Program developed a new examination guide that focused on the most important internal controls and asset administration procedures conducted at the trustee's office. For example, by 1997 nearly all trustees had installed automated systems to manage and report on their caseload. The UST Field Examinations updates Program procedures to address the new technologies used by trustees. The Program also streamlined its procedures so the examination is integrated with the other reviews conducted by its field offices. The UST Field Examination coordinates with Program review of the trustee's 180-day reports and reviews; incorporates the changes in the new *Handbook for Chapter 7 Trustees;* and improves the quality and consistency of the ARS examinations by standardizing procedures and instituting new standards such as formal workpapers and a quality control review process.

To institute the Field Examinations, a group of bankruptcy analysts met in late 1997 to develop a draft guide for the UST Field Examination. It was field tested during 1998, and in early 1999, the guide was updated and adopted by the Program. Materials were developed for a training program on the new UST Field Examinations in September 1999 and actual training began in November 1999. The UST Field Examination was implemented as of November 1999. Every trustee will receive a UST Field Examination at least once every eight years. The Examinations will be conducted in tandem with the Office of Inspector General audits, so a trustee will be audited or examined at least once every four years.

Other efforts that also complement this goal are the pilot project for targeting trustee oversight and the pilot project to conduct debtor audits as a more cost-effective way to identify debtor abuses.

USTP Goal #3: Ensure that the return of estate assets to creditors is maximized by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as other forms of oversight.

In order to ensure that the return of estate assets to creditors is maximized, the Program will continue to review methods of reducing professional fees in bankruptcy cases and ensuring that the expenses of administering the cases are actual and necessary, as specified by statute. Every dollar that is spent on administrative expenses or professional fees that do not meet the "actual and necessary" test means that one less dollar is returned to creditors. As part of this process, the Program will track the cost of trustee operations as a percent of funds distributed to creditors, objections to compensation and fees filed and granted, and motions to surcharge filed and granted. Similarly, the

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recently developed ***Form 4 Distribution Report for Closed Asset Cases*** was implemented to enhance the administration and oversight of distributions in chapter 7 cases. This new distribution report, jointly developed by the Program and the National Association of Bankruptcy Trustees (NABT), will provide an effective tool for trustees to identify specific distributions in closed asset cases. It will also assist United States Trustees in overseeing the administration of cases, and enable the Program to meet the needs of Congress by providing more accurate and reliable information regarding distributions to creditors. The Program also has standardized its fee guidelines and will revise them as needed, pursuant to a directive in the 1994 Bankruptcy Reform Act.

Expand Automated Fee Review Pilot to Other Areas

The Program implemented a pilot program to test automated fee review systems because it found that computerized review of fee applications results in a more thorough review and in more specific and consistent objections filed with the bankruptcy courts. The Program planned to expand these tests to other regions, but those plans have been delayed due to budget constraints.

Section 707(b) Substantial Abuse Reviews, Debtor Audit Pilot, National Success Rate of Cases Filed Under Chapter 13

In FY 2001, the U. S. Trustee Program will also evaluate the results of its FY 2000 initiatives to establish pilot projects to improve its Section 707(b) substantial abuse reviews, to conduct debtor audits, and to determine the national success rate of chapter 13 cases. The bankruptcy reform legislation considered by Congress was based on the premise that many chapter 7 bankruptcy debtors can afford to pay a greater portion of their unsecured debt. Both the Senate and House bills required the United States Trustee Program to contract with private accounting firms for audits of debtor petitions and schedules.

The United States Trustee Program is authorized under 11 U.S.C. § 707(b) to review bankruptcy cases for substantial abuse. As noted earlier, the Program has successfully carried out those reviews. Yet, with more than 1 million chapter 7 cases filed in the 12 months ending December 31, 1998, it is important that the Program develop a way to facilitate Section 707(b) reviews, to more easily identify debtors who can repay a substantial portion of their unsecured debt. Based on the results of this project, the Program will develop a template to determine whether a debtor has the income to sustain a chapter 13 repayment plan.

Similarly, based on the results of the Program's debtor audits pilot project, the Program will determine whether more intensive reviews are a cost-effective means of identifying abuse. Finally, the Program will analyze the success rate of chapter 13 cases to determine, for example, what percentage of chapter 13 plans are successfully completed and the amounts paid back to unsecured creditors under such plans.

USTP Goal #4: Ensure that the Program will be a resource for accurate, thorough information, and for practical analysis about the operation of the bankruptcy system.

The United States Trustee Program has the unique ability to provide information and analysis about the financial aspects of bankruptcy. No other public agency collects and analyzes this information. There is a great demand from both the private and public sectors for unbiased information and analysis about how bankruptcy works, who uses it, what happens to those who use it, and whether creditors are receiving all that they can from its operation. Much of the information currently published about these matters comes from individuals or organizations who have a direct interest in the outcomes of bankruptcy cases and proceedings – those who represent creditors or debtors.

The two public entities directly involved in bankruptcy operations are the federal courts and the U. S. Trustees. The courts collect and publish statistical information about bankruptcy case filings and proceedings that focuses upon the size and distribution of the caseload and the efficiency of its progress through the system. However, the courts publish virtually no financial information about bankruptcy estates, such as their average size, relationships between secured and unsecured debt, and payout to creditors. This estate-based financial information is critical to an informed decision-making process for both the policy and operational aspects of bankruptcy.

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Effective Automation - Case Management Database

To support this goal, the Program established the Office of Research and Planning (ORP) in FY 1998. ORP intends to systematize its data collection and analysis effort across the spectrum of bankruptcy cases. To facilitate ORP's research efforts, responsibility for the development of the Program's new Case Management Database was placed with that office. Coordinating and consolidating the Program's research efforts with the development of its database would bolster our ability to collect and analyze information and provide the framework for basing policy planning decisions and internal operations on reliable, empirical information. The initial focus will be on 1) continuing and improving the methods by which ORP gathers data on no-asset chapter 7 cases, which constitute more than 90% of all bankruptcy filings, 2) gathering basic information on chapter 13 cases; and 3) integrating the financial information available on chapter 11 cases from U.S. Trustee sources with chapter 11 information available from the bankruptcy courts and other sources.

The U. S. Trustee Program hoped to deploy the first phase of its automated case management database in 1999, but because of budgetary constraints, the Program had to put its plans on hold. Many of the individual measures and targets from all goals previously discussed were to be tracked in our new Case Management Database. We hope to continue this project in FY 2000. Historically, the Program's ability to provide financial information regarding bankruptcy has been hampered by old technology and the costs of collecting paper-based information from the courts and the private trustees. The development of our state-of-the-art case management database, coupled with the rapid and widespread move to the electronic transmission of case files and financial information, would facilitate our efforts to gather, assimilate, analyze, and report bankruptcy-related information.

The delay in the Program's new case management database system will not deter ORP from its primary mission - to provide the public with reliable and accurate information and statistical data about the bankruptcy system. ORP will continue to work closely with many media outlets, ranging from specialized bankruptcy publications to national TV news networks, to provide the latest information on the bankruptcy system. It will also continue to coordinate closely with the Department of Justice's Office of Public Affairs and Office of Legislative Affairs to handle press inquiries about the Administration's position on pending bankruptcy legislation and assist Program staff across the country to answer media inquiries. ORP will continue to conduct statistical studies and provide written reports on various bankruptcy-related topics, such as confirmation rates in chapter 11 cases and the debtors' ability to pay in consumer chapter 7 cases. In addition, ORP provides Administration staff and Congressional staff with extensive information and technical assistance, as needed, on pending bankruptcy reform legislation.

ORP also works with many media outlets, ranging from specialized bankruptcy publications, national TV news networks, and the Program's own web site to provide the latest information on the bankruptcy system. It coordinates closely with the Department of Justice's Office of Public Affairs and Office of Legislative Affairs to handle press inquiries about the Administration's position on pending bankruptcy legislation and assists Program staff across the country in answering media inquiries.

Effective Automation - Revenue Analysis System

The Program is developing a revenue analysis system to capture Program revenue information, including filing fee and chapter 11 quarterly fee data. This data is critical in determining the Program's resources and their impact the Program's ability to meet its oversight responsibilities. The Program completed the first module of its new revenue analysis system, the Fee Information Collection System (FICS), in May of 1998. FICS currently tracks the chapter 11 quarterly fees deposited into the United States Trustee System Fund. The Program plans to work on the development of two more modules - a filing fee module integrated into FICS and a revenue forecasting module. Due to budgetary constraints, the filing fee module is slated to be completed at the end of FY 2002 and the forecasting module at the end of FY 2003. The goal of this new financial management system is to assist the Program in better projecting the revenues it can expect in outyears, in order to better plan staffing and other resource adjustments that will be necessary for the Program to meet all of its oversight responsibilities.

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D. New FY 2001 Initiatives

No new initiatives are being requested for FY 2001.

E. Data Validation and Verification Issues

The United States Trustee Program currently conducts quarterly data calls from its regions regarding the age of cases, the distribution of estate assets, and the number of criminal referrals, indictments, and convictions. In addition, the Program has incorporated its Government Performance and Results Act indicators into Phase I of the redesign of its case management database. However, due to budget constraints the completion and implementation of Phase I has been canceled. The Program hopes to revise the existing ACMS instead.

Data Collection and Storage: Currently, much of the Program's initial case data is downloaded from the Bankruptcy Court's system directly into the Program's legacy Automated Case Management System (ACMS). It is then manually updated as the case progresses through the bankruptcy system.

Data Validation and Verification: The data downloaded from the Courts is verified against hard copies of the petitions. Data keyed into the ACMS manually as the case progresses through the bankruptcy process is checked against the Courts' docket cards. ACMS hard copy reports are used to do basic error checks on data manually keyed into ACMS, that do not appear on Court docket cards.

Data Limitations: The existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written. Its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. A revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community.

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F. Resources

(Dollars in thousands)									
Strategic Goal	FY 1999			FY 2000			FY 2001		
	Dollars	Positions	FTE	Dollars	Positions	FTE	Dollars	Positions	FTE
Core Function 6: Protection of the Federal Judiciary and Improvement of the Justice System: Goal - Protecting the Integrity of the Bankruptcy System	$115,251[2]	1,128	1,033	$112,775[3]	1,128	1,059	$127,202	1,128	1,059

2/ The $115,251,000 represents the $114,248,000 appropriated by Congress and the $1,003,000 transferred to the Program to address Y2K issues.

3/ The Program's FY 2000 budget consists of an appropriation of $112,775,000 and the use of $9,319,000 of its carry forward monies to reach an operating budget of $122,094,000.

G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Department of Justice Core Function 6: Protection of the Federal Judiciary and Improvement of the Justice System

Strategic Goal: ***General Goal:*** Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

Key Summary Level Indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Number of old (three years or more) bankruptcy cases as a percentage of total open cases.[4] (USTP) • Chapter 7 • Chapter 11	 4.0% 7.3%	 4.0% / 3.9% 7.3% / 5.9%	 <4.5% <6.5%	 <4.5% <6.5%
Distribution of funds to creditors. (USTP)[5] • Chapter 7 (Calendar Year)[6] • Chapter 12 (Calendar Year)[7] • Chapter 13 (Fiscal Year)[8]	 $ 929,323,775[9] 34,350,539 2,477,057,924	 Not Projected	 Not Projected	 Not Projected
Number of criminal referrals. (USTP)	760[10]	604 / 1,291	Not Projected	Not Projected

H. U.S. Trustee System Fund

4/ This percentage represents the total number of old cases (three years or more) divided by the total number of open cases as of the January 15th data call the year following.

5/ These figures include disbursements to both secured and unsecured creditors.

6/ Actual chapter 7 disbursements are collected nationally semi-annually, June and December. The USTP receives disbursement information as part of the Final Account on each chapter 7 case closed during the year. Outyear figures cannot be accurately projected; since, the United States Trustee Program has no reliable method to calculate the disbursements of future asset cases.

7/ Actual chapter 12 disbursements are tracked by calendar year. The data comes from the annual reports submitted by the standing trustees at the end of each calendar year. Outyear figures cannot be accurately projected; since, the United States Trustee Program has no reliable method to calculate the disbursements of future chapter 12 cases.

8/ Actual chapter 13 disbursements are tracked by fiscal year. Outyear figures cannot be accurately projected; since, the United States Trustee Program has no reliable method to calculate the disbursements of future chapter 13 cases.

9/ The actual FY 1998 total for chapter 7 disbursements has been revised to reflect corrections made in FY 1999. Corrections can be made for a number of reasons, e.g., to fix transposition errors, omissions, duplicate entries, etc.

10/ The FY 1998 actual figure has been revised from 737 to 760 as a result of the new criminal referral database implemented in FY 1999 and the new reporting guidelines issued. The development of the new criminal referral database heightened awareness of the need to provide accurate and timely criminal referral data. Consequently, a number of additional criminal referrals for FY 1998 were keyed into the new database in FY 1999.

H. U.S. Trustee System Fund

The self-funding characteristics of the United States Trustee Program was a feature of Public Law 99-554 enacted on October 27, 1986. Two categories of fees generate almost all of the revenue for the United States Trustee System Fund. The first category is the filing fee paid at the inception of each case for chapter 7, 11, 12 and 13, which constitutes approximately 38 percent of the Program's funding. The second category, responsible for nearly 62 percent of Program funding, is the quarterly fees paid by chapter 11 debtors for which the amounts paid are determined by cash disbursement levels of the debtor. These fees are deposited in the Fund as offsetting collections and are available to the Program as specified in Appropriations Acts.

Payment of excess percentage fees collected by chapter 12 or 13 standing trustees and interest on invested funds also generate revenue for the Fund. Revenue in the Fund that is not needed for current expenses is invested in Treasury securities, and the income so earned accrues to the Fund. This investment income, thus, increases the Fund's revenue and minimizes the financial burden on the users and the System. Prior to FY 2000, the only deposit category not defined as offsetting collections was the interest earned on Fund investments. With the passage of the FY 2000 Appropriation Act, interest earned on investments is now defined as an offsetting collection as well.

In FY 1999, deposits to the fund totaled $116,206,410.12. Of this total, $114,248,000 was available for obligation during FY 1999. The following chart displays the categories which comprises the total deposits to the U.S. Trustee System Fund in FY 1999.

Deposits to U.S. Trustee System Fund	Amount
Bankruptcy Fees:	
Filing Fees	$41,840,984.79
Chapter 11 Quarterly Fees	67,880,159.55
Other	168,884.52[1/]
Subtotal, Offsetting Collections	109,890,028.86
Interest earnings on investments	6,316,381.26
TOTAL DEPOSITS	116,206,410.12

1/ Other includes chapter 7 case administration receipts and excess compensation from chapters 12 and 13.

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United States Trustee Program
Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and bolded, while deleted matter is enclosed in brackets.

United States Trustee Program

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), [$112,775,000] **$127,202,000**, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, [$112,775,000] **$127,202,000**, of offsetting collections derived from fees **and interest** collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year [2000] **2001**, so as to result in a final fiscal year [2000] **2001** appropriation from the Fund estimated at $0: *Provided further*, That [28 U.S.C. 589a is amended by striking "and" in subsection (b)(7); by striking the period in subsection (b)(8) and inserting "; and"; and by adding a new paragraph as follows: "(9) interest earned on Fund investments."] **any such fees collected in excess of $127,202,000 in fiscal year 2001 shall remain available until expended but shall not become available for obligation until October 1, 2001**.

(Public Law 106-113, section 1000(a)(1), Department of Justice Appropriations Act, 2000)

Explanation of Changes

The FY 2001 budget requests $127,202,000 to cover adjustments-to-base increases. Since the language change proposed in the FY 2000 budget request regarding a proposed fee increase and interest reclassification was enacted, the language has been deleted accordingly from the above proposed appropriation language. In addition, language requesting that any fees collected in excess of $127,202,000 in fiscal year 2001 be made available the following fiscal year until expended has been added.

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United States Trustee Program
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in Thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Administration of Cases	1,075	1,007	$105,654	...	...	$2,000	...	...	1,003	...	...	3,278	...	...	[$8,864]	1,075	1,007	$111,935
Management and Administration	53	52	8,594	...	...	...	...	...	...	...	...	...	...	...	...	53	52	8,594
Total	1,128	1,059	114,248	...	...	2,000	...	...	1,003	...	...	3,278	...	...	[$8,864]	1,128	1,059	120,529

Reprogrammings
A $2,000,000 reprogramming request from prior year balances was approved August 6, 1999

Transfers
$1,003,000 was transferred in FY 1999 to cover Y2K related expenses

Recoveries
Reflects prior year recoveries taken in FY 1999

Unobligated Balance Brought Forward
The United States Trustee Program brought forward $10,864,000 of which $2,000,000 was reprogrammed. Of the original $10,864,000, 80% was derived from FY 1993-1997 deobligations. The remaining 20% represents FY 1998 unobligated balances that were realized as a result of a Program wide freeze on hiring and significant cut backs on non mandatory spending. These funds were stated to be used in FY 1999 to assist the Program in replacing its antiquated Automated Case Management System (ACMS) and to fund the Program's Justice Consolidated Office Network (JCON). Without Congressional approval, the remaining $8,864,000 is not available until FY 2000.

United States Trustee Program
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in Thousands)

	2000 President's Budget Request			Congressional Appropriation Action on FY 2000 Request			Reprogrammings			2000 as Enacted		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Administration of Cases	1,075	1,047	$119,668	...	(40)	($6,723)	...	...	...	1,075	1,007	$112,945
Management and Administration	53	53	9,661	...	(1)	(512)	...	...	...	53	52	9,149
Total	1,128	1,100	129,329	...	(41)	(7,235)	...	...	...	1,128	1,059	122,094

Congressional Appropriation Action on FY 2000 Request
Approximately, $7.2 million of the $10.2 million mandatory increases were funded.

Reprogrammings
N/A

2000 Appropriation Enacted
The United States Trustees Program's FY 2000 budget consists of an appropriation of $112,775,000 and the use of $9,319,000 of its carry forward moneys to reach an operating budget of $122,094,000. Any remaining carry forward funds from FY 1999 will have to be reprogrammed.

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United States Trustee Program
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base	Perm Pos.	WY	Amount
2000 Appropriation Enacted	1,128	1,059	$112,775
Carry-forward approved for use in FY 2000	...	...	9,319
2000 Approved Operating Level	1,128	1,059	122,094
Adjustment-to-Base Increases	...	...	5,108
2001 Base	1,128	1,059	127,202
Program Changes	...	...	...
2001 Estimate	1,128	1,059	127,202

Estimates by Program / Offsetting Collections	1999 Availability [1]			1999 Actual			2000 Appropriation			FY 2001 Base			2001 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administration of Cases	1,075	1,007	$111,935 [2]	1,075	981	$110,737	1,075	1,007	$112,945	1,075	1,007	$117,675	1,075	1,007	$117,675	...	...	$0
Management and Administration	53	52	8,594	53	52	8,872	53	52	9,149	53	52	9,527	53	52	9,527	...	...	0
Total	1,128	1,059	120,529	1,128	1,033	119,609	1,128	1,059	122,094	1,128	1,059	127,202	1,128	1,059	127,202	...	...	0
Other Workyears:																		
Overtime		5			5			5			5			5			...	
Total compensable workyears		1,064			1,038			1,064			1,064			1,064			0	

[1] Of the $1,003,000 in Y2K money granted, $835,000 has been obligated in FY 1999. The balance, $168,000, will be obligated in FY 2000.
[2] Includes a $2,000,000 reprogramming request approved 8/6/99 and $1,003,000 in Y2K money granted.

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United States Trustee Program
Salaries and Expenses
Program Performance Information
(Dollars in thousands)

ADMINISTRATION OF CASES

	Perm. Pos.	FTE	Amount
2000 Appropriation Anticipated	1,075	1,007	$113,113
2001 Base	1,075	1,007	117,675
2001 Estimate	1,075	1,007	117,675
Increase/Decrease	0	0	0

Base Program Description:

The Bankruptcy Reform Act of 1978 established the United States Trustee Program on a pilot basis in 18 Federal Judicial districts. With the enactment of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986 (P. L. 89-554), the United States Trustee Program was expanded nationwide to 88 Federal judicial districts. The six judicial districts of North Carolina and Alabama have been exempted from the Program until the year 2002.

The major thrust of the nationwide reforms was to separate the adjudicative and administrative functions in bankruptcy cases. Congress created one agency with responsibility for the administration of bankruptcy estates and to serve as a "watchdog" over the entire bankruptcy process. The Program completed its nationwide expansion in 1989 under the transitional provisions of the 1986 Act. Currently, the Program operates 93 United States Trustee offices in 21 regions nationwide that are responsible for the oversight of over one million pending bankruptcy cases.

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MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount
2000 Appropriation Anticipated	53	52	$9,149
2001 Base	53	52	9,527
2001 Estimate	53	52	9,527
Increase/Decrease	0	0	0

Base Program Description:

The Management and Administration Decision Unit has a clearly defined leadership role in 1) developing and directing the Program's long and short-term goals, adopting uniform policies and assessing the efforts of the Program's field offices, and conducting long-term research and planning; 2) supervising the Program's litigation activities; 3) conducting the inquiries into misappropriation of funds by private trustees; 4) developing audit policies and private trustee reporting requirements; 5) coordinating and supervising the resolution of the audits, and 6) providing administrative services such as personnel, procurement and contracts, automation, budget and finance, training, and facilities management, as well as ensuring the security of the Program's personnel, offices, meeting rooms and automation systems.

The Executive Office for United States Trustees (EOUST) located in Washington, D.C. is headed by the Office of the Director that provides comprehensive policy and management direction to the United States Trustees and their staff and establishes policies and guidelines for the operations of the EOUST. It is responsible for developing and implementing streamlining initiatives, strategic planning, performance evaluation, and ensuring that the Program makes steady progress toward achieving its mission of improving the integrity of the bankruptcy system. The Office of the Director also has the primary responsibility for liaison with the Department, the Bankruptcy Courts, private trustee organizations, and the Congress. EOUST is also composed of the Office of the General Counsel, the Office of Review and Oversight, the Office of Research and Planning, and the Office of Administration.

Initiatives

The Program is proposing no new initiatives for FY 2001.

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Performance Measurement Tables

DECISION UNIT/PROGRAM: **Administration of Cases Decision Unit**

Department of Justice Core Function: Administration and Improvement of the Justice System

Strategic Goal: ***General Goal # 4:*** Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	1) **Bankruptcy Filings**[1]	Bcy.					
	Total filings	Courts	1,436,929	1,424,000	1,297,463	1,175,000	1,290,000
	Chapter 7 filings	Qrtly	1,028,134	1,023,002	936,134	860,000	941,000
	Chapter 11 filings	Statistics	8,765	9,000	8,830	8,000	8,000
	Chapter 12 filings	Rpts	879	1,000	791	1,000	1,000
	Chapter 13 filings		401,151	390,998	351,708	306,000	340,000
	2) **Funding in relation to current services base**	Annual					
	Based on Budget Request	Budget	$9,124	$8,169	$8,169	$4,884	$0
	Based on Appropriation	($ in thousands)	$8,651	($8,727)	($8,727)	($2,351)	TBD
	3) **Effective Automation**						
	a. Case Management Database Phase I						
	Complete systems analysis phase	Automation	12/31/97				
	Complete database design	Time line	03/31/98				
	Build Database	"	04/28/98				
	Complete testing of database	"	.....	05/14/99	canceled 5/99		
New	b. *Enhance Existing ACMS*	"	.....	.....	.....	.....	09/30/01
	c. *JCON Office Automation Network*						
	Connect Region 20 to JCON with local file server	Automation	10/30/97				
	Connect 8 and 16 to JCON with local file server	Time line	10/30/97				
	Connect remaining regions with local file servers	"	Curtailed				
	Connect remaining regions without file servers	"	.....	03/06/99	03/03/99		
	due to budgetary constraints.	"					
	4) **Effective training**						
New	a. Establish National Bankruptcy Training Institute (NBTI)	NBTI	.....	06/30/99	02/09/99		
New	b. Design training courses as needed; include input from	"	.....	Ongoing	Ongoing		Ongoing
	various sources (e.g., SPWG, NBFWG, ORO, ABI, FBI)	"					
New	b. Begin first training class	"	.....	06/30/99	02/09/99		
New	c. Establish schedule of classes for upcoming fiscal year	Training Subcom.	.....	.....	.....		07/30/01

[1] The U.S. Trustee Program does not operate in Alabama or North Carolina. Therefore, beginning with the revised plan for FY 2000, all estimated filing figures will exclude estimated filings for those two states.

Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	5i **Ensure that chapter 7 trustees move cases effectively and efficiently through the system**						
New	a Review trustee 180 day reports	USTOs & EO	.....	.....	.....	.....	100%
New	b Prepare trustee Annual Performance Reviews	"	.....	.....	.....	.....	100%
New	c Conduct Field Examinations	"	.....	.....	.....	.....	raw data
	&/or review results from IG Audits	"					
New	d # of chapter 7 cases over 3 years old [as of 01/15/xx+1]	ORO Datacall	8,601	raw data	8,792	raw data	raw data
New	e Total open chapter 7 cases [as of 01/15/xx+1]	"	217,019	raw data	225,576	raw data	raw data
	f # of non-panel trustees administering cases	"	444	400 or less	423	400 or less	400 or less
	6i **Ensure that chapter 11 cases are moved effectively and efficiently through the system**						
	a Focus attention on chapter 11 cases in significant chapter 11 judicial districts (more than 200 cases) Impose accountability by requiring justification for pendency without confirmation in old cases Encourage and support early intervention activities.	ACMS & FICS					
	- Require the filing of financial data	FICS	.....	09/30/99			
	- Use initial debtor interviews to determine debtor financial status	IDI/FICS	.....	09/30/99			
New	b. # of chapter 11 cases over 3 years old [as of 01/15/xx+1]	ORO Datacall	575	raw data	527	raw data	raw data
New	c Total open unconfirmed chapter 11 cases [as of 01/15/xx+1]	"	7,903	raw data	8,932	raw data	raw data
	7i **Ensure that chapter 13 trustees move cases effectively and efficiently through the system**						
	a. # of chapter 13 cases over 5 years old [as of 09/30/xx]	ORO Datacall	3,630	raw data	Not Available	raw data	raw data
New	b. Total open chapter 13 cases [as of 09/30/xx]	"	692,373	raw data	Not Available	raw data	raw data
	8i **"Successful Practices" Reviews**						
New	a. Form a "Successful Practices" Working Group (SPWG)	EO & USTs	06/30/98				
	b. Collect best practices data from USTP offices	SPWG	.....	Ongoing	Ongoing	Ongoing	Ongoing
	c. Conduct an internal "Best Practices" review		.....	.....	.....	03/01/00	
	9i **Consider Using Targeting for Trustee Oversight** Develop a model for targeting oversight of trustees	Ch. 7/13 Subcom.	.....	.....	.....	03/01/00	
	10i **Use "Expert" teams to assist across regions** Identify staff with specialized expertise that can be drawn upon for assistance across regions	Executive Office	.....	.....	.....	03/01/00	

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Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Output/ Activity	3p **Effective Automation**						
	a. Case Management Database Phase I	Automation					
	Deploy Phase I of Database	Time line	.....	06/10/99	canceled 5/99		
New	b. *Enhance Existing ACMS*	"	.....	.....	.....		09/30/01
	c. JCON Office Automation Network	"					
	Complete JCON installation Program wide	"	.....	03/06/99	03/03/99		
New	4p **Effective Training**						
	a. Advanced Chapter 11 Training	NBTI	.....	06/30/99	02/09/99		
	b. Advanced Chapter 7 Training	"	.....	06/30/99	03/09/99		
	c. Advanced Chapter 7 Training	"	.....	08/02/99	postponed 8/99	11/18/99	
	d. FY 2000 Classes Begin	"	.....	.....	.....	10/01/99	
	e. FY 2001 Classes Begin	"	.....	.....	.....		10/01/00
	5p **Ensure that chapter 7 Trustees Move Cases effectively and efficiently through the system**						
New	a. Issue Notice of Deficiency Letters (# - raw data)	USTOs	.....	.....	.....	.....	raw data
New	b. File motions to dismiss when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
New	c. File motions to convert when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
	6p **Ensure that chapter 11 cases are moved effectively and efficiently through the system**						
New	a. Issue Notice of Deficiency Letters (# - raw data)	USTOs	.....	.....	.....	.....	raw data
New	b. File motions to dismiss when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
New	c. File motions to convert when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
	d. Petition bankruptcy courts for relief when appropriate	"	.....	09/30/99	09/30/99	.....	.....
	7p **Ensure that chapter 13 Trustees Move Cases effectively and efficiently through the system**						
New	a. Issue Notice of Deficiency Letters (# - raw data)	USTOs	.....	.....	.....	.....	raw data
New	b. File motions to dismiss when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
New	c. File motions to convert when appropriate (# - raw data)	"	.....	.....	.....	.....	raw data
	8p **"Successful Practices" Reviews**						
	Issue topical "Successful Practices" memorandum e.g.:	SPWG	.....	.....	5 occasions	Ongoing	Ongoing
	9p **Consider Using Targeting for Trustee Oversight**						
	a. Pilot model for targeting oversight of trustees	ORO	.....	.....	.....	03/01/00	
New	b. Publish results of pilot	"	.....	.....	.....	.....	03/31/01

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Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Output/ Activity	10p **Use "Expert" teams to assist across regions** Available to review & advise on difficult cases	USTOs			5 occasions	Ongoing	Ongoing
Intermediate/ Outcome	5o **Ensure that chapter 7 trustees move cases effectively and efficiently through the system**						
	a Temporary suspensions from panel	USTOs					raw data
	b # of motions to dismiss granted (# - raw data)	Court					raw data
	c # of motions to convert granted (# - raw data)	Court					raw data
	6o **Ensure that chapter 11 cases are moved effectively and efficiently through the system**						
	a # of motions to dismiss granted (# - raw data)	Court					raw data
	b # of motions to convert granted (# - raw data)	Court					raw data
	c Petition bankruptcy courts for relief when appropriate.	USTOs					raw data
	7o **Ensure that chapter 13 trustees move cases effectively and efficiently through the system**						
	a # of motions to dismiss granted (# - raw data)	Court					raw data
	b # of motions to convert granted (# - raw data)	Court					raw data
	9o **Consider Using Targeting for Trustee Oversight** Review results from pilot and decide to implement nationwide if appropriate.						03/31/01
End/ Outcome	5e **Ensure that chapter 7 Trustees Move Cases effectively and efficiently through the system**						
New	a. Permanent trustee suspension from panel	USTOs					raw data
New	b. Court Action - Motion to remove trustee from case	Court					raw data
Revised	c. Maintain # of old chapter 7 asset cases under 4.5% of total caseload	ORO Datacall	4.0%	<4.5%	3.9%	<4.5%	<4.5%
New	d. % of motions to dismiss granted	"					
New	e. % of motions to convert granted	"					

Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
End/ Outcome	6e **Ensure that chapter 11 cases are moved effectively and efficiently through the system**						
Revised	a. Maintain # of old chapter 11 cases under 7.5% of total caseload	ORO Datacall	7.3%	<7.5%	5.9%	<8.5%	<8.5%
New	b. % of motions to dismiss granted	"	.....	.....	.....	.....	TBD
New	c % of motions to convert granted	"	.....	.....	.....	.....	TBD
	7e **Ensure that chapter 13 Trustees Move Cases effectively and efficiently through the system**						
New	a Maintain # of old chapter 13 cases under 1% of total caseload	ORO Datacall	0.5%	.....	.....	.....	<1.00%
New	b % of motions to dismiss granted	"	.....	.....	.....	.....	TBD
New	c % of motions to convert granted	"	.....	.....	.....	.....	TBD
	8e **"Successful Practices" Reviews**						
New	Implement suggested best practices as appropriate	SPWG	.....	.....	.....	.....	09/30/01
	9e **Consider Using Targeting for Trustee Oversight**						
New	Implement targeting model nationwide if appropriate	ORO	.....	.....	.....	.....	09/30/01
	10e **Use "Expert" teams to assist across regions**						
New	Assist offices to litigate difficult &/or large cases	Expert Teams	.....	Ongoing	5 occasions	Ongoing	Ongoing
Productivity/ Efficiency	11 **Bankruptcy Filings per authorized attorney**	Court Statistics & Bud. Req.	6,444	~6,386	5,818	TBD	TBD
	12 **Filings per FTE**		1,449	~1,414	1,323	TBD	TBD

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Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

A. Data Validation and Verification:

Data Collection and Storage: Currently, much of the Program's initial case data is downloaded from the Bankruptcy Court's system directly into the Program's legacy Automated Case Management System (ACMS). It is then manually updated as the case progresses through the bankruptcy system. Much of the data that the Program compiles is extracted from ACMS and electronically transmitted to the Program's Office of Review and Oversight's (ORO) during their quarterly data calls to the field, e.g., data regarding the age of chapter 7 and 11 cases. Data is also collected from the Program's 93 field offices (USTOs). These data are often stored in Lotus and/or Quattro Pro spreadsheets locally, and transmitted via e-mail to the Executive Office (EO) as needed. Other sources of data come from the Program's various subcommittees, e.g., Chapter 7 and 13 Subcommittees, the Training Subcommittee, etc. The data they provide are typically schedules (such as the Automation Time line and the schedule of classes for the NBTI), special reports, "Successful Practices" memoranda, etc. Other data come from panel trustees' Final Accounts and standing trustees' Annual Reports. Finally, Chapter 11 quarterly fee information is tracked by the Program's Fee Information Collection System (FICS), housed in the EO.

Data Validation and Verification: The data downloaded from the Courts is verified against hard copies of the petitions. Data keyed into the ACMS manually, as the case progresses through the bankruptcy process, is checked against the Courts' docket cards. ACMS hard copy reports are used to do basic error checks on data manually keyed into ACMS, that do not appear on Court docket cards. Then quarterly, as part of ORO's data call, the data are then compiled using an antiquated programming language, RPGII, converted to a database file, electronically transmitted to the EO, reports run, and hard copies printed and sent to the field offices for verification as needed. Data tracked in FICS is verified against the Court's docket cards, actual disbursements reported by the trustees to USTOs, and the U.S. Trustee System Fund bank statements.

Data Limitations: The existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written. Its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. For example, the original ORO data call, extracting the data from ACMS, was written to only age cases on an annual basis, it treats all cases opened in calendar year 1996 as three years old on January 1, 1999, regardless of whether the case was opened January 1, 1996 or December 31, 1996. This data limitation was to be addressed in the new case management system under development until it was canceled due to budgetary constraints in FY 1999. The USTP had hoped to resolve this issue by continuing the development of the new system in FY 2000. However, additional funding for the new case management system was not approved in the FY 2000 appropriation. Aside from the technical limitations of ACMS, there are several other data limitations as well. *For example, there are several issues outside of the Program's control affecting how many "old" cases there may be in the system, e.g., an asset may* be legally encumbered and unable to be liquidated, and by definition, the number itself of "old" cases in the bankruptcy system at a given time is a constantly moving target that can be influenced by the number and nature of bankruptcy case filings. Therefore, the Program elected to change its target from a fixed percent to a less than scenario (i.e., under 4.5%, 7.5% and 1%). Also, since the Program's workload is mandatory and it cannot decline to participate in a case, the staffing resources available have a direct impact on the ability to move cases through the bankruptcy system and to perform its oversight responsibilities, e.g., ensuring that all participants in the bankruptcy system adhere to the standards of the law. Similarly, the Program does not have the statutory authority to close bankruptcy cases or to remove a non-panel trustee from a case. By definition, non-panel trustees are those trustees who have open cases, but are not being assigned new cases. Generally, non-panel trustees are not assigned new cases because of a performance problem. Once a trustee has been removed from the panel, the trustee has little incentive to move cases through the bankruptcy system. The authority to remove one of these non-performing trustees resides with the bankruptcy court. The only recourse the Program has, for dealing with a problem trustee, is to remove that trustee from panel rotation, so that the trustees will not be assigned new cases; and then, monitor these trustees closely in order to encourage them to close out their remaining cases as soon as possible.

Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

A. Data Validation and Verification:

Actions to Mitigate Data Limitations: The USTP had hoped to resolve the technical shortcomings of its legacy system (ACMS) by continuing the development of a new case management system in FY 2000. However, since no new funds were approved in FY 2000's appropriation, the Program will work on enhancing the existing ACMS to the extent possible. Unfortunately, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community. To mitigate the effects of a mandatory workload whose size is outside of the Program's control, the Program proposes to make full use of the National Bankruptcy Training Institute, to provide its employees with top notch training regarding the bankruptcy process to assist them in fine tuning their administrative, managerial, financial analysis and oversight skills. To offset the lack of motivation non-panel trustees have to close out their remaining cases, Program employees will monitor these trustees closely in order to encourage them to close out these cases as expeditiously as possible.

B. FY 1999 Performance Report

Unmet Performance Goals: There were four goals that were not met in FY 1999, completion and testing Phase I of the new case management system, reducing the number of non-panel trustees to 400 or less, the second advanced chapter 7 training class, and bankruptcy filings per authorized position and FTE. Work on Phase I of the new case management system was canceled in May of 1999 due to budgetary constraints. While the Program did not reduce the total number of non-panel trustees to less than 400, it did manage to reduce the total from 444 in FY 1998 to 423 in FY1999. Unfortunately, the Program does not have the authority to either close bankruptcy cases or to remove a panel trustee from a case. The authority resides with the Bankruptcy Court. The only recourse the Program has for dealing with a problem trustee is to remove that trustee from panel rotation, and work closely with them to encourage the trustee to close out their remaining cases. Due to budgetary constraints the second advanced chapter 7 training class had to be rescheduled for November 1999 and was in fact held then. Since the Program's planned Bankruptcy filings per authorized attorneys and FTE are based on estimated filing numbers, it is to be expected that the actual filings per authorized position or FTE will vary from the "Plan". The number of authorized positions and FTEs have remained constant since FY 1998; however, actual filings figures for FY 1999 were 9% lower than estimated.

Plans for Meeting Unmet Goals in the Future: While, the existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and *inflexible nature of the programming language (RPGII) in which it is written, its replacement with one designed in an ORACLE environment would have permitted enhanced data* storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. However, due to budgetary constraints and the fact that no additional funding was provided for a new case management system in FY 2000's appropriation, the Program will attempt to revise the existing ACMS as much as possible. However, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have, nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community. Since the only recourse the Program has for dealing with a problem trustee is to remove that trustee from panel rotation, it will have to continue work closely with the non-panel trustees to encourage them to close out their remaining cases as quickly as possible. The second advanced chapter 7 training class was held at the NBTI November 16-18, 1999. Since the Program's filings per authorized position and FTE plan numbers are based on estimated filings, effective FY 2000, the Program will no longer estimate " filings per" but will simply report actual data at the end of each fiscal year.

Performance Goals versus Actuals: All of the Program's remaining subgoals under USTP Goal #1 were well met in FY 1999. For example, the number of old chapter 11 cases as a percent of total caseload dropped from 7.3% in FY 1998 to 5.9% in FY 1999; two "Successful Practices" memoranda were issued; and, several offices benefitted from the experience and time that an "Expert Team" provided them.

Approximate Dates when Missing Data will be Available: The data for total number chapter 13 cases over 5 years old and total open chapter 13 cases will be available in April when the EO receives the chapter 13 trustees' Annual Reports from the auditors.

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Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Program has been closely reviewing its Government Performance program in hopes of improving it. In its review, it found a number of subgoals whose indicator(s) were incomplete (e.g., inputs without outputs or outcomes) or were simply confusing. For example, while the Program has been reporting the number of old cases as a percentage of total caseload for chapter 7 and 11, the actual number of old cases and the total number of open cases (i.e., the inputs) were not reported. Consequently, a number of new indicators are introduced in the FY 2001 plan that were not presented in the FY 2000 plan. These indicators are identified with the word "new" in italics in the type of indicator column. In addition, those that the Program felt were confusing were modified accordingly. Also, several new subgoals were added for FY 2001 to better address the Program's efforts with regards to its responsibilities in the bankruptcy process. These too are identified with the word "new" in italics in the type of indicator column.

Next, the indicator, ***Case Management Database Phase II***, was dropped from the FY 2001 Plan; since, congress did not fund any of the Program's initiatives in FY 2000. ***Enhanced Existing ACMS*** was added in its place. Also, the subgoal, ***Restoration of Base: a) Annualization of FY 1998 Positions, and B) Annualization of FY 1998 Workyears***, was also dropped; since the Congress did not approve this request in the FY 2000 Appropriation.

DECISION UNIT/PROGRAM: **Administration of Cases Decision Unit**

Department of Justice Core Function: Administration and Improvement of the Justice System

Strategic Goal: ***General Goal # 4:*** Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

Annual Performance Goal: ***USTP Goal #2:*** Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	1) **Bankruptcy Filings**[1]	Bcy					
	Total filings	Courts	1,436,929	1,424,000	1,297,463	1,175,000	1,290,000
	Chapter 7 filings	Qrtly	1,026,134	1,023,002	936,134	860,000	941,000
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	Chapter 12 filings	Rpts	879	1,000	791	1,000	1,000
	Chapter 13 filings		401,151	390,998	351,708	306,000	340,000
	2) **Funding in relation to current services base**	Annual					
	Based on Budget Request	Budget	$9,124	$8,169	$8,169	$4,884	$0
	Based on Appropriation	($ in thousands)	$8,651	($8,727)	($8,727)	($2,351)	TBD
	3) **Effective Automation**						
	a Case Management Database Phase I						
	Complete systems analysis phase	Automation	12/31/97				
	Complete database design	Time line	03/31/98				
	Build Database	"	04/28/98				
	Complete testing of database	"	.....	05/14/99	canceled 5/99		
New	b. *Enhance Existing ACMS*	"	.....	.....	.....	.....	09/30/01
	c. *JCON Office Automation Network*						
	Connect Region 20 to JCON with local file server	Automation	10/30/97				
	Connect 8 and 16 to JCON with local file server	Time line	10/30/97				
	Connect remaining regions with local file servers	"	Curtailed				
	Connect remaining regions without file servers due to budgetary constraints.	"	.....	03/06/99	03/03/99		

[1] The U.S. Trustee Program does not operate in Alabama or North Carolina. Therefore, beginning with the revised plan for FY 2000, all estimated filing figures will exclude estimated filings for those two states.

Annual Performance Goal: *USTP Goal #2:* Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	4i **Ensure that all criminal violations are identified and referred to law enforcement authorities**						
Revised	a. Improve the criminal referral database	NBFWG, ORO	.....	09/30/99	09/20/99		
New	b Random review of trustee semi-annual/180 day reports	USTOs & EO	.....	.....	.....	.....	25%
New	c Review Trustee Interim Reports (TIRs)	"	.....	.....	.....	.....	25%
New	d Review Trustee Final Reports (TFRs)	"	.....	.....	.....	.....	25%
New	e Conduct random on site visits and others, as needed	"	.....	.....	.....	.....	5% + others
New	f Review results from IG Audits &/or Field Examinations	"	.....	.....	.....	.....	100%
New	g Research all referrals of criminal violations from outside sources	Public, Creditors, Trustees	.....	.....	.....	.....	100%
	5i Increase the number of civil enforcement actions						
	a Develop a national database of petition preparers	ORO	.....	09/30/99	Deferred due	09/30/00	
	b Develop a national database of actions brought pursuant to Section 707(b)	"	.....	09/30/99	to budget constraints	09/30/00	
	6i **Work with other bankruptcy related organizations and law enforcement groups to curtail fraud and other abuses of the bankruptcy system**						
	a Work with U S Attorneys to establish a National Bankruptcy Fraud Working Group (NBFWG)	USTs & EO	.....	09/30/99	03/31/99		
New	b Work with local organizations to establish local Bankruptcy Fraud Working Groups in all districts	NBFWG "	.....	.....	70 so far	.....	11/01/00
New	c. Develop a strong Bankruptcy Fraud training program for local law enforcement agencies and other bankruptcy related organizations	" " "	.....	.....	.....	.....	01/31/01
	d. Develop a list of contacts that can be used to pursue incidents of fraud and abuse	"	.....	09/30/99	09/30/99		
	7i **Ensure that trustees adhere to established policies and standards**						
New	Field Examinations - revise old Accelerated Restricted Scope Reviews (ARS) to improve and streamline them	ORO UST and					
New	- Develop draft guide for Field Examinations	Field Offices	12/31/97				
New	- Complete field test of draft guide		.....	.....	02/28/99		
New	- Complete the development of training program materials on Field Examinations		.....	06/31/99	09/30/99		
New	- Begin training		.....	09/01/99	11/01/99		

Annual Performance Goal: ***USTP Goal #2:*** Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Inputs	8I **"Successful Practices" Reviews**						
	a. Form a "Successful Practices" Working Group (SPWG)	EO & USTs	06/30/98				
	b. Collect best practices data from USTP offices	SPWG		Ongoing	Ongoing	Ongoing	Ongoing
	c. Conduct an internal "Best Practices" review	〃				03/31/00	
	9I **Consider using targeting for trustee oversight**						
	Develop a model for targeting oversight of trustees	Ch. 7/13 Subcom.				03/31/00	
	10I **Use "Expert" teams to assist across regions**						
	Identify staff with specialized expertise that can be drawn upon for assistance across regions	Executive Office				03/31/00	
	11I **Improve the Program's Section 707(b) substantial abuse reviews**						
	a. Select Regions to participate in pilot	ORP				01/15/00	
	b. Compile data	〃				07/31/00	
	12I **Conduct audits of debtors to determine if a more intensive review of debtors is a cost effective way of identifying abuse.**						
	a. Select Regions to participate in pilot	ORP				01/15/00	
	b. Compile data	〃				07/31/00	
	13I **Determine the national success rate of cases filed as chapter 13**						
	a. Select Regions to participate in a pilot	ORP				01/15/00	
	b. Compile data	〃				07/31/00	
Output/ Activity	3p **Effective Automation**						
	a. Case Management Database Phase I	Automation					
	Deploy Phase I of Database	Time line		06/10/99	canceled 5/99		
New	b. *Enhance Existing ACMS*	〃					09/30/01
	c. JCON Office Automation Network	〃					
	Complete JCON installation Program wide	〃		03/06/99	03/03/99		

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Annual Performance Goal: ***USTP Goal #2:*** Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Output/ Activity	4p **Ensure that all criminal violations are identified and referred to law enforcement authorities**						
	# of criminal violations referred to law enforcement authorities*	USTOs & EO	760	604	1,291	raw data**	raw data**
	5p **Increase the number of civil enforcement actions**						
	a. Implement new national database of petition preparers	ORO Datacall		09/30/99	Deferred due	09/30/00	
	b. Implement new national database of actions brought pursuant to Section 707(b)	〃		09/30/99	to budget constraints	09/30/00	
	6p **Work with other bankruptcy related organizations and law enforcement groups to curtail fraud and other abuses of bankruptcy system**						
New	a. Present ad hoc training seminars for local law enforcement agencies and other bankruptcy related organizations upon request	NBFWG					as needed
	b. Improve the criminal referral database	NBFWG, ORO, & ORP		09/30/99	09/20/99		
	7p **Ensure that trustees adhere to established policies and standards**						
	a. Issue revised chapter 13 Handbook	ORO		10/01/98	12/01/98		
	b. Issue revised chapter 7 Handbook	〃			10/01/98		
	c. Publish administrative procedures for due process review of actions to address trustee mismanagement or abuse.	OGC 〃 〃		09/30/99	09/30/99		
	d. Finalize Administrative Procedures Rulemaking	〃	10/31/97				
	e. Implement UST Field Examinations	USTOs & ORO				10/01/99	
	8p **"Successful Practices" Reviews**						
New	a. Issue memo: Petition Preparer's- monitoring/enforcement	SPWG			11/17/98		
New	b. Issue memo: 707(b) Reviews	〃		08/31/99	11/30/99		
	9p **Consider Using Targeting for Trustee Oversight**						
	a. Pilot model for targeting oversight of trustees	Ch. 7/13 Subcom.				03/31/00	
New	b. Publish results of pilot	〃					03/31/01

* The FY 1998 actual figure has been revised from 737 to 760 as a result of the new criminal referral database implemented in FY 1999 and the new reporting guidelines issued. The development of the new criminal referral database heightened awareness of the need to provide accurate and timely criminal referral data. Consequently, a number of additional criminal referrals for FY 1998 were keyed into the new database in FY 1999.

** Starting with the FY 2001 Budget submission, the Program no longer plans to estimate the number of criminal violations referred to law enforcement authorities. The USTP is concerned that estimated performance levels, in areas such as targets for criminal referrals, not become "bounty-hunting" or otherwise lead to unintended and possibly adverse consequences.

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Annual Performance Goal: *USTP Goal #2:* Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Output/ Activity	10p Use "Expert" teams to assist across regions Available to review & advise on difficult &/or large cases	ORO			5 occasions	Ongoing	Ongoing
New	11p Improve the Program's Section 707(b) substantial abuse reviews (Pilot) Publish results of pilot	ORP					03/31/01
New	12p Conduct debtor audits to determine if a more intensive review of debtors is a cost effective way of identifying abuse. (Pilot) Publish results of pilot	ORP					03/31/01
New	13p Determine the national success rate of cases filed of case filed as chapter 13 (Pilot) Publish results of pilot	ORP					03/31/01
Intermediate/ Outcome	4o Ensure that all criminal violations are identified and referred to law enforcement authorities a # of prosecutions b % of criminal referrals that lead to prosecutions	USAO 〃					raw data raw data
New	9o Consider Using Targeting for Trustee Oversight Review results from pilot and decide to implement nationwide if appropriate.	Subcom.					09/30/01
New	11o Improve the Program's Section 707(b) substantial abuse reviews (Pilot) Review results from pilot and decide to implement nationwide if appropriate.	Subcom.					09/30/01
New	12o Conduct debtor audits to determine if a more intensive review of debtors is a cost effective way of identifying abuse (Pilot) Review results from pilot and decide to implement nationwide if appropriate.	Subcom.					09/30/01
New	13o Determine the national success rate of cases filed as chapter 13 (Pilot) Review results from pilot and decide to implement nationwide if appropriate.	Subcom.					09/30/01

Annual Performance Goal: ***USTP Goal #2:*** Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
End/ Outcome	4e Ensure that all criminal violations are identified and referred to law enforcement authorities						
	a # of convictions	Courts	.....	.....	.....	.....	raw data
	b % of prosecutions that lead to convictions	ORO	.....	.....	.....	.....	TBD
Productivity/ Efficiency	14 Bankruptcy Filings per authorized attorney	Court Statistics & Bud. Req.	0	~6,386	162	~5,807	~5,765
	15 Filings per FTE		1,449	~1,414	1,323	~1,237	~1,281

A. Data Validation and Verification:

Data Collection and Storage: Data regarding criminal referrals made to the U S. Attorneys Office, State, local law enforcement officials, and licensing agencies along with those regarding civil enforcement actions initiated by the Program are collected by the USTOs and transmitted to ORO as part of their quarterly datacall. As discussed previously, much of the Program's initial case data is downloaded from the Bankruptcy Court's system directly into the Program's legacy Automated Case Management System (ACMS) it is then manually updated as the case progresses through the bankruptcy system. Much of the data that the Program compiles is extracted from ACMS and electronically transmitted to the Program's Office of Review and Oversight's (ORO) during their quarterly data calls to the field. Data is also collected from the Program's 93 field offices (USTOs) These data are often stored in Lotus and/or Quattro Pro spreadsheets locally, and transmitted via e-mail to the Executive Office (EO) as needed. Other sources of data come from the Program's various subcommittees and working groups e.g., the Automation subcommittee, National Bankruptcy Fraud Working Group (NBFWG), etc. The data they provide are typically schedules (such as the Automation Time line), advice and assistance, training materials, classes for the NBTI, special reports, Successful Practices" memoranda, etc Other data come from panel trustees' Final Accounts and standing trustees' Annual Reports.

Data Validation and Verification: Criminal referrals and civil enforcement actions are currently self-reported by the Programs' Field Offices. There currently is no method for validating the data presented by the field-offices. As discussed previously, data downloaded from the Courts is verified against hard copies of the petitions. Data keyed into the ACMS manually, as the case progresses through the bankruptcy process, is checked against the Courts' docket cards. ACMS hard copy reports are used to do basic error checks on data manually keyed into ACMS, that do not appear on Court docket cards. Then quarterly, as part of ORO's data call, the data are then compiled using an antiquated programming language, RPGII, converted to a database file, electronically transmitted to the EO, reports run, and hard copies printed and sent to the field offices for verification as needed. Data tracked in FICS is verified against the Court's docket cards, actual disbursements reported by the trustees to USTOs, and the U.S. Trustee System Fund bank statements.

Data Limitations: With regards to the criminal referrals information tracked, there are a couple of limitations to the data reported. First, there is no real way to verify the data submitted by the field offices. Second, the field offices were not given specific guidelines as to when criminal referrals actions should be reported to the Executive Office. Consequently, the numbers reported in the past may have been significantly understated. In addition, the ability to successfully get bankruptcy fraud cases prosecuted and convicted depends on the workload and priorities of other agencies. Next, as discussed previously, the existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written. Its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. Unfortunately, the new case management system under development was canceled due to budgetary constraints in FY 1999. The USTP had hoped to continue the development of the new system in FY 2000. However, additional funding for the new case management system was not approved in the FY 2000 appropriation.

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Annual Performance Goal: *USTP Goal #2:* Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

A. Data Validation and Verification:

Actions to Mitigate Data Limitations: The Program's Bankruptcy Fraud Working Group has developed a new criminal referral database and reporting guidelines in FY 1999 which will provide the Program with more timely and accurate criminal referral data. The Program also planned to develop national databases for petition preparers and for actions brought pursuant to Section 707(b) Due to budgetary constraints in FY 1999, the development of these two databases was postponed until FY 2000. As discussed previously, the USTP had hoped to resolve the technical shortcomings of its legacy system (ACMS) by continuing the development of a new case management system in FY 2000 However, since no new funds were approved in FY 2000's appropriation, the Program will work on enhancing the existing ACMS to the extent possible. Unfortunately, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community To mitigate the effects of a mandatory workload whose size is outside of the Program's control, the Program proposes to make full use of the National Bankruptcy Training Institute, to provide its employees with top notch training regarding the bankruptcy process, to assist them in fine tuning their financial analysis and oversight skills

B. FY 1999 Performance Report

Unmet Performance Goals: There were six goals that were not timely met in FY 1999, completion and testing Phase I of the new case management system, the development of national databases for petition preparers and actions brought pursuant to Section 707(b), completion of the training materials and the start of training on Field Examinations, the issuance of the revised chapter 13 handbook, the issuance of the "Successful Practices" memorandum on Section 707(b) reviews, and bankruptcy filings per authorized position and FTE Work on Phase I of the new case management system was canceled in May of 1999 due to budgetary constraints. Work on development of the national databases for petition preparers and actions brought pursuant to Section 707(b) was postponed until FY2000, again due to budgetary constraints in FY 1999. Completion of the development of training program materials on Field Examinations was delayed one month but still completed by close of FY 1999. Training of Field Examinations was suppose to start in September 1999, but, like several other projects, it was postponed until the first of November 1999 due to budgetary constraints. The two month delay in the issuance of the revised Chapter 13 Handbook was due to an extension of the period by which comments on the draft could be submitted. While the "Successful Practices" memorandum was not issued by the end of August 1999 as planned, due the caseload certain members of the "Successful Practices" working group faced, the memorandum was issued November 30, 1999 Finally, since the Program's planned Bankruptcy filings per authorized attorneys and FTE are based on estimated filing numbers, it is to be expected that the actual filings per authorized position or FTE will vary from the "Plan". The number of authorized positions and FTEs have remained constant since FY 1998; however, actual filings figures for FY 1999 were 9% lower than estimated.

Plans for Meeting Unmet Goals In the Future: As discussed previously, since no additional funding was provided for a new case management system in FY 2000's appropriation, the Program will attempt to revise the existing ACMS as much as possible. However, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have, nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community. Efforts to develop the national databases for petition preparers and actions brought pursuant to Section 707(b) will be renewed in FY2000. The development of training program materials on Field Examinations was completed September 30, 1999. Training regarding Field Examinations started November 1, 1999. The revised Chapter 13 Handbook was issued December 1, 1998. The "Successful Practices" memorandum was issued November 30, 1999. Since the Program's filings per authorized position and FTE plan numbers are based on estimated filings, effective FY 2000, the Program will no longer estimate " filings per" but will simply report actual data at the end of each fiscal year.

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Annual Performance Goal: ***USTP Goal #2:*** Ensure that parties adhere to the standards of the law, and police for embezzlement, fraud, and other abuses.

B. FY 1999 Performance Report

Performance Goals versus Actuals: All of the Program's remaining subgoals under USTP Goal #2 were well met in FY 1999. For example, the improved criminal referral database was completed September 20, 1999 ten days earlier then planned; the administrative procedures for due process review of actions to address trustee mismanagement or abuse was published on schedule; and, several offices benefitted from the experience and time that an "Expert Team" provided them. Similarly, the number of civil enforcement actions and criminal referrals increased significantly in 1999 over 1998. The target of 604 was far exceeded for two reasons. First was the completion of the new criminal referral database and the second the issuance of new criminal referral reporting guidelines. Both helped the field focus on the issue of criminal referrals. Specifically, the first resulted in the Program's file offices reporting all criminal referrals made during the year in a much more timely manner than experienced in the past. The second expanded the types of criminal referrals that should be reported and when they should be reported.

Approximate Dates when Missing Data will be Available: There is no missing data for this section.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Program has been closely reviewing its Government Performance program in hopes of improving it. In its review, it found a number of subgoals whose indicator(s) were incomplete (e g , inputs without outputs or outcomes) or were simply confusing Consequently, a number of new indicators are introduced in the FY 2001 plan that were not presented in the FY 2000 plan These indicators are identified with the word "new" in italics in the type of indicator column. In addition, those that the Program felt were confusing were modified accordingly For example, the FY 2000 plan indicator, "establish process for determining numbers of reports and audits," was replaced with a series of indicators relating to Field Examinations - ***revise old Accelerated Restricted Scope Reviews (ARS) to improve and streamline them*** to ***Implement Field Examinations;*** since, the scope for the project was expanded to the entire examination process. Also, several new subgoals were added for FY 2001 to better address the Program's efforts with regards to its responsibilities in the bankruptcy process. These too are identified with the word "new" in italics in the type of indicator column.

Next, the indicator, ***Case Management Database Phase II,*** was dropped from the FY 2001 Plan; since, congress did not fund any of the Program's initiatives in FY 2000. ***Enhanced Existing ACMS*** was added in its place. Also, the subgoal, ***Restoration of Base: a) Annualization of FY 1998 Positions, and B) Annualization of FY 1998 Workyears,*** was also dropped; since the Congress did not approve this request in the FY 2000 Appropriation.

DECISION UNIT/PROGRAM: **Administration of Cases Decision Unit**

Department of Justice Core Function: Administration and Improvement of the Justice System

Strategic Goal: ***General Goal # 4:*** Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

Annual Performance Goal: ***USTP Goal #3:*** Maximize the return of estate assets to creditors

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	1i **Bankruptcy Filings**[1]	Bcy.					
	Total filings	Courts	1,436,929	1,424,000	1,297,463	1,175,000	1,290,000
	Chapter 7 filings	Qrtly	1,026,134	1,023,002	936,134	860,000	941,000
	Chapter 11 filings	Statistics	8,765	9,000	8,830	8,000	8,000
	Chapter 12 filings	Rpts.	879	1,000	791	1,000	1,000
	Chapter 13 filings		401,151	390,998	351,708	306,000	340,000
	2i **Funding in relation to current services base**	Annual					
	Based on Budget Request	Budget	$9,124	$8,169	$8,169	$4,884	$0
	Based on Appropriation	($ in thousands)	$6,651	($8,727)	($8,727)	($2,351)	TBD
	3i **Effective Automation**						
	a. Case Management Database Phase I						
	Complete systems analysis phase	Automation	12/31/97				
	Complete database design	Time line	03/31/98				
	Build Database	"	04/28/98				
	Complete testing of database	"	.....	05/14/99	canceled 5/99		
New	b. *Enhance Existing ACMS*	"	.....	.....	.....	.....	09/30/01
	c. *JCON Office Automation Network*						
	Connect Region 20 to JCON with local file server	Automation	10/30/97				
	Connect 8 and 16 to JCON with local file server	Time line	10/30/97				
	Connect remaining regions with local file servers	"	Curtailed				
	Connect remaining regions without file servers due to budgetary constraints.	"	.....	03/06/99	03/03/99		

[1] The U S Trustee Program does not operate in Alabama or North Carolina Therefore, beginning with the revised plan for FY 2000, all estimated filing figures will exclude estimated filings for those two states.

Annual Performance Goal: *USTP Goal #3:* Maximize the return of estate assets to creditors								
PERFORMANCE INDICATOR INFORMATION				**Performance Report**			**Performance Plans**	
Type of Indicator		**Performance Goals / Performance Indicators**	**Data Source**	**FY 1998 Actuals**	**FY 1999 Revised Plan**	**FY 1999 Actuals**	**FY 2000 Plan**	**FY 2001 Plan**
Input		**CHAPTER 7**						
	4I	**Maximize return to creditors from estate asset sales**						
		a # of non-panel trustees administering cases	O RO	444	400 or less	423	400 or less	400 or less
	New	b. # of panel trustees administering cases	"	.....	.....	.....	.....	raw data
	New	c Design new Form 4 Distribution Report for Closed Asset Cases	ORO & NABT	.....	.....	04/01/99	04/01/99	
	New	d Review trustee compensation, fees, and surcharges	ORO	.....	.....	.....	.....	.....
		CHAPTER 11						
	5I	**Expand Automated Fee Review Pilot to other areas**						
		Select sites	EO	Delayed due to resource constraints	Delayed due to resource constraints	Delayed due to resource constraints	03/01/00	
		CHAPTER 12/13						
	6I	**Ensure that Standing Trustee expenses are actual and necessary**						
		a Collect Standing Trustee Budgets	ORO	100%	100%	100%		100%
		b. Revise chapter 13 handbook, including expense guidelines	"	.....	10/31/98	12/01/98		
		GENERAL						
	7I	**"Successful Practices" Reviews**						
		a. Form a "Successful Practices" Working Group (SPWG)	EO & USTs	06/30/98				
		b. Collect best practices data from USTP offices	SPWG	.....	Ongoing	Ongoing	Ongoing	Ongoing
		c. Conduct an internal "Best Practices" review	"	.....	.....	.....		
	8I	**Consider using targeting for trustee oversight**						
		Develop a model for targeting oversight of trustees	Ch. 7/13 Subcom.	.....	.....	.....		
	9I	**Improve the Program's Section 707(b) substantial abuse reviews**						
		a. Select Regions to participate in pilot	ORP	.....	.....	.....		
		b. Compile data	ORP	.....	.....	.....		

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Annual Performance Goal: ***USTP Goal #3:*** Maximize the return of estate assets to creditors

PERFORMANCE INDICATOR INFORMATION				Performance Report			Performance Plans	
Type of Indicator		Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
		CHAPTER 7						
Output/ Activity	4p	**Maximize return to creditors from estate asset sales**						
	New	a. Issue new Form 4 Distribution Report for Closed Asset Cases.	ORO		04/01/99	04/01/99		
		b. Distribution of funds to creditors*	"	$929,323,775				raw data
	New	c. Cost of trustee operations	"					raw data
		d. # of Objections to Compensation and Fees	"	1,253				raw data
	New	e. # of Motions to Surcharge	"	23				raw data
		CHAPTER 11						
	5p	**Expand Automated Fee Review Pilot to other areas** Implement Projects	EO	Delayed due to resource constraints	Delayed due to resource constraints	Delayed due to resource constraints	08/30/00	
		CHAPTER 12/13						
Output/ Activity	6p	**Ensure that Standing Trustee expenses are actual and necessary**						
		a. Review Standing Trustee Budgets	ORO	100%	100%	100%		100%
		b. Issue revised chapter13 handbook, including expense guidelines	"		10/31/98	12/01/98		
	New	c. Distribution of funds to creditors**	"	$2,511,408,463				raw data
	New	d. Cost of trustee operations	"					raw data
		GENERAL						
	7p	**"Successful Practices" Reviews** Issue topical "Successful Practices" memorandum	EO & USTs			5 occasions	Ongoing	Ongoing
	8p	**Consider using targeting for trustee oversight**						
		a. Pilot model for targeting oversight of trustees	ORP					
	New	b. Publish results of pilot	"					03/31/01
	9p	**Improve the Program's Section 707(b) substantial abuse reviews (Pilot)**						
	New	Publish results of pilot	ORP					03/31/01

* The actual FY 1998 total for chapter 7 disbursements has been revised to reflect corrections made in FY 1999. Corrections can be made for a number of reasons, e.g., to fix transposition errors, omissions, duplicate entries, etc.

** This figure will be the sum of chapter 12 disbursements, reported on a calendar year, and chapter 13 disbursements, reported on a fiscal year.

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Annual Performance Goal: ***USTP Goal #3:*** Maximize the return of estate assets to creditors

PERFORMANCE INDICATOR INFORMATION			Data Source	Performance Report FY 1998 Actuals	Performance Report FY 1999 Revised Plan	Performance Report FY 1999 Actuals	Performance Plans FY 2000 Plan	Performance Plans FY 2001 Plan
Intermediate/ Outcome *New*	4o	**Maximize return to creditors from estate asset sales**						
		a. # of Objections to Compensation & Fees granted	Courts					raw data
New		b. # of *Motions to Surcharge granted*	〃					raw data
	8o	**Consider Using Targeting for Trustee Oversight**						
New		Review results from pilot and decide to implement nationwide if appropriate.	ORP					09/30/01
	9o	**Improve the Program's Section 707(b) substantial abuse reviews (Pilot)**						
New		Review results from pilot and decide to implement nationwide if appropriate.	ORP					09/30/01
End/ Outcome		CHAPTER 7						
	4e	**Maximize return to creditors from estate asset sales**						
New		a. Maintain or reduce non-panel trustees as a % of all chapter 7 trustees	ORO					TBD
New		b. Reduce cost of trustee operations as a % of disbursements	〃					TBD
		CHAPTER 12/13						
	6e	**Ensure that Standing Trustee expenses are actual and necessary**						
New		Reduce cost of trustee operations as a % of disbursements	ORO 〃					TBD
Productivity/ Efficiency	10	**Bankruptcy Filings per authorized attorney**	Court Statistics & Bud. Req.	6,444	-6,386	5,818	-5,269	-5,785
	11	**Filings per FTE**		1,449	-1,414	1,323	-1,167	-1,281

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Annual Performance Goal: ***USTP Goal #3:*** Maximize the return of estate assets to creditors

A. Data Validation and Verification:

Data Collection and Storage: One of the primary indicators for USTP Goal # 3 is total dollars disbursed to creditors for chapters 7, 12, and 13 respectively. The data for this performance indicator are collected on an annual or semi-annual basis. For chapter 7 cases, the USTP receives disbursement information as part of the Final Account on each chapter 7 case closed during the year. This information is collected nationally on a semi-annual basis (June & December). Chapter 12 data are pulled from the standing trustee's annual report and submitted to the Program after the close of the calendar year. Similarly, data regarding disbursements to chapter 13 creditors are gathered from the standing chapter 13 trustee's annual report, but on a fiscal year basis rather than on a calendar year basis. As discussed previously, much of the Program's initial case data is downloaded from the from the Bankruptcy Court's system directly into the Program's legacy Automated Case Management System (ACMS). It is then manually updated as the case progresses through the bankruptcy system. Much of the data that the Program compiles is extracted from ACMS and electronically transmitted to the Program's Office of Review and Oversight's (ORO) during their quarterly data calls to the field. Data is also collected from the Program's 93 field offices (USTOs). These data are often stored in Lotus and/or Quattro Pro spreadsheets locally, and transmitted via e-mail to the Executive Office (EO) as needed. Other sources of data come from the Program's various subcommittees, working groups, and offices, e.g., the Automation subcommittee, National Bankruptcy Fraud Working Group (NBFWG), and the Office of Research and Planning (ORP), etc. The data they provide are typically schedules (such as the Automation Time line), advice and assistance, training materials, classes for the NBTI, special reports, "Successful Practices" memoranda, etc. Finally, Chapter 11 quarterly fee information is tracked by the Program's Fee Information Collection System (FICS), housed in the EO.

Data Validation and Verification: Data on the trustees' Annual Reports are self-reported by the trustees. However, each trustee must sign the report certifying its accuracy, and in the case of the chapter 13 standing trustees, each report must be audited by an independent audit firm. As discussed previously, data downloaded from the Courts is verified against hard copies of the petitions. Data keyed into the ACMS manually, as the case progresses through the bankruptcy process, is checked against the Courts' docket cards. ACMS hard copy reports are used to do basic error checks on data manually keyed into ACMS, that do not appear on Court docket cards. Then quarterly, as part of ORO's data call, the data are then compiled using an antiquated programming language, RPGII, converted to a database file, electronically transmitted to the EO, reports run, and hard copies printed and sent to the field offices for verification as needed. Data tracked in FICS is verified against the Court's docket cards, actual disbursements reported by the trustees to USTOs, and the U.S. Trustee System Fund bank statements.

Data Limitations: Chapter 7 disbursements are nationally collected semiannually (June & December) only at this time. The Program was revising its database system in hopes of providing disbursement data by fiscal year. However, due to budgetary constraints all work on the new database system was suspended in FY 1999. Actual figures for CY 1999 should be available in March. Chapter 12 disbursements are tracked by calendar year as well. The data comes from the annual reports submitted by the standing trustees at the end of each calendar year. These are not received by the Executive Office until the beginning of April. Actual chapter 13 disbursements are tracked by fiscal year. However, actual figures are pulled from the standing trustees annual reports and are not available to the Executive Office until after the reports have been audited. The audited reports are typically received at the end of March. Outyear figures cannot be accurately projected; since, the United States Trustee Program has no reliable method of calculating the disbursements of future bankruptcy cases. Next, as discussed previously, the existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written. Its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. Unfortunately, the new case management system under development was canceled due to budgetary constraints in FY 1999. The USTP had hoped to continue the development of the new system in FY 2000. However, additional funding for the new case management system was not approved in the FY 2000 appropriation.

Actions to Mitigate Data Limitations: At this time there are no actions that can be taken to speed up the reporting time for chapters 7, 11, 12/13 disbursements data. As discussed previously, the USTP had hoped to resolve the technical shortcomings of its legacy system (ACMS) by continuing the development of a new case management system in FY 2000. However, since no new funds were approved in FY 2000's appropriation, the Program will work on enhancing the existing ACMS to the extent possible. Unfortunately, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community. To mitigate the effects of a mandatory workload whose size is outside of the Program's control, the Program proposes to make full use of the National Bankruptcy Training Institute, to provide its employees with top notch training regarding the bankruptcy process, to assist them in fine tuning their financial analysis and oversight skills.

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Annual Performance Goal: ***USTP Goal #3:*** Maximize the return of estate assets to creditors

B. FY 1999 Performance Report

Unmet Performance Goals: There were four goals that were not timely met in FY 1999, completion and testing Phase I of the new case management system, expanding the Automated Fee Review Pilot to other areas of the country, the issuance of the revised chapter 13 handbook, and bankruptcy filings per authorized position and FTE. Work on Phase I of the new case management system was canceled in May of 1999 due to budgetary constraints. Expanding the Automated Fee Review Pilot to other areas of the country was once again delayed due to budgetary constraints. The two month delay in the issuance of the revised Chapter 13 Handbook was due to an extension of the period by which comments on the draft could be submitted. Finally, since the Program's planned Bankruptcy filings per authorized attorneys and FTE are based on estimated filing numbers, it is to be expected that the actual filings per authorized position or FTE will vary from the "Plan". The number of authorized positions and FTEs have remained constant since FY 1998; however, actual filings figures for FY 1999 were 9% lower than estimated.

Plans for Meeting Unmet Goals in the Future: As discussed previously, since no additional funding was provided for a new case management system in FY 2000's appropriation, the Program will attempt to revise the existing ACMS as much as possible. However, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have, nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community. Efforts to expand the Automated Fee Review Pilot to other areas of the country will be renewed in FY 2000. The revised Chapter 13 Handbook was issued December 1, 1998. Since the Program's filings per authorized position and FTE plan numbers are based on estimated filings, effective FY 2000, the Program will no longer estimate "filings per," but will simply report actual data at the end of each fiscal year.

Performance Goals versus Actuals: The Program's remaining subgoals under USTP Goal #3 for FY 1999 were met. For example, the design and issuance of the new Form 4, Distribution Report for Closed Asset Cases was completed as scheduled on April , 1999. However, the FY 1999 GEPR Plan had two indicators that were dropped from this report. The first was ***Develop a method to measure asset sales costs.*** This purpose of this indicator was met with the issuance of the new ***Form 4 Distribution Report for Closed Asset Cases*** noted in this report. Form 4 requires the trustees to identify specific distributions (i.e., including costs) in closed asset cases. The second indicator that has been eliminated is the ***Examin trustees regarding the methods they use to conduct competitive asset sales.*** After careful consideration and review, the Program determined that the indicator, as it was originally written, would not provide meaningful data; since, there are a limited number of methods of asset sales, e.g., private sales or public auction.

Approximate Dates when Missing Data will be Available: All missing data for this section should be available no later than May 2000.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Program has been closely reviewing its Government Performance program in hopes of improving it. In its review, it found a number of subgoals whose indicator(s) were incomplete (e.g., inputs,without outputs or outcomes) or were simply confusing. Consequently, a number of new indicators are introduced in the FY 2001 plan that were not presented in the FY 2000 plan. These indicators are identified with the word "new" in italics in the type of indicator column. In addition, those that the Program felt were confusing were modified accordingly. Also, several new subgoals were added for FY 2001 to better address the Program's efforts with regards to its responsibilities in the bankruptcy process. These too are identified with the word "new" in italics in the type of indicator column.

Next, the indicator, ***Case Management Database Phase II,*** was dropped from the FY 2001 Plan; since, congress did not fund any of the Program's initiatives in FY 2000. ***Enhanced Existing ACMS*** was added in its place. Also, the subgoal, ***Restoration of Base: a) Annualization of FY 1998 Positions, and B) Annualization of FY 1998 Workyears,*** was also dropped; since the Congress did not approve this request in the FY 2000 Appropriation.

DECISION UNIT/PROGRAM: **Administration of Cases Decision Unit**

Department of Justice Core Function: Administration and Improvement of the Justice System

Strategic Goal: ***General Goal # 4:*** Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

Annual Performance Goal: ***USTP Goal #4:*** In FY 2000, the Program will become a resource for accurate, thorough information and practical analysis about the operation of the bankruptcy system.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators	Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	1I **Bankruptcy Filings**[1]	Bcy.					
	Total filings	Courts	1,436,929	1,424,000	1,297,463	1,175,000	1,290,000
	Chapter 7 filings	Ortly	1,026,134	1,023,002	936,134	860,000	941,000
	Chapter 11 filings	Statistics	8,765	9,000	8,830	8,000	8,000
	Chapter 12 filings	Rpts.	879	1,000	791	1,000	1,000
	Chapter 13 filings		401,151	390,998	351,708	306,000	340,000
	2I **Funding in relation to current services base**	Annual					
	Based on Budget Request	Budget	$9,124	$8,169	$8,169	$4,884	$0
	Based on Appropriation	($ in thousands)	$6,851	($8,727)	($8,727)	($2,351)	TBD
	3I **Effective Automation**						
	a. Case Management Database Phase I						
	Complete systems analysis phase	Automation	12/31/97				
	Complete database design	Time line	03/31/98				
	Build Database	"	04/28/98				
	Complete testing of database	"	.....	05/14/99	canceled 5/99	.....	
New	b. *Enhance Existing ACMS*	"	.....	.....	.....	.....	09/30/01
	c. *JCON Office Automation Network*						
	Connect Region 20 to JCON with local file server	Automation	10/30/97				
	Connect 8 and 16 to JCON with local file server	Time line	10/30/97				
	Connect remaining regions with local file servers	"	Curtailed				
	Connect remaining regions without file servers due to budgetary constraints.	"	.....	03/06/99	03/03/99		

[1] The U S Trustee Program does not operate in Alabama or North Carolina Therefore, beginning with the revised plan for FY 2000, all estimated filing figures will exclude estimated filings for those two states.

Annual Performance Goal: ***USTP Goal #4:*** In FY 2000, the Program will become a resource for accurate, thorough information and practical analysis about the operation of the bankruptcy system.

PERFORMANCE INDICATOR INFORMATION				Performance Report			Performance Plans	
Type of Indicator	Performance Goals / Performance Indicators		Data Source	FY 1998 Actuals	FY 1999 Revised Plan	FY 1999 Actuals	FY 2000 Plan	FY 2001 Plan
Input	4i	d Develop a Revenue Analysis System						
		Implement Quarterly Fee Collection module	FICS	05/31/98				
New		Complete Filing Fee Module	ORP					09/30/02
New		Complete Revenue Forecasting Module	ORP					09/30/03
Output	4p	a Complete implementation of Phase I of Case Management Database nationwide	ORP/COTD		09/30/99	canceled 5/99		
New		b Complete implementation of Enhanced ACMS	〃					03/31/02
New		c Implement Filing Fee Module	〃					09/30/03
New		d Implement Revenue Forecasting Module	〃					09/30/04
Outcome	4e	a Begin to use empirical data from Phase I of new Case Management Database to support policy initiatives and performance indicators	ORP 〃 〃		09/30/99	canceled 5/99		
New		b Begin to use empirical data from enhanced ACMS	〃					07/01/02
New		c Begin to use empirical data from Quarterly Collection Module to assist budget & resource allocation processes	EO 〃 〃	06/30/98				
New		d. Begin to use empirical data from Filing Fee Module to assist budget & resource allocation processes.	〃 〃 〃					12/31/03
New		e. Begin to use empirical data from Revenue Forecasting Module to assist budget & resource allocation processes.	〃 〃 〃					12/31/04

A. Data Validation and Verification:

Data Collection and Storage: Currently, much of the Program's initial case data is downloaded from the Bankruptcy Court's system directly into the Program's legacy Automated Case Management System (ACMS). It is then manually updated as the case progresses through the bankruptcy system. Much of the data that the Program compiles is extracted from ACMS and electronically transmitted to the Program's Office of Review and Oversight's (ORO) during their quarterly data calls to the field. Data is also collected from the Program's 93 field offices (USTOs). However, much of the Program's data is still manually collected by the field and stored in Lotus and/or Quattro Pro spreadsheets locally, then transmitted via e-mail to the Executive Office (EO) as needed. Other sources of data come from the Program's various subcommittees and offices, such as, the Automation Subcommittee and Office of Research and Planning (ORP). The data they provide are typically schedules, such as the Automation Time line, special reports, and statistical analyses. Other data come from panel trustees' Final Accounts and standing trustees' Annual Reports. It would be very beneficial to the Program and the bankruptcy community if the Program could receive more of this data electronically. Finally, Chapter 11 quarterly fee information is tracked by the Program's Fee Information Collection System (FICS), housed in the EO.

Annual Performance Goal: ***USTP Goal #4:*** In FY 2000, the Program will become a resource for accurate, thorough information and practical analysis about the operation of the bankruptcy system.

A. Data Validation and Verification:

Data Validation and Verification: The data downloaded from the Courts is verified against hard copies of the petitions. Data keyed into the ACMS manually, as the case progresses through the bankruptcy process, is checked against the Courts' docket cards. ACMS hard copy reports are used to do basic error checks on data manually keyed into ACMS, that do not appear on Court docket cards. Then quarterly, as part of ORO's data call, the data are then compiled using an antiquated programming language, RPGII, converted to a database file, electronically transmitted to the EO, reports run, and hard copies printed and sent to the field offices for verification as needed. Data tracked in FICS is verified against the Court's docket cards, actual disbursements reported by the trustees to USTOs, and the U.S. Trustee System Fund bank statements.

Data Limitations: The existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written. Its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. For example, the original ORO data call, extracting the data from ACMS, was written to only age cases on an annual basis. It treats all cases opened in calendar year 1996 as three years old on January 1, 1999, regardless of whether the case was opened January 1, 1996 or December 31, 1996. This data limitation was to be addressed in the new case management system under development until it was canceled due to budgetary constraints in FY 1999. The USTP had hoped to resolve this issue by continuing the development of the new system in FY 2000. However, additional funding for the new case management system was not approved in the FY 2000 appropriation. Without the resources necessary to complete its automation efforts, the impact will clearly be felt on the amount of data that are ultimately available electronically. Over the last few years, the program has only received $1.2 million to address all of its automation initiatives.

Actions to Mitigate Data Limitations: The USTP had hoped to resolve the technical shortcomings of its legacy system (ACMS) by continuing the development of a new case management system in FY 2000. However, since no new funds were approved in FY 2000's appropriation, the Program will work on enhancing the existing ACMS to the extent possible. Unfortunately, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community.

B. FY 1999 Performance Report

Unmet Performance Goals: One goal was not met in FY 1999, completion and testing Phase I of the new case management system. Work on Phase I of the new case management system was canceled in May of 1999 due to budgetary constraints.

Plans for Meeting Unmet Goals in the Future: While, the existing ACMS is limited both in terms of the out-dated hardware on which it resides and the antiquated and inflexible nature of the programming language (RPGII) in which it is written, its replacement with one designed in an ORACLE environment would have permitted enhanced data storage and retrieval capabilities and facilitated analysis of case information and debtor financial information that does not appear in court dockets. However, due to budgetary constraints and the fact that no additional funding was provided for a new case management system in FY 2000's appropriation, the Program will attempt to revise the existing ACMS as much as possible. However, a revised ACMS will not be able to provide the degree of enhanced data storage that the new system would have, nor will it have the flexibility necessary to address the ad hoc queries often requested from the bankruptcy community.

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Annual Performance Goal: ***USTP Goal #1:*** Provide administrative support to move cases efficiently and effectively through the bankruptcy process.

B. FY 1999 Performance Report

Performance Goals versus Actuals: The Program's remaining subgoal under USTP Goal #4, ***Connect remaining regions without file servers***, was completed as planed. There was one indicator formally listed under USTP Goal # 2, ***Establish methods of ensuring timely and accurate financial information***, which was moved to this USTP Goal, and renamed ***Develop a Revenue Analysis System***.

Approximate Dates when Missing Data will be Available: There is no missing data for this section.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

The Program has been closely reviewing its Government Performance program in hopes of improving it. In its review, it found a number of subgoals whose indicator(s) were incomplete (e.g., inputs,without outputs or outcomes) or were simply confusing. For example, while the Program has been reporting the number of old cases as a percentage of total caseload for chapter 7 and 11, the actual number of old cases and the total number of open cases (i.e., the inputs) were not reported. Consequently, a number of new indicators are introduced in the FY 2001 plan that were not presented in the FY 2000 plan. These indicators are identified with the word "new" in italics in the type of indicator column. In addition, those that the Program felt were confusing were modified accordingly. Also, several new subgoals were added for FY 2001 to better address the Program's efforts with regards to its responsibilities in the bankruptcy process. These too are identified with the word "new" in italics in the type of indicator column.

Next, the indicator, ***Case Management Database Phase II,*** was dropped from the FY 2001 Plan; since, congress did not fund any of the Program's initiatives in FY 2000. ***Enhanced Existing ACMS*** was added in its place. Also, the subgoal, ***Restoration of Base: a) Annualization of FY 1998 Positions, and B) Annualization of FY 1998 Workyears***, was also dropped; since the Congress did not approve this request in the FY 2000 Appropriation.

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United States Trustee System Fund
Salaries and Expenses

Status of Congressionally Requested Studies, Reports, and Evaluations

The House Judiciary Committee Report on the Department of Justice Authorization Act, 2000 (House Report No. 106-479, pg. 136) requested that the United States Trustee Program report on the planned number and type of bankruptcy classes to be held at the National Advocacy Center by December 31, 1999 The report is under review by the Administration and will be transmitted to Congress shortly.

United States Trustee System Fund
Salaries and Expenses
Summary of Program Resources by Object Class
2001 Estimate
(Dollars in Thousands)

BASE PROGRAM		PROGRAM CHANGES	
Program	**Ranking**	**Program**	**Ranking**
Administration of Cases	1	None	
Management & Administration	2		

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United States Trustee Program
Salaries and Expenses
Detail of Permanent Positions by Category
FY 1999-2001

Category	1999 Enacted Authorized	2000 Anticipated Authorized	2001 Estimate Total Request
U.S. Trustees/Asst. U.S. Trustees (301)	114	114	114
Bankruptcy Analysts (301)	212	212	212
Attorneys (905)	229	229	229
Paralegal Specialists (950)	210	210	210
Other Legal and Kindred (900-998)	190	190	190
Personnel Management (200-299)	11	11	11
Management System Specialists (301)	26	26	26
General Administrative, Clerical & Office Services (300-399)	117	117	117
Security Specialists (080)	1	1	1
Acctg, Budget, Financ. Mgmt. (500-599)	13	13	13
Contracting, Procurement (1102-1106)	5	5	5
Subtotal	1,128	1,128	1,128
Washington	53	53	53
U. S. Field	1,075	1,075	1,075
Total	1,128	1,128	1,128

United States Trustee System Fund

Salaries and Expenses

Summary of Attorneys and Support Positions/Workyears

FY 2000-2001

Decision Unit	2000 Appropriation Enacted						2001 Program Changes						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Administration of Cases	223	205	852	802	1,075	1,007	...	...	...	...	...	...	223	205	852	802	1,075	1,007
Management and Administration	6	6	47	46	53	52	...	...	...	...	...	...	6	6	47	46	53	52
Total	229	211	899	848	1,128	1,059	...	...	...	...	...	...	229	211	899	848	1,128	1,059

United States Trustee Program
Salaries and Expenses
Summary of Changes
(Dollars in Thousands)

	Pos.	Years	Amount
2000 Appropriation	1,128	1,059	$112,775
Carry-forward approved for use in FY 2000	...	...	9,319
2000 Approved Operating Level	1,128	1,059	122,094
Adjustments to Base:			
Increases:			
2001 Pay Raise	0	0	2,457
Annualization of 2000 Pay Raise	0	0	1,242
Within Grade Increases	0	0	693
Transfer of CSRS Employees FERS Retirement System	0	0	41
Increased Federal Health Insurance Cost	0	0	306
Lease Expirations	0	0	49
General Services Administration (GSA) Blue Pages	0	0	9
Travel Management Center Fees	0	0	12
General Pricing Level Adjustments	0	0	267
National Archives and Record Administration (NARA)	0	0	9
Accident Compensation	0	0	23
Total, Mandatory Increases	0	0	5,108
2001 BASE	1,128	1,059	127,202
Program Changes	0	0	0
2001 ESTIMATE	**1,128**	**1,059**	**127,202**

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United States Trustee Program
Justification of Adjustments to Base
Dollars in Thousands

Adjustment-to-Base Increases:	WYS	AMOUNT
1. 2001 Pay Raise This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with the Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments, as well as the general pay raise. The amount requested, $2,457,000 represents the pay amounts for three-quarters of the fiscal year, plus appropriate benefits ($1,824,000 for pay and $633,000 for benefits totaling $2,457,000).	...	$2,457
2. Annualization of 2000 Pay Raise This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $1,242,000, represents the pay amounts for the fiscal year plus appropriate benefits ($929,000 for compensation and $313,000 for benefits).	...	1,242
3. Within Grade Increase This request provides for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. This request includes $519,000 for pay and $174,000 for benefits.	...	693
4. Transfer of CRS Employees FERS Retirement System This request provides for the increase in Federal Employee retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $41,000 for benefits.	...	41
5. Increased Federal Health Insurance Costs This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger portion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of health insurance. This request includes $306,000 for these costs.	...	306

6.	Lease Expirations GSA now requires all agencies to pay relocations costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $49,000 is requested for the United State Trustee Program.	...	49
7.	General Services Administration (GSA) Blue Pages Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $9,000 is requested for the United States Trustee Program.	...	9
8.	Travel Management Center Fees In the past, travel management services were provided at no costs, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservations made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $12,000 is requested for the United States Trustee Program.	...	12
9.	General Pricing Level Adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	267
10.	National Archives and Record Administration (NARA) The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, and increase of almost $300,000, based on current records maintained by NARA. Funding of $9,000 is requested for the United States Trustee Program.	...	9
11.	Accident Compensation This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $23,000.	...	23
	Total Increases	...	$5,108
	Adjustment to Base Decreases:	...	0
	Total Adjustments to Base	...	$ 5,108

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United States Trustee Program
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Request Pos. & Wys.	2000 Request Amount	2001 Request Pos. & Wys.	2001 Request Amount
ES-6, $130,200	1		1		1	
ES-5, $130,200	1		1		1	
ES-4, $130,200	1		1		1	
ES-3, $126,825	22		22		22	
ES-1, $115,811	1		1		1	
GS-15, $84,638-110,028	106		106		106	
GS-14, $71,954-93,537	170		170		170	
GS-13, $60,890-79,155	172		172		172	
GS-12, $51,204-66,564	50		50		50	
GS-11, $42,724-55,541	101		101		101	
GS-10, $38,885-50,554	2		2		2	
GS-9, $35,310-45,900	120		120		120	
GS-8, $31,968-41,557	16		16		16	
GS-7, $28,866-37,522	183		183		183	
GS-6, $25,976-33,768	45		45		45	
GS-5, $23,304-30,292	38		38		38	
GS-4, $20,829-27,080	4		4		4	
GS-3, $18,555-24,120	2		2		2	
Ungraded positions	93		93		93	
Total, appropriated positions	1,128		1,128		1,128	
Average ES Salary		$120,998		$124,360		$125,481
Average Ungraded Salary		$103,838		$107,576		$111,449
Average GS Salary		$48,013		$49,742		52,306
Average GS Grade		10.10		10.10		10.10

United States Trustee Program
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11 1 Full-time permanent	1,019	$63,185	1,045	$65,745	1,045	$68,913	...	$3,168
11 3 Other than full-time permanent	14	1,565	14	1,630	14	1,703	...	73
11 5 Other personnel compensation	5	256	5	200	5	231	...	31
11.8 Special personnel services payments	...	(1)	...	...	...	...	...	...
Total	1,038	65,005	1,064	67,575	1,064	70,847	...	3,272
Other Object Classes								
12 0 Personnel benefits		16,012		16,795		18,285		1,490
13 0 Benefits to Former Personnel		19		50		50		...
21 0 Travel and transportation of persons		2,101		1,800		1,867		67
22 0 Transportation of things		321		323		331		8
23 1 GSA rent		15,998		17,500		17,500		...
23 2 Rental payments to others		293		150		153		3
23.3 Comm , util , & other misc charges		7,189		7,209		7,218		9
24 0 Printing and reproduction		261		265		271		6
25 1 Advisory and assistance services		160		297		297		...
25 2 Other services		4,902		3,070		3,147		77
25 3 Purchases of goods & svcs from Gov't accts		3,645		4,125		4,223		98
25.6 Medical Care: (SOP,CRS,BOP,INS only)		41		42		42		...
25.7 Operation & Maintenance of Equipment		763		798		818		20
26.0 Supplies and materials		1,715		1,260		1,286		26
31.0 Equipment		1,146		835		867		32
42.0 Insurance claims and indemnities		39		...		...		...
Total Obligations	1,038	119,609	1,064	122,094	1,064	127,202		5,108
Unobligated Balance, Start of Year		(10,864)		(9,784)		(740)		
Adjustments in Prior Year Obligations		(3,278)		(275)		(475)		
Unobligated Balance, End of Year		9,784		740		1,215		
Total Requirements	1,038	115,251	1,064	112,775	1,064	127,202		
(Less Offsetting Collections)*	(1,038)	(109,890)	(1,064)	(120,866)	(1,064)	(127,202)		
Total Direct Requirements	0	5,361	0	(8,091)	0	0		
Relation of Obligations to Outlays:								
Total Obligations		119,609		122,094		127,202		
Obligated Balance, Start of Year		15,457		(5,278)		7,510		
Adjustments in Unexpired Accounts		(2,604)		(275)		(475)		
Obligated Balance, End of Year		5,278		(7,510)		(20,477)		
Outlays		137,740		109,031		113,760		
Less Offsetting Collections Outlays		(109,890)		(120,866)		(127,202)		
Total Direct Outlays		27,850		(11,835)		(13,442)		

DEPARTMENT OF JUSTICE

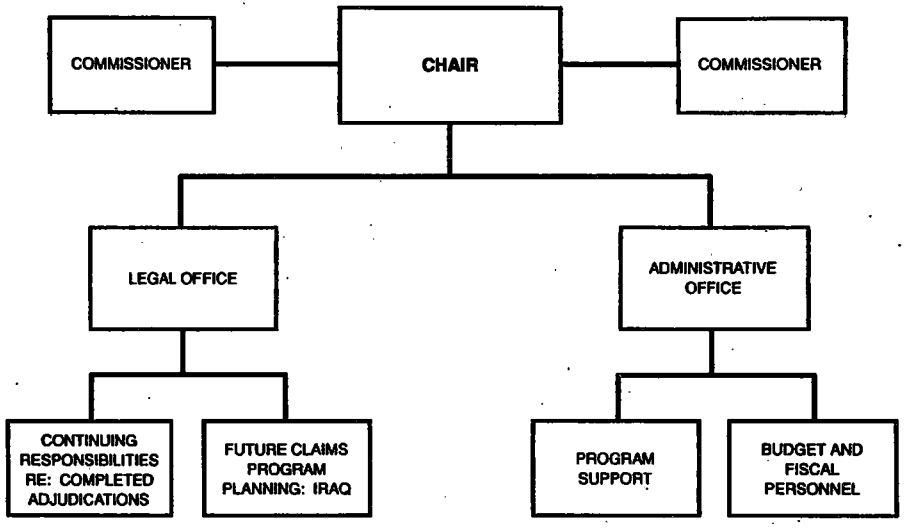
Foreign Claims Settlement Commission

Estimates for Fiscal Year 2001

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FOREIGN CLAIMS SETTLEMENT COMMISSION



Approved by: _____ Date: 9/22/99
DAVID E. BRADLEY
Chief Counsel

Foreign Claims Settlement Commission
Summary Statement
Fiscal Year 2001

The Foreign Claims Settlement Commission is requesting a total of 11 permanent positions, 11 workyears, and $1,214,000 for 2001. This request represents a net increase of $39,000 from the 2000 requested level.

The Commission consists of a Chair and two part-time Commissioners, who are appointed by the President with the advice and consent of the Senate. The part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chair.

The principal mission of the Commission is to adjudicate claims of U.S. nationals against foreign governments, exercising jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation. To date, the Commission has compiled and evaluated such claims against 18 countries: Yugoslavia, Panama, Bulgaria, Hungary, Romania, Italy, the Soviet Union, Czechoslovakia, Poland, Cuba, China, the former German Democratic Republic (East Germany), Vietnam, Ethiopia, Egypt, Iran, Albania, and the Federal Republic of Germany.

The operating expenses of the Commission ultimately are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims has provided for deduction of a percentage of the funds obtained from foreign governments for payment of the Commission's awards to the credit of miscellaneous receipts in the United States Treasury to defray the administrative expenses of conducting the claims programs. Since 1950, the expenditures of the Commission and its predecessors have amounted to approximately $35 million, but during that same period the amounts paid into the United States Treasury as a result of claims programs have been in excess of $40 million.

In 2001, the Commission will research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's continuing implementation of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act"). In addition, the Commission will be registering claims and engaging in other preliminary planning for a major program involving thousands of claims against Iraq. The Commission also will provide, upon request, technical assistance to the Department of State in conducting government-to-government claims settlement negotiations. Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to American military prisoners of war held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

The Commission will continue to furnish information contained in the records pertaining to the 44 completed international and war-related claims programs it has conducted, as requested by claimants and their heirs, attorneys, researchers, and other members of the public. Upon request, it will also provide advice on policy determinations, preliminary planning, evaluation of pending claims legislation, and liaison with Congressional committees considering legislation intended to provide for adjudication of additional types or classes of claims.

Foreign Claims Settlement Commission
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Foreign Claims Settlement Commission

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, [$1,175,000] $1,214,000

22 U.S.C. 1621-1645; 50 U.S.C. App. 2001-2017; P.L. 105-277; Dept. of Justice Appropriations Act, 2000 (P.L. 106-113).

Explanation of changes:

No substantive changes proposed.

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Foreign Claims Settlement Commission
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Adjudication of International claims.....	11	11	$1,227	...	...	...	11	11	$1,227
Total.....	11	11	$1,227	...	...	...	11	11	$1,227

Foreign Claims Settlement Commission
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Budget Activity/Program	2000 President's Budget Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Adjudication of International Claims.....	11	11	$1,175	...	...	...	11	11	$1,175

Foreign Claims Settlement Commission
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perm. Pos.	Work-Years	Amount
2000 Appropriation Enacted	11	11	1,175
Increases	...	...	39
2001 Base	11	11	1,214
2001 estimate	11	11	1,214

Estimates by Budget activity	1999 Enacted			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.
Adjudication of International claims	11	11	$1,227	11	4	$578	11	11	$1,175	11	11	$1,214	11	11	$1,214	...	...	...

Foreign Claims Settlement Commission
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

Mission:

To protect the property rights of U.S. citizens abroad and promote the international rule of law through adjudication of claims by United States nationals against foreign governments.

Organizational Goals:

- To research and respond to requests for information concerning decisions in the Commission's Cuban Claims Program (conducted from 1965-72), in aid of the Department of State's continuing implementation of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act").
- To adjudicate the outstanding claims of U.S. nationals against the Government of Iraq, upon enactment of authorizing legislation or referral to the Commission by the Secretary of State.
- Upon request, to assist the Department of State in negotiations for the settlement of claims against foreign governments, including, in particular, claims against Russia and the other original constituent republics of the former Soviet Union, which were adjudicated under Public Law 285, 84th Congress.
- To award compensation to American POWs held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.
- To advise other agencies and Congress concerning potential future claims programs and to analyze and comment on pending legislation.
- To advise on policy determinations relating to the settlement of international claims.
- To assist the Department of the Treasury in making distribution on past awards certified by the Commission.
- To provide executive departments and private attorneys with legal precedents issued by the Commission.
- To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on past claims.

Base Program Description:

In addition to its principal function of adjudicating United States nationals' claims against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 44 completed international and war claims programs it has conducted. It also provides advice on policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with Congressional committees considering such legislation.

Foreign Claims Settlement Commission
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999	2000	2001
Commissioners	3	3	3
Attorneys (905)	4	4	4
General Administrative Clerical and Office Services (300-399)	4	4	4
Total	11	11	11
Washington	11	11	11
Total	11	11	11

Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
Fiscal Years 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Anticipated						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Adjudication of International Claims	4	4	7	7	11	11	0	0	0	0	0	0	4	4	7	7	11	11
Total	4	4	7	7	11	11	0	0	0	0	0	0	4	4	7	7	11	11

Foreign Claims Settlement Commission
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

Adjustment-to-Base Increases:	Amount
1. 2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $21,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($17,000 for pay and $4,000 for benefits totaling $21,000).	$21
2. Annualization of 2000 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $9,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($8,000 for compensation and $1,000 for benefits).	9
3. Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $1,000 for these costs.	1
4. General Services Administration (GSA) rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $8,000 is required to meet our committment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	8
Total, adjustment to base	39

Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual Positions	1999 Actual Amount	2000 Estimate Positions	2000 Estimate Amount	2001 Request Positions	2001 Request Amount	Increase/Decrease Positions	Increase/Decrease Amount
Executive Level V, $114,500	2		2		2		...	
GS-15, $84,638-110,028	2		2		2		...	
GS-13, $60,890-79,155	2		2		2		...	
GS-12, $51,204-66,564	2	...	2	...	2		...	
GS-11, $42,724-55,541	3		3		3		...	
Total, appropriated positions	11		11		11		...	
Average GS Salary		$50,710		$53,144		$55,110		
Average GS Grade		12.56		12.56		12.56		

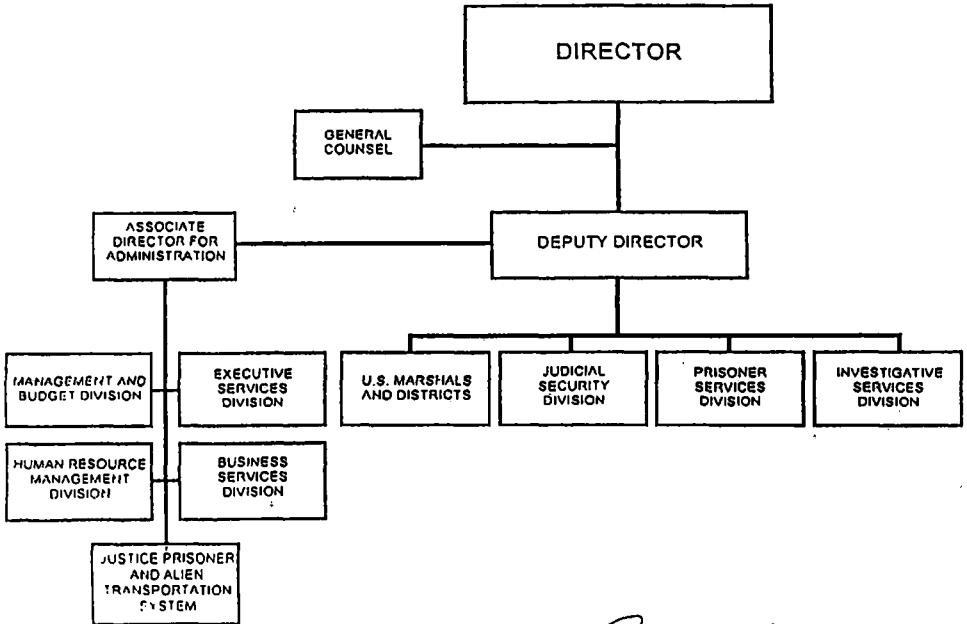
Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11 Personnel compensation:								
11.1 Full-time permanent	2	$196	9	$668	9	$693	...	$25
11.3 Other than permanent	2	59	2	78	2	78	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
Total	4	255	11	746	11	771	...	25
Other Object Classes:								
12 Personnel benefits		45		152		158		6
13 Benefits to former personnel		...		10		10		...
21 Travel and transportation of persons		24		12		12		...
22 Transportation of things		6		...		...		...
23.1 Rental payments to GSA		141		169		177		8
23.3 Communications, utilities, and miscellaneous charges		17		20		20		...
24 Printing and reproduction		4		5		5		...
25.2 Other services		39		47		47		...
26 Supplies and materials		15		8		8		...
31 Equipment		32		6		6		...
Total requirements	4	578	11	1,175	11	1,214	...	39
Relation of Obligations to Outlays:								
Obligated balance, start-of-year		154		146		30		
Obligated balance, end-of-year		-146		-30		-19		...
Outlays		586		1,291		1,225		

Department of Justice
United States Marshals Service
Estimates for Fiscal Year 2001
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UNITED STATES MARSHALS SERVICE



Approved by: _____
JANET RENO
Attorney General

Date: June 10, 1998

Department of Justice
United States Marshals Service
Salaries and Expenses
Summary Statement and Performance Plan
Fiscal Year 2001

For 2001, the United States Marshals Service (USMS) requests 4,312 permanent positions, 4,014 workyears and $586,469,000 in the Salaries and Expenses appropriation. This request represents an increase of 381 positions, 171 workyears, and $40,120,000 over the anticipated 2001 base of 3,931 positions, 3,843 workyears, and $546,349,000. This increase will address infrastructure requirements related to both operational and administrative workload areas.

A. USMS Mission and Goals, and Relationship to DOJ Strategic Plan

The USMS' 2001 budget request and performance plan directly support the overall core functions and law enforcement goals included in the Department of Justice's (DOJ) Summary Performance Plan. This request incorporates information on performance measurement that will lead to better accountability regarding actual results achieved. The USMS Strategic Plan establishes the connection between DOJ Strategic Goals and those shorter-term objectives set forth in the USMS Tactical Plan.

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USMS Mission

The mission of the USMS is to protect the federal courts and ensure the effective operation of the judicial system. In accordance with existing statutes and regulations, the USMS must:

- Protect judges and other participants in the federal judicial system by securing court proceedings;
- Provide security for federal court facilities by eliminating security deficiencies;
- Provide secure confinement, transportation, and production of prisoners for judicial proceedings by using safe and cost effective means whenever possible;

- Apprehend violent fugitives as quickly as possible by using sophisticated surveillance techniques;
- Execute court orders, including the seizure, maintenance, and disposal of assets;
- Ensure long-term safety of protected government witnesses; and,
- Collect fees and make payments in support of prisoners in non-federal institutions and disburse funds as directed by the Attorney General.

USMS Long-Range Goals

Unless otherwise indicated, meeting many of these objectives is contingent upon the requested 2001 resources being provided.

Protection of the Judiciary

The USMS will **ensure the integrity of judicial proceedings.** The USMS will ensure that adequate security is in place at all court facilities to preserve the effective operation of the federal judicial system and to protect judicial officials, members of the court family, and the public. The USMS will ensure that adequate personnel resources are distributed to respond to the increased workload demands generated by other law enforcement personnel and new courthouse openings.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 6, PROTECTION OF THE FEDERAL JUDICIARY AND IMPROVEMENTS OF THE JUSTICE SYSTEM, Goal 6.1: **Protect the federal judiciary and ensure the safe and secure operation of the federal court system.** In 2001, the USMS will conduct an annual Court Security Facilities Survey, and recommend improvements and prioritize them within 60 days of review.

Detention and Transportation of USMS Prisoners

The USMS will **transport prisoners in a safe and cost effective manner.** The USMS will use ensure that prisoners are transported and detained in a cost effective manner utilizing procedures that safeguard the court family, USMS personnel, and the public. In addition, the USMS will make arrangements to ensure persons in custody reach their destination in a timely manner.

Prisoner transportation directly relates to the DOJ Strategic Plan, CORE FUNCTION 5, DETENTION AND INCARCERATION, Goal 5.1: **Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, hearings on their immigration status, or deportation.** In 2001, the USMS will use the most cost effective mode of transportation to move approximately 62,000 USMS prisoners and detainees by ground and 58,461 by air without sacrificing the safety of the public, USMS employees, or those in custody.

Fugitive Apprehension

The USMS will **apprehend fugitives as quickly as possible to prevent more acts of violent crime.** The USMS will increase its abilities to apprehend federal fugitives by improving electronic surveillance techniques, applying special analytical investigative methods, and upgrading the use of automated information systems.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 6, PROTECTION OF THE FEDERAL JUDICIARY AND IMPROVEMENT OF THE JUSTICE SYSTEM, Goal 6.1: **Protect the federal judiciary and ensure the safe and secure operation of the federal court system.** In 2001, the USMS will close 80 percent of the 28,817 new Class 1 warrants within one year; and reduce the number of backlog warrants by 5 percent.

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Management of Seized and Forfeited Assets

The USMS will **increase accountability of the asset forfeiture program.** The USMS will increase efforts to improve the timeliness of property disposal, the effectiveness and cost efficiency of program support and oversight functions, and the training of personnel responsible for the operation of the Asset Forfeiture Program.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 6, PROTECTION OF THE FEDERAL JUDICIARY AND IMPROVEMENT OF THE JUSTICE SYSTEM, Goal 6.1: **Protect the federal judiciary and ensure the safe and secure operation of the federal court system.** In 2001, the USMS will sell 85 percent of real properties at 85 percent or more of their fair market value and dispose of 80 percent of real properties within one year.

Automated Data Processing (ADP)and Telecommunications

The USMS will **continue to integrate and connect all major computer systems in the USMS.** The USMS will increase its ability to manage personnel, financial resources, and detainee information. The USMS will improve safeguards against unauthorized access or use of the systems by investing in the ADP infrastructure.

B. Highlights of 1999 Mission Critical results

Protection of the Judiciary

- Provided protective services to 97 members of the judiciary, security services to 160 judicial conferences, and personnel and additional security measures for 156 trials. USMS also evaluated 702 inappropriate communications against the judiciary, of which 345 were classified as threats.

- Developed a comprehensive requirements manual for judicial security systems, encompassing electronic security, hardware devices and procedures for all areas where the U.S. Court pays rent. The manual will serve as a complementary guide to the *U.S. Courts Design Guide* and other technical supplements used by architects and engineers to develop new U.S. courthouses nationwide.

- Used Special Security Officers (SSOs) in lieu of Deputy U.S. Marshals to provide perimeter security around the federal courthouse in the Southern District of New York. The cost of the SSOs was significantly less than the cost of using Deputy U.S. Marshals for the same level of security.

- Awarded eight Court Security Officer contracts and two Small and disadvantaged business (8a) contracts totaling $609 million to three different security companies.

- Initiated an effort to collect information from every State and territory pertaining to the limited use of drivers license and vehicle registration information on the federal judiciary and other court family members. The USMS reviewed the federal statute regarding this subject and contacted several Department of Motor Vehicle (DMV) offices to cultivate awareness of it. A memorandum was published with the results and distributed to each U.S. Marshal and Chief Deputy U.S. Marshal, recommending that they share this information with the federal judiciary community.

Fugitive Apprehension

- Received 25,517 fugitive Class 1 warrants and cleared 27,627 cases, including 10,355 by physical arrest. This is the first time that the USMS has cleared more cases than were received.

- Met the Attorney General's one-year initiative to reduce backlogged Class 1 warrants by 20 percent within 1 year. In October 1999, the number of backlogged Class 1 warrants totaled 10,677. By the end of FY 1999, it was reduced to 8,185.

- Closed three USMS "15 Most Wanted Fugitive" cases by arrest.

- Closed 219 major cases, a significant increase when compared to the 132 cases closed in FY 1998. A major case focuses on one or more of the following: a career criminal with a history of violence or weapons conviction, a major narcotics distributor, or an escaped criminal. These closures included the arrests of suspected railway serial killer Rafael Resendez-Ramirez and alleged cop killer Jeffrey McGee.

- Used electronic surveillance in 1,163 cases, resulting in 729 physical arrests.

- Finalized a Memorandum of Understanding with the Social Security Administration, Office of the Inspector General, for the exchange of database information on federal fugitives receiving social security benefits.

Asset Forfeiture

- Transferred seven real properties with a collective value of $10,350 to community organizations who in turn used the properties for housing and educational centers.

- Disposed of 46,021 seized properties including real and personal properties.

Automated Data Processing and Telecommunications

- Completed a 90-day pilot project that used commercial database services for fugitive investigations. As a result of the project's success and additional funding received for 2000, all districts will be provided access. The commercial database services provide the USMS with several resources for locating fugitives, with on-line access to billions of public information records.

- Installed 26 Automated Booking Stations (ABS) in district offices. Two pilot district offices successfully submitted fingerprints electronically to the FBI's Integrated Automated Fingerprint Identification System (IAFIS).

C. FY 2001 Performance Goals and Indicators

The USMS is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results. These 2001 goals, organized around ongoing USMS priorities, will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA). The USMS will continue to improve and add goals and measurements as needed. Listed below are the long range goals, objectives, and performance indicators that highlight major program activities.

Unless otherwise indicated, meeting many of these objectives is contingent upon the requested 2001 resources being funded. Following the objectives are summary level performance indicators that measure how well the USMS performs in meeting the objectives. The USMS intends to meet all objectives and in turn support all long-range goals.

Long Range Goal: Maximize Agency Effectiveness and Efficiency in Performing the USMS Law Enforcement Mission

In 2001, the USMS will implement the following to ensure a sufficient level of security at each court facility:

- Increase district resources to address the additional workload generated by the opening of courthouses and other DOJ law enforcement agencies.

- Conduct an annual court security facilities survey; review the results within 30 days of receipt; recommend and prioritize improvements within 60 days of review; and begin implementing improvements within 90 days of prioritizing recommendations.

Level Performance Indicators:

- Number of assaults against judges and U.S. attorneys.

  - This indicator measures the quality and effectiveness of security procedures put in place to protect the judiciary from intimidation and physical harm.

- Number of assaults against protected federal witnesses.

  - This indicator measures the quality of protection and security procedures put in place to ensure witnesses are available for judicial proceedings.

- Number of U.S. courthouse facilities not meeting USMS security requirements.

  - This indicator measures the overall progress towards renovating USMS space in U.S. courthouses to eliminate severe security deficiencies. (The workload measurements are found in the GPRA table in the Construction Appropriation.)

Long Range Goal: Transport Prisoners and Detainees in a Safe and Cost Effective Manner

In 2001, the USMS will use the most cost effective mode of transportation to move USMS prisoners without sacrificing the safety of the public, USMS employees, or those in custody. The USMS will:

- Move approximately 58,461 USMS prisoners by JPATS aircraft at an estimated cost-per-seat charge of $490.

- Support an estimated 62,000 USMS ground movements.

- Use JPATS air transportation whenever it is more cost effective or safer than ground transportation.

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Summary Level Performance Indicators:

- Number of USMS prisoner escapes.

  - This indicator measures the effectiveness of USMS prisoner transportation operations. No escapes from USMS custody indicates an effective operation.

- Number of USMS prisoner and USMS personnel injuries.

  - These indicators measure the safety record of USMS prisoner transportation operations. The fewer injuries to prisoners and USMS personnel, the safer USMS operations.

- Number of USMS prisoners transported by air.

  - This indicator measures the number of USMS prisoners moved by JPATS aircrafts. Air movements are used when deemed to be the most cost effective and expeditious method of transportation.

- Number of USMS prisoner ground movements.

  - This indicator measures the number of USMS prisoner ground movements.
  Ground movements are in support of the JPATS airlift or are deemed the best mode of transportation.

USMS Long Range Goal: Apprehend Fugitives as Quickly as Possible to Prevent More Acts of Violent Crime

In 2001, the USMS will continue to apprehend Class I fugitives as quickly as possible and decrease the fugitive backlog. There are three types of Class I fugitive warrants: 1) fugitives with violent criminal convictions; 2) fugitives wanted on drug-related charges; and 3) all other felony fugitives where the USMS has primary responsibility for capture. The USMS will:

- Clear 80 percent of the 28,817 new Class I warrants within one year of receipt of the warrant.

- Reduce the projected fugitive backlog (warrants over one-year old) by 5 percent.

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- Use electronic surveillance techniques to apprehend the most violent fugitive offenders. Of the projected 1,517 instances in which electronic surveillance techniques will be used, the USMS anticipates an arrest 37 percent of the time.

Summary Performance Indicator:

- Average number of days to clear a Class I felony warrant.

  - This indicator measures the progress in how quickly the USMS apprehends dangerous fugitives, and the effect on violent crime. The basic assumption is that the Class I fugitive is likely to continue to commit violent crimes while at large. Capture of these individuals renders them incapable of committing further acts of violence against society. (Data collection to maintain this indication is time intensive because records are examined manually. Beginning in FY 2000, the USMS will develop a new performance indicator for this program.)

USMS Long Range Goal: Improve Accountability of the Asset Forfeiture Program

In 2001, the USMS will improve accountability, control, and oversight of the Asset Forfeiture Program by ensuring that:

- All real property is disposed of within 12 months upon receipt of the final order of forfeiture. The USMS also has established disposal time frames for cash, vehicles, jewelry, art, antiques, aircraft, and other personal property. However, because of the dollar value of real property, the USMS has highlighted this area to improve accountability and has included it in the GPRA table.

- All real property is sold at no less than 85 percent of its fair market value.

Summary Level Performance Indicator:

- Percent of real property disposed of within 1 year.

  -This indicator measures whether real property is disposed of within 12 months so that the government is not maintaining properties and expending resources longer than necessary.

- Percent of real property sold at 85 percent or more of its market value.

  - This indicator measures whether management controls are in place to ensure proper valuation of properties seized and prevent the unnecessary loss of revenue.

USMS Long Range Goal: Continue to Integrate and Connect All Major Computer Systems in the USMS

In 2001, to invest in the USMS technology infrastructure, the USMS will:

- Continue installation of Booking Stations.

- Continue developing and installing a Joint Financial Management Improvement Program (JFMIP) compliant accounting system in all districts.

Summary Level Performance Indicators:

- Increase customer satisfaction using the Booking Station Module.

  - This indicator measures the overall customer satisfaction with the Booking Station Module of the Justice Detaniee Information System (JDIS). The USMS will continue to administer a customer satisfaction survey. During 1999, the USMS surveyed district users after they received the Booking Station Module software to establish a baseline of customer satisfaction with the software. During 2000 through 2002, the users will be surveyed again to determine how their level of satisfaction has changed as the software is improved.

- Meet the Joint Financial Management Improvement Program (JFMIP) core financial system criteria.

  - This indicator measures the progress towards meeting all JFMIP criteria. Currently the USMS meets 96.5 percent (166 out of 172) of the total core financial management system criteria. Once a new accounting system is fully implemented, the USMS anticipates meeting all 172 criteria.

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D. New FY 2001 Initiatives

All of the requested program increases are tied to core mission requirements and infrastructure improvements that are critical for the USMS to accomplish its mission. There are three major initiatives:

Initiative	Positions	($000)
Protect the Federal Judiciary	283	$29,056
Prisoner Security	64	6,584
Infrastructure	34	4,480
Total	381	$ 40,120

Initiative: Protect the Federal Judiciary (283 positions and $29,056,000) The USMS requests **283 positions and $17,056,000** for the workload growth associated with the opening of courthouses and the hiring of new positions at the FBI, DEA, INS and U.S. Attorneys. In addition, the USMS requests **$5,000,000** for special assignments to protect high threat trials and **$7,000,000** for courthouse security equipment, telephone systems, relocation, and furnishings in courthouses scheduled to open in 2001.

Initiative: Prisoner Security (64 positions and $6,584,000) The USMS requests **43 positions and $2,063,000** to hire detention enforcement officers, **21 positions and $1,008,000** to decrease injuries and incidents in the D.C. Superior Court cellblocks, and **$3,513,000** for movements of USMS prisoners.

Infrastructure (34 positions and $4,480,000) The USMS requests the following resources to strengthen administrative infrastructure requirements: **$2,965,000** for permanent change of station moves; **32 positions and $1,415,000** to establish agency-wide financial management improvements; and **2 positions and $100,000** to manage the Cooperative Agreement Program.

E. Data Validation and Verification Issues

Protection of the Judiciary
The USMS uses data from the Weekly Activity Report (USM-550) and the Incident Reports. These reports document the number of threats and actual assaults against judges, protected federal witnesses, and USMS personnel. This information is collected manually and validated by program managers in the Judicial Security Division.

Prisoner Transportation

The USMS uses data from the Accident Investigation Report (USM 210), Firearm Discharge/Assault Report (USM 133), and the Report of Investigation (USM 11) to document the number of reported accidents, injuries and escapes. Before data is disseminated, it is validated by program managers in the Prisoner Services Division.

The USMS uses data from the Automated Prisoner Scheduling System (APSS) to report the number of USMS prisoners transported by air and the number of USMS prisoner ground movements. This information is validated by program managers in the Prisoner Services Division.

Fugitive Apprehension

The USMS uses data produced from the Warrant Information Network (WIN) to track the number of Class 1 warrants received and cleared. The information is validated by program managers in the Investigative Services Division. The information is entered by district personnel and validated by program managers in the Investigative Service Division. USMS district also use WIN to transmit data on wanted persons into the FBI's National Crime Information Center (NCIC). On a monthly basis, the FBI sends the USMS a random sampling on NCIC entries for data validation. The USMS verifies these NCIC entries against paper records maintained in the districts.

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Assets Forfeiture

The USMS uses data produced by the Consolidated Assets Tracking System (CATS) to track the sale of real properties at 85 percent or more of their fair market value and the percent of real property disposed of within one year. This information is validated by the program managers in the Assets Forfeiture Office, Business Services Division.

ADP and Telecommunications

The USMS uses an in-house survey to measure customer satisfaction with the Justice Detainee Information System (JDIS). Survey scores are based on a scale from 1 (very dissatisfied) to 5 (very satisfied). This information is validated by the Information Technology Services staff.

The USMS follows guidelines established by the Joint Financial Management Improvement Program (JFMIP). Data is collected manually during yearly audits of USMS financial records. This data is used to assist the USMS in meeting government standards for financial reporting and internal controls. This information is validated by the Office of Finance, Management and Budget Division.

F. Resources

	1999 Actuals			2000 Enacted			2001 Request		
Strategic Goal	Dollars	Pos	FTE	Dollars	Pos	FTE	Dollars	Pos	FTE
Core Function 6, DOJ Strategic Plan Goal 6.1.1 Protection of the Federal Judiciary	$345,806	3,074	2,812	$352,104	2,814	2,716	$401,350	3,195	2,915
Core Function 6, DOJ Strategic Plan Goal 6.1.2 Asset Forfeiture	25,277	339	319	14,209	179	175	4,000	40	40
Core Function 6, DOJ Strategic Plan Goal 6.1.3 Fugitive Apprehension	71,754	663	619	107,084	894	880	109,430	894	880
Core Function 6, DOJ Strategic Plan Goal 6.1.4 Automated Data Processing & Telecom.	18,278	35	25	27,537	94	92	28,086	94	92
Core Function 5, DOJ Strategic Plan Goal 5.1.2 Prisoner Transportation	43,664	99	110	39,659	89	87	43,603	89	87
Total	504,779	4,210	3,885	540,593	4,070	3,950	586,469	4,312	4,014

G. DOJ Summary Performance Plan, Performance Goals, Target and Actual

Core Function 6:

Key Summary Level Indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Percent of Federal criminal court proceedings meeting USMS security requirements.	72%	72%/72%	72%	86%
Number of threats and assaults against judges and other court personnel.	702	413/345	345	350
Number of threats and actual assaults against protected Federal witnesses.	0	0/0	0	0
Additional USMS-controlled space in U.S. Courthouses and federal buildings being renovated to meet USMS security standards.	21	18/18	18	13

United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined with deleted matter enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, [$333,745,000] *$586,469,000*, as authorized by 28 U.S.C. 561(l); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.[; and of which not less than $2,762,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems; *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office. In addition,$209,620,000, for such purposes to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund].

(18 U.S.C. 1963, 3053, 3059, 3192, 3521-3528, 4008 19 U.S.C. 1613; 21 U.S.C. 881; 28 U.S.C. 510; 524, 561-562, 565, 567, 569-572, 1921; 48 U.S.C. 1424(b), 1614(c), 1694(b)(3); Department of Justice Appropriations Act, 2000. (P.L. 106-113).)

Explanation of Changes:
1. The first deletion removes language associated with the permanent transfer of funds for the cost of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems.

2. The second deletion removes language associated with the Violent Crime Reduction Trust Fund. Authorization of this fund expires in 2000, and no funds are requested in 2001.

United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Crosswalk of 1999 Availability
(Dollars in Thousands)

Activity/Program	1999 as Enacted			Approved Reprogramming			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Protection of the Judicial Process	2,503	2,439	$280,998	..	...	...	...	...	..	...	...	$2,626	2,503	2,439	$283,624
2. Prisoner Transportation	99	112	43,664	...	...	...	...	...	...	...	...	...	99	112	43,664
3. Fugitive Apprehension	663	645	70,371	...	...	..	...	...	$1,383	...	...	...	663	645	71,754
4. Seized Assets Management	339	325	25,277	...	...	...	...	...	...	...	...	...	339	325	25,277
5. D.C. Superior Court	206	196	19,884	...	...	...	...	...	...	...	...	...	206	196	19,884
6. Service of Legal Process	182	188	19,324	...	..	...	...	...	...	...	...	...	182	188	19,324
7. Training Academy	27	24	4,882	...	...	...	...	...	...	...	...	...	27	24	4,882
8. ADP/Telecommunications	35	26	17,578	...	...	...	...	...	700	...	...	...	35	26	18,278
9. Management and Administration	156	77	19,931	...	...	...	...	...	...	...	...	...	156	77	19,931
Total	4,210	4,032	501,909	...	...	...	...	...	2,083	...	...	2,626	4,210	4,032	506,618
Reimbursable workyears		75			...			...			...			75	
Total workyears		4,107			...			...			..			4,107	
Other Workyears:															
LEAP		560			...			...			...			560	
Overtime		148			...			...			...			148	
Total Compensable Workyears		4,815			...			...			..			4,815	

Approved Reprogramming: None

Transfers: The US Marshals Service received $1,383,000 for High Intensity Drug Trafficking Area (HIDTA) funding, and $700,000 for Year 2000 conversion efforts.

Recoveries and Unobligated Balance Brought Forward: The U.S Marshals Service brought forward $302,454 from the No-Year account for disaster expenditures and $2,323,000 from recoveries and $286 from the Violent Crime Trust Fund.

United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Crosswalk of 2000 Changes
(Dollars in Thousands)

Activity/Program	2000 President's Budget Request			Congressional Action on 2000 Request			Transfers Between Accounts	Government-Wide Rescission	Adjustments		Proposed Reprogramming			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Amount	Amount	Pos.	WY	Pos.	WY	Amount	Pos.	WY	Amount
1. Protection of the Judicial Process	2,694	2,572	$321,188	(135)	(70)	($17,183)	($1,660)	($10)	(131)	(94)	(245)	(314)	($31,394)	2,183	2,094	$270,941
2. Prisoner Transportation	99	112	49,114	...	...	(3,260)	...	...	(6)	(4)	(4)	(21)	(6,195)	89	87	39,659
3. Fugitive Apprehension	676	648	78,082	(13)	(13)	1,178	(340)	...	(37)	(26)	268	271	28,163	894	880	107,083
4. Seized Assets Management	339	325	26,372	...	...	...	...	...	...	...	(160)	(150)	(12,166)	179	175	14,206
5. D.C. Superior Court	206	196	20,829	...	...	...	...	...	...	...	(14)	(7)	(3,117)	192	189	17,712
6. Service of Legal Process	182	188	20,561	...	...	...	...	...	(10)	(7)	(47)	(58)	(6,492)	125	123	14,069
7. Training Academy	27	24	5,255	...	...	...	...	...	(2)	(2)	1	4	(1,376)	26	26	3,879
8. ADP/Telecommunications	35	29	23,095	...	...	(3,200)	(762)	...	(2)	(2)	61	65	8,405	94	92	27,538
9. Management and Administration	156	78	25,094	...	...	(3,760)	...	...	(8)	(4)	140	210	24,172	288	284	45,506
Total	4,414	4,172	569,590	(148)	(83)	(26,225)	(2,762)	(10)	(196)	(139)	0	0	0	4,070	3,950	540,593
Subtotal, Direct	2,043	1,808	359,970											1,699	1,586	330,973
Subtotal, VCRP	2,371	2,364	209,620											2,371	2,364	209,620
Total	4,414	4,172	569,590	(148)	(83)	(26,225)	(2,762)	(10)	(196)	(139)	0	0	0	4,070	3,950	540,593

Congressional Action: Congress disapproved the movement of 13 positions. 13 FTE. and $1,942,000 from reimbursable sources to the direct appropriation. The remaining 135 positions, 55 FTE, and $24,283,000 were program increases and adjustments to base that Congress disapproved.

Transfers Between Accounts: Transfers of $2,762,000 to the DOJ Wireless Management Office.

Government-wide Rescission: Congress mandated a government-wide rescission of .38 percent from discretionary budget authority in FY2000 (H.R. 3426).

Adjustments: A decrease of 196 positions and 139 FTE reflects the amount of staffing the USMS can not afford with available funding.

United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base:	Perm. Pos.	Work-Years	Amount
2000 Appropriation Enacted (Direct)	1,699	1,586	$333,745
2000 Appropriation Enacted (VCRP)	2,371	2,364	209,620
DOJ Wireless Management Office Transfer	...	...	(2,762)
Government-wide .38% rescission pursuant to H.R. 3425	...	...	(10)
2000 Appropriation Availability (Direct)	1,699	1,586	330,973
2000 Appropriation Availability (VCRP)	2,371	2,364	209,620
2000 Appropriation Availability	4,070	3,950	540,593
Adjustment to Base Increases	...	28	20,817
Adjustment to Base Decreases (automatic, non-policy)	(139)	(135)	(15,061)
2001 Base	3,931	3,843	546,349
Program Changes (See Program Narrative for Details)	381	171	40,120
2001 Estimate	4,312	4,014	586,469

Estimates by budget activity	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Protection of the Judicial Process	2,183	2,094	$270,941	2,183	2,122	$280,978	2,509	2,265	$312,097	326	143	$31,119
2. Prisoner Transportation	89	87	39,659	89	87	40,090	89	87	43,603	...	...	3,513
3. Fugitive Apprehension	894	880	107,083	894	880	108,929	894	880	108,929	...	...	...
4. Seized Assets Management	179	175	14,206	40	40	3,997	40	40	3,997	...	...	...
5. D.C. Superior Court	192	189	17,712	192	189	18,594	213	199	19,602	21	10	1,008
6. Service of Legal Process	125	123	14,069	125	123	14,674	125	123	14,674	...	...	...
7. Training Academy	26	26	3,879	26	26	4,005	26	26	4,005	...	...	...
8. ADP/Telecommunications	94	92	27,538	94	92	28,086	94	92	28,086	...	...	...
9. Management and Administration	288	284	45,506	288	284	46,996	322	302	51,476	34	18	4,480
Direct (non-add)	[1,699]	[1,586]	[330,973]									
VCRP (non-add)	[2,371]	[2,364]	[209,620]									
Total	4,070	3,950	540,593	3,931	3,843	546,349	4,312	4,014	586,469	381	171	40,120

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United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Summary of Resources by Program
(Dollars in Thousands)

Estimates by Program	1999 Availability Perm. Pos.	1999 Availability WY	1999 Availability Amount	1999 Actual Perm. Pos.	1999 Actual WY	1999 Actual Amount	2000 Availability Perm. Pos.	2000 Availability WY	2000 Availability Amount	2001 Base Perm. Pos.	2001 Base WY	2001 Base Amount	2001 Estimate Perm. Pos.	2001 Estimate WY	2001 Estimate Amount	Increases/Decreases Perm. Pos.	Increases/Decreases WY	Increases/Decreases Amount
Protection of Judicial Process	2,503	2,439	$283,624	2,503	2,340	$281,785	2,183	2,094	$270,941	2,183	2,122	$280,978	2,509	2,265	$312,097	326	143	$31,119
Prisoner Transportation	99	112	43,664	99	110	$43,664	89	87	39,659	89	87	40,090	89	87	43,603	...	...	3,513
Fugitive Apprehension	663	645	71,754	663	619	$71,754	894	880	107,083	894	880	108,929	894	880	108,929	...	...	...
Seized Assets Management	339	325	25,277	339	319	$25,277	179	175	14,206	40	40	3,997	40	40	3,997	...	...	...
D. C. Superior Court	206	196	19,884	206	198	$19,884	192	189	17,712	192	189	18,594	213	199	19,602	21	10	1,008
Service of Legal Process	182	188	19,324	182	175	$19,324	125	123	14,069	125	123	14,674	125	123	14,674	...	...	...
Training Academy	27	24	4,882	27	24	$4,882	26	26	3,879	26	26	4,005	26	26	4,005	...	...	...
ADP/Telecommunications	35	26	18,278	35	25	$18,278	94	92	27,538	94	92	28,086	94	92	28,086	...	...	...
Management & Administration	156	77	19,931	156	75	$19,931	288	284	45,506	288	284	46,996	322	302	51,476	34	18	4,480
Total	4,210	4,032	506,618	4,210	3,885	504,779	4,070	3,950	540,593	3,931	3,843	546,349	4,312	4,014	586,469	381	171	40,120
Direct (non-add)	[4,043]	[3,865]	[481,265]	[4,043]	[3,718]	[479,226]	[1,699]	[1,586]	[330,973]	[3,931]	[3,843]	[546,349]	[4,312]	[4,014]	[586,469]	[381]	[171]	[40,120]
VCRP (non-add)	[167]	[167]	[25,553]	[167]	[167]	[25,553]	[2,371]	[2,364]	[209,620]									
Total	4,210	4,032	506,618	4,210	3,885	504,779	4,070	3,950	540,593	3,931	3,843	546,349	4,312	4,014	586,469	381	171	40,120
Reimbursable workyears		75			68			74			209			209			...	
Total workyears		4,107			3,953			4,024			4,052			4,223			171	
Other Workyears:																		
LEAP		560			607			466			474			488			14	
Overtime		148			152			117			120			122			2	
Total Compensable Workyears		4,815			4,712			4,607			4,646			4,833			187	

United States Marshals Service
Salaries and Expenses
Reimbursable Resources
Estimates for FY 2001
Summary of Requirements
(Dollars in thousands)

	1999 Actuals			2000 Appropriations Enacted			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source												
Administrative Office of the U.S. Courts	36	35	$5,040	40	40	$2,135	40	40	$2,135	...	...	...
Assets Forfeiture Fund	...	...	7,852	...	...	7,375	...	...	7,275	...	...	...
Seized Asset Management*	...	...	...	...	...	...	139	135	10,209	139	135	$10,209
Department of State	...	...	145	...	...	100	...	...	*100	...	...	...
Department of the Air Force	3	3	350	3	3	400	3	3	400	...	...	...
DOJ - Working Capital Fund**	...	...	9,145	...	...	9,000	...	...	...	...	...	(9,000)
Drug Enforcement Administration	...	...	2,459	...	...	...	...	...	1,200	...	...	...
Executive Office of the U.S. Attorneys	1	1	319	...	...	120	...	...	120	...	...	...
Federal Emergency Management Agency	...	...	1,262	...	...	...	...	...	...	...	...	...
Federal Law Enforcement Training Center	...	...	6	...	...	10	...	...	10	...	...	...
Fees and Expenses of Witnesses	...	...	939	...	...	938	...	...	938	...	...	...
Immigration & Naturalization Service	...	...	140	...	...	100	...	...	100	...	...	...
National Drug Intelligence Center	1	1	87	1	1	130	1	1	130	...	...	...
OCDETF	13	13	1,421	13	13	1,421	13	13	1,900	...	...	...
ONDCP	6	6	1,150	6	6	1,000	6	6	1,000	...	...	...
Various	9	9	2,818	11	11	2,724	11	11	2,724	...	...	...
Various States	6	...	290	...	...	300	...	...	300	...	...	...
Various U.S. Courts	...	...	1,706	...	...	...	...	...	...	...	...	...
Budgetary Resources	**75**	**68**	**$35,129**	**74**	**74**	**$25,753**	**213**	**209**	**$28,541**	**139**	**135**	**$1,209**

Notes:

* MAX does not reflect a $4,000,000 reduction for Seized Assets Management in FY 2001.

** MAX does not reflect a $9,000,000 increase from the DOJ Working Capital Fund in FY 2000.

Department of Justice
United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Program Performance Information
(Dollars in Thousands)

ACTIVITY: PROTECTION OF THE JUDICIAL PROCESS

Protection of the Judicial Process	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	2,183	2,094	$270,937
2001 Base	2,183	2,122	280,474
2001 Estimate	2,509	2,265	311,593
Increase/Decrease	326	143	$31,119

BASE PROGRAM DESCRIPTION:

The Federal judicial system must be one that is open, secure, and free from corruption. Making this possible has been the historical role and mission of the United States Marshals Service. The USMS maintains the integrity of the judicial security process by: 1) ensuring that each Federal judicial facility is secure -- both physically safe and free from intrusion by technological devices designed to subvert court proceedings; 2) guaranteeing that all Federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors, and other participants can conduct uninterrupted proceedings in an open, safe environment; 3) maintaining the custody, protection, and safety of prisoners who are brought to court for any type of judicial proceeding; and, 4) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

Certain trials require higher levels of security to prevent disruption. Such cases are identified through the districts' assessments of facility and personnel security requirements. Where a situation is deemed high risk, the district develops an operations plan at least 7 days before the start of the trial. When situations are regarded as extraordinary high risk events, Court Security Inspectors prepare operations plans at least 30 calendar days before the trial. Once the trial is completed, an after-action report is written describing the effectiveness of the operations plan.

New and renovated courthouses require additional USMS personnel to insure an adequate level of security. In some locations, the USMS must staff multiple courthouses which leads to unavoidable duplication in the staffing of cellblocks, offices, and courtrooms.

The **Witness Security** function provides protection for government witnesses and their families whose lives may be endangered. These witnesses agree to provide critical testimony concerning organized criminal activity, terrorism, or other serious crimes in exchange for security and freedom from prosecution. This protection is provided 24 hours a day to all such witnesses while they are in a "threat" environment, including trials and other court appearances. Witness Security Inspectors administer all matters relating to new identities, relocation, and program services to the witnesses and their family members.

The **Special Assignments** Reserve provides temporary supplemental resources to those districts unable to fulfill operational missions within base resources. Funding and the temporary re-assignment of deputies from other districts enables the USMS to secure high threat trials, provide protective details, and secure other special events. The Reserve is administered by headquarters staff who reimburse districts for costs associated with hiring guards or temporary personnel to replace deputies on assignment, overtime, travel, equipment, and per diem.

The **Special Operations Group (SOG)** is a specially trained unit that is deployed in high-risk law enforcement situations. Their primary mission is to support district offices and headquarters operational divisions during dangerous fugitive apprehension missions, national emergencies, civil disorders, natural disasters, or any situation ordered by the Attorney General, Director, Deputy Director, or their designee.

SOG consists of full-time operational and administrative employees at the Special Operations Group Tactical Center in Pineville, Louisiana, and collateral-duty members who have met the USMS and SOG standards for physical fitness, mental ability, and strength of character. Both full-time and volunteer operational members are on call 24 hours a day and can be assembled anywhere in the United States fully equipped, self-supporting, and operationally ready. Volunteer SOG members perform the full range of deputy duties in their respective districts when not engaged in SOG activities. SOG is authorized and responsible for the selection of its own weapons, ammunition, special munitions, diversionary devices, and non-lethal weapons.

ACTIVITY: PRISONER TRANSPORTATION

Prisoner Transportation	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	89	87	$39,659
2001 Base	89	87	40,090
2001 Estimate	89	87	43,603
Increase/Decrease	0	0	$3,513

BASE PROGRAM DESCRIPTION:

The USMS is responsible for the production, transportation, and custody of all Federal detainees. This includes receiving prisoners into custody and processing them through the cellblock, producing them for court proceedings, and transporting them to Federal institutions and contract jails. The USMS must perform these functions in a safe and cost effective manner. When the travel distance exceeds 250 miles, USMS prisoners are transported by Justice Prisoner and Alien Transportation System (JPATS) aircraft. Like all JPATS customers, the USMS is charged on a cost-per-seat basis and transfers funds to the JPATS Revolving Fund through a reimbursable agreement.

Shorter prisoner movements are accomplished using USMS vans and sedans. These ground movements include daily prisoner trips to nearby courthouses, detention facilities, medical facilities, and the JPATS airlift. The modes of transportation must constantly be adjusted to reach the desired destination on time. When JPATS aircraft or USMS vans and sedans are unavailable or are not cost effective, the USMS uses chartered or commercial aircraft, air ambulances, Bureau of Prisons buses, commercial buses, and trains.

ACTIVITY: FUGITIVE APPREHENSION

Fugitive Apprehension	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	894	880	$107,084
2001 Base	894	880	109,430
2001 Estimates	894	880	109,430
Increase/Decrease	0	0	$0

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BASE PROGRAM DESCRIPTION:
The USMS has primary responsibility for apprehending Federal fugitives from justice: prison escapees, bail jumpers, parole, and probation violators. The USMS also enforces warrants from agencies without arrest power, bench warrants issued by Federal judges, and warrants referred by the DEA. The USMS coordinates multi-agency task forces by teaming up with other Federal, State, and local law enforcement agencies to concentrate apprehension efforts on violent fugitive felons and drug offenders. Through the use of electronic surveillance equipment and specially trained investigators, the USMS is able to track and trace fugitive communications. The USMS also applies special analytical methods and uses automated information systems to assist in the investigation and apprehension of fugitives.

In addition to domestic fugitive investigations, the USMS reaches beyond the boundaries of the United States to arrest fugitives who have fled the country. As a member of the International Police (INTERPOL), the USMS works with foreign law enforcement officials and cooperates with DEA and FBI officials in foreign locations to apprehend and extradite fugitives.

ACTIVITY: SEIZED ASSETS MANAGEMENT

Seized Assets Management	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	179	175	$14,209
2001 Base	40	40	4,000
2001 Estimate	40	40	4,000
Increase/Decrease	0	0	$0

BASE PROGRAM DESCRIPTION:
The Asset Seizure and Forfeiture Program is one of the most potent weapons against organized crime in the Department of Justice, particularly when it targets large illegal drug enterprises. The success of the program relies on the close coordination between the FBI, DEA, INS, the U.S. Attorneys Office, and the USMS. The USMS has two primary roles as it relates to the asset forfeiture program: operational and administrative. Deputy Marshals are responsible for executing court orders by physically seizing and securing assets. Administrative staff are responsible for establishing contracts with private sector vendors and memoranda of understanding with other Federal agencies to ensure that assets are properly maintained while forfeiture action is pending. Once forfeited, the USMS ensures that assets are disposed of in a timely and commercially sound manner. The 2001 budget recommends that the salaries of U.S. Marshals Service (USMS) administrative personnel responsible for the Program's property custodial functions be reimbursable from the Assets Forfeiture Fund. The property management function is critical to program success. Without a sound property management

program, seized assets would fall in disrepair, would lose value and would be more difficult for the Government to dispose os in a timely manner. This budget shifts costs from discretionary spending to mandatory spending beginning in 2001. (A portion of the AFF excess unobligated balance will be retained for this purpose.) Annual funding for this purpose is not expected to exceed $14.2 million. No salary costs of Deputy U.S. Marshals will be funded.

During fiscal year 2000, the Department of Justice also intends to undertake a formal review of the costs and operational effectiveness of its management and disposal of assets seized for forfeiture. The purpose of the study is to: 1) determine how best to coordinate, organize and deliver this program in the Department; 2) establish a standard profile of property management functions that reflects different demands of different types of property; 3) assess the strengths and weaknesses of Department performance of these functions; 4) compare Departmental practices to industry best practices, where appropriate; 5) associate Departmental costs with the functions and asset types; and 6) identify opportunities for lowering Departmental costs while improving Departmental performance. The Treasury Department will be invited to participate in this contract review so that the majority of Federal forfeiture activity is covered, and improvements to common practices are facilitated.

ACTIVITY: D.C. SUPERIOR COURT

D. C. Superior Court	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	192	189	$17,712
2001 Base	192	189	18,594
2001 Estimates	213	199	19,602
Increase/Decrease	21	10	$1,008

BASE PROGRAM DESCRIPTION:
The USMS Superior Court office performs the same duties as all other USMS district offices, as well as functions for the District of Columbia which are typically performed by a sheriff or similar local official. The USMS Superior Court also performs duties that are outside Federal jurisdiction in other districts, such as serving civil and small claims bench warrants, and executing court-ordered evictions.

The USMS Superior Court provides judicial security for 69 judges, 20 senior judges, 15 full-time magistrates, and 17 part-time magistrates. Court activity is conducted in 94 courtrooms and hearing rooms located in three separate buildings. Deputy U.S. Marshals are assigned to all criminal courtrooms and one civil courtroom where the proceedings are so volatile that the judges demand

the attendance of a DUSM. The court operates 6 days a week, including all holidays, and handles a wide variety of judicial cases including: criminal felonies, traffic felonies, misdemeanors, civil, domestic relations, contested divorces, contested custody, mental health hearings, small claims, D.C. traffic, preliminary hearings, arraignments, and special matters (chief judge criminal cases and tenant disputes).

Not only does the volume of prisoners alone puts Superior Court DUSMs at more risk for injury than other USMS districts, the type of prisoners that Superior Court handles also increases that risk. Many of Superior Court's prisoners are violent gang members. Approximately 40 percent of new prisoners are charged with murder, assault, and rape; another 40 percent are charged with narcotic violations; 5 percent are charged with theft; 5 percent are fugitives; and 10 percent are charged with multiple offenses. In addition, four to five courts hear "capital crime cases" daily even though D.C. laws prohibit capital punishment.

ACTIVITY: SERVICE OF LEGAL PROCESS

Service of Legal Process	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	125	123	$14,069
2001 Base	125	123	14,674
2001 Estimate	125	123	14,674
Increase/Decrease	0	0	$0

BASE PROGRAM DESCRIPTION:

Every year, the USMS executes thousands of summonses, writs, mandates, and other legal process for the Federal courts, U.S. Attorneys, private litigants, Federal agencies, and foreign governments. Service of legal process includes summons and complaints in civil actions, subpoenas in both civil and criminal cases, writs of habeas corpus, and enforcement of major injunctions. The Anti-Drug Abuse Act of 1988 provided for the collection of fees and commissions for the personal service of non-government civil process by DUSMs. The statute was further amended to permit the Attorney General to set fees and commissions. At times, summonses and complaints filed in debt collection cases require significant investigation by DUSMs to locate individuals attempting to avoid being served. The quantity and complexity of the USMS workload are determined, in large part, by decisions made by the U.S. Attorneys, investigative agencies, and the courts.

ACTIVITY: TRAINING ACADEMY

Training Academy	Perm. Pos	Work-FTE	Amount
2000 Appropriation Enacted	26	26	$3,879
2001 Base	26	26	4,005
2001 Estimate	26	26	4,005
Increase/Decrease	0	0	$0

BASE PROGRAM DESCRIPTION:

The USMS Training Academy, located at the Federal Law Enforcement Training Center (FLETC), provides and oversees the training of USMS personnel. A wide range of programs is offered to address the needs of both operational and administrative personnel. Additional courses are specifically designed to assist State and local law enforcement. Regional and management training classes that cannot be accommodated at the FLETC are conducted at various locations throughout the country to ensure that personnel are current on all aspects of their program area. The Academy responds to the ever-increasing demands for new courses to produce a highly competent and professional work force. The Academy's goal is to ensure that all personnel within the USMS receive, on a scheduled basis, the knowledge and skills necessary to support the mission of the agency.

ACTIVITY: ADP AND TELECOMMUNICATIONS

ADP and Telecommunications	Perm. Pos	Work-FTE	Amount
2000 Appropriation Enacted	94	92	$27,538
2001 Base	94	92	28,086
2001 Estimate	94	92	28,086
Increase/Decrease	0	0	$0

BASE PROGRAM DESCRIPTION:

The ADP and Telecommunications program is comprised of the Information Technology Services (ITS) staff, senior systems administrators, and collateral-duty systems administrators. The goal of the ITS program is to provide Automated Information System (AIS) support and communications management support to all USMS employees in the districts and at headquarters, and to provide a complete range of major AIS applications through the best possible information technology systems.

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The basis of AIS support for USMS users is the Marshals Service Network (MNET) which provides users throughout the agency with access to shared software applications and national databases. All district and headquarters offices have direct access to MNET and major USMS applications for prisoner, warrant, and financial information. The USMS is also installing Partial Automated Booking Stations (a smaller yet fully compatible version of DOJ's Joint Automated Booking Station) throughout the districts.

The Communications Management program includes telephone and secure radio communications. The USMS is in the process of replacing all analog radios with digital narrow-band radios. These new units provide the privacy and security required by Federal law. The Service's telephone support staff is responsible for the design, installation, maintenance, and upgrade of all telephone systems at headquarters and in the districts. Periodic travel to the districts ensures that telecommunication requirements are met with regard to current and future office layouts, system size, and system type.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

Management and Administration	Perm. Pos	Work-years	Amount
2000 Appropriation Enacted	288	284	$45,506
2001 Base	288	284	46,996
2001 Estimate	322	302	51,476
Increase/Decrease	34	18	$4,480

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BASE PROGRAM DESCRIPTION:

The **Business Services Division** (BSD) is responsible for a variety of programs related to the USMS infrastructure. BSD purchases and maintains the USMS vehicle fleet; administers the property management program which consists of more than 50,000 items of accountable property having an aggregate value in excess of $100 million; and reviews all contracts to ensure adherence to Federal regulations and USMS policies.

The **Management and Budget Division** (MBD) is responsible for a variety of management and budget functions. MBD formulates budget requests; oversees the USMS budget execution process and all financial operations; develops the Service's management and productivity improvement initiatives; directs the strategic planning process; and audits district operations.

The **Human Resources Division** (HRD) provides a full range of personnel services for all USMS employees nationwide: staffing and classification, benefits and payroll, employee and labor relations, health and safety, career programs, background investigations, and suitability adjudications.

The **Prisoner Services Division** develops and administers USMS prisoner medical program policies; provides technical assistance on prisoner medical issues to the field; coordinates interagency prisoner medical care and infectious disease control; and oversees medical cost initiatives.

The **Executive Services Division** (ESD) includes congressional and public affairs and internal investigations. ESD promulgates all USMS policy, publishes the U.S. Marshals Manual, provides information to the general public, responds to congressional inquires, and performs integrity-related internal investigations of alleged misconduct, illegal activity, or malfeasance by USMS employees and contractors. The division also serves as the liaison with the DOJ Office of Inspector General, Office of Professional Responsibility, and FBI when assisting with investigations of USMS employees.

INITIATIVES

Protection of the Judicial Process

	Perm. Pos	Work-Years	Amount
Mission Support Staffing	283	121	$17,056
Detention Enforcement Officers for Prisoner Handling	43	22	2,063
Courthouse Security Equipment	0	0	7,000
Special Assignments	0	0	5,000
Total, Protection of the Judicial Process Initiatives	326	143	$31,119

Proposed Actions
This initiative seeks to address the following objectives:

1. To acquire sufficient personnel to handle the increased workload generated by other law enforcement agencies and staff new courthouses scheduled to open in 2001.

2. To hire Detention Enforcement Officers (DEOs) in districts with the greatest use of guards.

3. To provide security systems, telephone systems, relocation, and furnishings for courthouses scheduled to open in 2001.

4. To provide additional resources necessary for high threat trials and other special assignments.

Mission Support Staffing
An increase of **283 positions (203 Deputy U.S. Marshals (DUSMs), 22 detention enforcement officers (DEOs), and 58 administrative personnel), 121 FTE, and $17,056,000** is requested to address the projected increase in workload facing the agency in 2001. This request comes at a time when the USMS will have been under a hiring freeze for two years. The current authorized level of positions for the USMS is short of the staffing required to address the anticipated increases in workload (e.g.. prisoners in custody).

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The USMS performs unique functions within the Federal criminal justice system. From judicial security to prisoner services and fugitive apprehension, the workload facing the USMS is the result of the work performed by other components throughout the Federal criminal justice system. The opening of new courthouses also generates additional requirements because the USMS is required to protect more courtrooms, manage additional cellblock space, and produce more prisoners for interviews, hearings, and other judicial proceedings.

Moreover, increased arrests by the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Immigration and Naturalization Service (INS), together with more criminal cases generated by the U.S. Attorneys (USA), produce a significant amount of workload for the USMS. In some districts with the largest average daily prisoner population and criminal proceedings, the shortage of law enforcement officers has forced the USMS to hire an extraordinary number of contract guards. This initiative seeks to provide the necessary positions to:

1. Handle the increased workload generated by new agents and attorneys at the FBI, INS, DEA, USA; and,

2. Secure new and renovated U.S. courthouses scheduled to open during 2001.

At the time this budget is being prepared, USMS senior management is in the process of restructuring the operational workforce. Currently, all DUSMs are in the GS-1811 (Criminal Investigator) series. The plan is to hire personnel in the GS-082 series who will be called Deputy U.S. Marshals. The existing personnel in the GS-1811 series (currently called Deputy Marshals) will then be called Criminal Investigators. Rather than rely primarily upon Criminal Investigators (GS-1811 series) as the USMS has for the last few years, the USMS intends to hire DUSMs (GS-082 series) and DEOs (GS-1802 series). This change in hiring will re-institute the GS-082 series and effectively create three types of operational positions within the agency. It is believed that this type of stratified workforce is more appropriate because it matches employee skills with duties. Criminal Investigators will concentrate on fugitive investigative work and protective details; Deputy U.S. Marshals will concentrate on courtroom security; and DEOs will provide prisoner handling and security in the cellblocks.

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Secure U.S. Courthouses Opening in 2001

The USMS requests an increase of **89 positions, 45 FTE, and $6,711,000** to secure U.S. Courthouses opening in 2001. Each courthouse construction project expected to be completed by FY 2001 was reviewed. (Courthouses opening in the fourth quarter of FY 2001 were excluded because completion dates are likely to slip into FY 2002. Several courthouses that had already opened in FY 1999 were also included because no positions had been appropriated for these facilities.) Based on courthouse project information

from the General Services Administration (GSA), the Administrative Office of the U.S. Courts (AOUSC), and the districts, the USMS determined the number of positions required to provide appropriate security and support for the court and its tenants based on:

1. the number of judges, senior judges, magistrate judges, and judicial vacancies in each court city slated for a new or renovated facility;

2. the number of courtrooms to be utilized in the new courthouse compared to the number of courtrooms utilized in the old courthouse; and,

3. the number of new courtrooms in the renovation project.

Excluded from the request are courtrooms occupied exclusively by judicial officers who left an existing courtroom. Work performed by a judicial officer in a new courtroom was derived from the courts' pending caseload. Project sites were provided by AOUSC. Occupancy dates were provided by GSA. The table below displays the 89 positions for new or renovated courthouse facilities (65 DUSMs, 7 DEOs, and 17 administrative support positions) that are a direct result of additional courtroom utilization.

The request reflects the new operational structure and includes Deputy U.S. Marshals (GS-082) rather than Criminal Investigators (GS-1811). USMS management believes that the workload associated with courtroom protection and prisoner security can and should be accomplished with deputies, whose positions are less expensive than Criminal Investigators because the grades are lower and the occupational series does not require law enforcement availability pay.

City	Project Type	Scheduled Opening Date	DUSMs (GS-082)	Admin	DEOs (GS-1802)
Las Vegas, NV	New Courthouse	06/00	13	4	1
Cleveland, OH	New Courthouse	01/01	5	1	1
Columbia, SC	New Courthouse	05/01	4	1	1
Greenville, TN	New Courthouse	03/01	1	0	0
Corpus Christi, TX	New Courthouse	08/00	5	1	1
Laredo, TX	New Courthouse	04/01	7	2	1
Islip, NY	New Courthouse	03/00	8	2	1
Lafayette, LA	New Courthouse	opened 05/99	4	1	1
Beckley, WV	New Courthouse	opened 05/99	1	0	0
Brownsville, TX	New Courthouse	opened 05/99	3	1	0
Tallahassee, FL	New Courthouse	opened 08/99	1	0	0
Scranton, NJ	New Courthouse	opened 01/99	1	0	0
Florence, SC	Renovation	04/01	1	0	0
Agana, Guam	Renovation	01/00	2	1	0
Riverside, CA	Renovation	06/00	3	1	0
St. Louis, MO	Renovation	12/99	3	1	0
Philadelphia, PA	Renovation	05/01	2	1	0
Old San Juan, PR	Renovation	10/99	1	0	0
Totals			65	17	7

Handle the Increased Workload

The USMS requests an increase of **194 positions, 76 FTE and $10,345,000** to handle the increased workload generated by new attorneys at the U.S. Attorneys Office and new agents at the FBI, INS, and DEA. Agents and attorneys hired by these agencies do not immediately create work for the USMS. It is estimated that a two year lag exists between the time positions are authorized in these law enforcement agencies and when their work has an impact on the USMS. The lag time covers the time to recruit, hire, and train new agents and attorneys before they become productive. Therefore, the additional workload affecting the USMS in 2001 is based on the increase in new agents and attorneys hired in 1999. The following table shows the staffing changes by agency.

Agency	FY 1996	FY 1997	FY 1998	FY 1999	Change
FBI	10,972	11,308	11,531	11,681	150
DEA	3,786	3,993	4,238	4,515	277
INS	12,233	13,822	14,680	15,680	1,000
USA	4,563	4,703	4,843	4,907	64
Total	31,554	33,826	35,292	36,783	1,491

To determine the amount of staffing required by the increase in these law enforcement agencies, the USMS examined past trends in the following workload factors compared to the hiring in other agencies: prisoners in custody, magistrate proceedings, trips in support of JPATS, process served, criminal bench hours, prisoners produced, criminal trial hours, fugitive warrants cleared, prisoners received, and assets seized. Using regression analysis models incorporating these independent variables, the USMS projects the following additional workload in 2001: 3,155 prisoners in custody; 33,672 magistrate proceedings; 3,435 trips in support of JPATS; 1,117 criminal bench hours; 19,972 prisoner productions to court; 7,243 non-criminal trial hours; 1,826 Class I fugitive warrants; 5,988 prisoners received; and 1,550 assets seized.

This translates into 194 additional positions needed to handle the increased workload. Of this amount, 138 are Deputy U.S. Marshals, 15 are detention enforcement officers, and 41 are administrative personnel. Again, this request reflects the cost to hire Deputy U.S. Marshals (GS-082) rather than Criminal Investigators. Although the increased workload generated by other law enforcement agencies also includes investigative work more appropriate for Criminal Investigators, the USMS acknowledges that the agency already has a sufficient amount of staff to perform this work. The USMS intends to reallocate Criminal Investigators within the agency and backfill their positions with Deputy U.S. Marshals. In doing so, the USMS will be able to meet the increased workload and minimize personnel costs. The USMS intends to continue hiring Deputy U.S. Marshals (GS-082) to perform prisoner-related and court-related work. Criminal Investigators (GS-1811) will be primarily responsible for fugitive apprehension, including extraditions, financial investigations, and surveillance.

Furthermore, in order to maximize the effectiveness of existing USMS personnel, the USMS is conducting a "bottom-up" review during 2000. This review examines the missions, activities, staffing, and expenditures of all USMS functions with the goal of establishing performance standards for all districts and headquarters entities. Both district and headquarters personnel are participating

in this review. By applying performance standards across the agency, the USMS plans to objectively determine which districts and headquarters offices are maximizing their resources. Thereafter, the USMS may be able to implement directed moves to reallocate DUSMs. By applying the performance standards based on the results of the bottom-up review, the USMS may be able to identify where personnel are needed most and move DUSMs accordingly. The requested positions for 2001 assume that base staffing resources have been allocated based on existing workload. New positions are to address the new workload generated by other law enforcement components.

Courthouse Security Equipment

The USMS requests an increase of **$7,000,000** to provide security systems, telephone systems, relocation costs, and furnishings for courthouse construction projects. Requested funds are for the following eight courthouses scheduled to open during FY 2001. (A ninth project, located in Wheeling, West Virginia, already opened during 2000 but was not funded previously.) Updated occupancy dates were obtained from the Administrative Office of the U.S. Courts in December 1999.

	Locations	Occupancy Date	Security Equipment	Furnishings	Relocation	Telephone Systems and Cabling	Total
1	Las Vegas, NV	06/00	$750,000	$130,000	$0	$143,000	$1,023,000
2	Cleveland, OH	04/01	850,000	60,000	50,000	52,000	1,012,000
3	Columbia, SC	08/01	500,000	110,000	60,000	52,000	722,000
4	Greenville, TN	03/01	300,000	25,000	10,000	18,000	353,000
5	Corpus Christi, TX	10/00	900,000	150,000	0	28,000	1,078,000
6	Laredo, TX	04/01	850,000	75,000	60,000	4,000	989,000
7	Providence, RI	08/01	780,000	65,000	25,000	50,000	920,000
8	Helena, MT	05/01	525,000	58,000	25,000	50,000	658,000
9	Wheeling, WV	10/00	245,000	0	0	0	245,000
	Totals		**$5,700,000**	**$673,000**	**$230,000**	**$397,000**	**$7,000,000**

Security equipment provides central control during a crisis and records possible assaults in the courthouses. Installing and maintaining electronic security devices are critical to the safety of judges, USMS personnel, and the public. Security breeches occur daily and

place judges, witnesses, the public, and USMS personnel at risk. By installing electromagnetic locks, hallway cameras, and monitoring equipment, the USMS is able to secure prisoner movement space with fewer operational personnel. Using equipment and architectural designs that enhance security, the USMS is able to minimize threats and incidents in a more cost effective manner.

The installation of courthouse security equipment is a process that can take two years to complete. The process begins with USMS security specialists laying out the complete security system on "95 percent complete" construction blueprints and making an estimate of the associated costs. The USMS security specialists send blueprints and a Scope of Work to the national security systems contractor for a cost estimate. The contractor has 30 days to return a price estimate. If both parties agree on the price, a delivery order is issued; if not, negotiations take place until a price is agreed upon. Once the delivery order is issued and funding is obligated, the equipment is ordered. Installation time varies by courthouse size: 3-6 months in a small courthouse, 4-8 months in a medium sized courthouse, and 6-12 months in a large courthouse.

A typical courthouse security system consists of six parts: entrances to USMS office; holding cell areas behind the courtrooms; prisoner movement areas and hallways connecting the prisoner elevator to the holding cells; prisoner elevators; all doors (including cell doors) in the cell block; and all cell block areas, including the prisoner/attorney interview rooms, vehicle sally ports, and prisoner receiving areas. All devices, including duress alarms in the judges' chambers and clerk's offices, are wired into the main control panel in the cell block. The USMS acknowledges that in today's environment an agency must be fiscally conservative. However, installation of adequate security systems is imperative to the safe and secure operation of the courthouse.

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Telephone systems and cabling must be purchased three to six months before the courthouse opening because lines must be installed during the construction phase. Funds for telephone systems and cabling include both voice and data communications lines, which includes all horizontal cable runs to the workstations. GSA only installs cables to each telephone closet, not to the employees' offices. The USMS requires a minimum of three jacks per workstation for voice, data, and local area network. Funding also provides telephone system equipment and telephone instruments, installation, and programming. To support the mission of the office, cabling may be required between more than one floor or between buildings. Where distance limitations prevent the installation of copper-based wiring, the USMS uses fiber optic cable.

Funds for relocation services are required in FY 2001 because the General Services Administration (GSA) no longer covers this expense. During FY 1999, GSA notified all customer agencies that they would no longer pay the expenses related to moving equipment and furniture from old buildings to new buildings. Historically, GSA has always covered relocation expenses as part of

new courthouse construction costs. Since this is no longer the case, the USMS requires either a base transfer of funds from GSA or a base increase of funds for this necessary expense. The USMS has no base funding for this purpose.

Funding for new courthouse furnishings is required because construction does not always replace existing courthouse facilities, but often supplements them. A new building requires the minimum office and support space furnishings to conduct business. During renovation, the USMS makes every attempt to salvage and reuse furniture. In most cases the USMS installs modular furniture in order to make the most effective use of office space. Modular furniture in an open office environment enables the USMS to fit more employees per square foot than using conventional furniture in private offices. Since most renovation projects provide limited space for the USMS, modular furniture is a necessity.

Special Assignments

The USMS requests **$5,000,000** to increase base funding for special assignments, which provides supplemental resources to those districts unable to fulfill extraordinary operational missions within base resources. DUSMs are temporarily re-assigned from other districts to enable the USMS to provide ongoing security for judicial protective details and high threat trials. At the conclusion of a special assignment, a DUSM returns to his/her home district. Special Assignments funding reimburses districts in which the special assignment is taking place as well as the districts that send DUSMs to provide temporary assistance. Reimbursable costs include travel, overtime, and per diem for the district with the special assignment, and if necessary, guard backfill or temporary personnel to replace DUSMs on assignment for those districts providing assistance. Costs associated with renting, leasing, or purchasing specialized support equipment for establishing temporary command posts are also reimbursed.

As a result of the costs associated with the World Trade Center bombing, the USMS was forced to decrease other resources to pay for ongoing judicial protective details. The details are 24 hours-a-day, 7 days-a-week. For the first time, the USMS has had to provide perpetual protection for judges. The USMS must fund these protective details at the expense of other high threat trials. The requested funding will enable the USMS to staff other high threat trials by temporarily reassigning DUSMs between districts.

In order to minimize costs, the USMS is implementing three cost savings measures in FY 2000. First, based on a review of the special assignments program in FY 1999, the USMS will streamline the procedures related to starting, funding, and reimbursing special assignments. For example, the USMS will make better use of rotating shifts to eliminate overtime and will obtain reimbursable agreements prior to initiating any special assignment that includes multi-agency participation. This will reduce the financial burden on the USMS. Second, the USMS is conducting a "bottom-up" review which will examine the mission, activities, staffing, and past expenditures of all USMS functions with the goal of establishing performance standards. Both district and headquarters personnel are

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participating in this review. The USMS will apply these standards across the agency to objectively determine how to maximize resources and performance. Third, by applying the performance standards resulting from the bottom-up review, the USMS should be able to identify where personnel are needed most and move DUSMs accordingly in 2001. (The USMS is also requesting an increase of $2,965,000 for permanent change of station moves in 2001.)

Detention Enforcement Officers for Prisoner Handling

An increase of **43 positions, 22 FTE, and $2,063,000** is requested to hire detention enforcement officers (DEOs) to secure cellblocks and holding cells and provide prisoner security in the districts with the greatest use of contract guards. The USMS uses a mix of deputies, DEOs, and guards throughout the country to provide prisoner security. Guards are typically off-duty law enforcement officers and persons with law enforcement backgrounds. The USMS hires available guards at the time the need arises. Although the USMS goes to great lengths to screen guards prior to their hire, they are one of the largest security risks the USMS must deal with on a day-to-day basis, especially as the frequency of their usage continues to grow.

As the USMS increases the use of guards, the ability of deputies and DEOs to supervise this large contract workforce becomes more difficult. Guards with USMS background checks are not always available, requiring the use of guards that are not screened or trained as thoroughly. This limited screening process could miss potentially dangerous character flaws, which can present a security risk. Another security risk is that guards may not be in top condition at the time they are called to serve; they may be physically and mentally exhausted from their primary employment, thus increasing the chance of error in judgement and reaction time that could lead to injury to themselves and others. In addition, their physical condition could prevent them from functioning at peak performance should an emergency arise. Although guards have law enforcement backgrounds, each guard has potentially received different training. Some training may not be appropriate for use with Federal prisoners. In any case, it is impossible to anticipate the guards' reactions in emergency situations since they did not receive their training from the USMS. This can result in unnecessary injuries to the deputy, guard, or prisoner.

USMS will continue to hire guards on an as-needed basis is a valuable staffing resource. This initiative is to provide DEOs in the top ten districts where guard usage is consistently at a high level and/or where courthouse security standards are not being met. Of the following ten districts, four are along the Southwest Border: Southern Texas, Western Texas, Arizona, District Court, Northern California, Central California, Eastern New York, Southern New York, Southern California, and Massachusettes.

1197

Prisoner Transportation

	Perm. Pos	Work-Years	Amount
Movement of Prisoners	0	0	$3,513

Proposed Actions
This initiative seeks to address the following objectives:

1. To move 58,461 USMS prisoners by JPATS aircraft in 2001.

2. To provide district support for JPATS flights.

Movement of USMS Prisoners
The USMS requests **$3,513,000** for the movement of USMS prisoners. Of the requested amount, $3,220,000 is for the air movement of USMS prisoners on the Justice Prisoner and Alien Transportation System (JPATS) and $293,000 is for district support to JPATS flights. District support to JPATS flights includes expenses for guards, overtime, ground transportation, and air charters. In special circumstances, the USMS uses air charters and air ambulances to support airlift demands for high threat security flights and medical emergencies.

In FY 2001, the USMS estimates that prisoner air movements will increase to 58,461. With the 2001 base of $25,426,000 and a $490 per seat charge, the USMS has funding to move 51,890 prisoners. The projected increase in air movements will require an additional $3,220,000. The table below shows the additional funding required in FY 2001.

1198

Fiscal Year	Base Funds	Cost-Per-Seat	Est. Moves	Est. Total Cost	Cumulative Deficit
FY 1999	$23,128,000	$448	51,625	$23,128,000	$0
FY 2000	$25,426,000	$491	51,784	$25,426,000	$0
FY 2001	$25,426,000	$490	58,461	$28,646,000	($3,220,000)

The USMS also requests $293,000 for the USMS prisoner movements in support of JPATS. The USMS currently has $4,835,000 in base funding for prisoner movements in support of JPATS. By 2001, the USMS will require $5,128,000 in base funding. This estimate is based on the average 6 percent growth rate in the movement of USMS prisoners from 1995 through 1999. Currently, the USMS uses commercial airlines to move prisoners from Hawaii to San Francisco because of the detention space shortage in Hawaii. However, in 2000, the USMS is rerouting these commercial flights to Los Angeles instead of San Francisco, thereby saving approximately $300 per ticket. Over the course of the year, the USMS will save enough funding to cover the 2000 increase in prisoner movements. In 2001, however, the growth in prisoner movements will overcome these cost savings, necessitating a program increase of $293,000.

In 2002, BOP is scheduled to open a detention facility in Hawaii. Of the 670 beds slated for this facility, 546 beds will be made available for USMS detainees and 124 will be reserved for BOP prisoners. The new detention facility will decrease, if not eliminate, the need for commercial flights to Hawaii. Funds for USMS prisoner movements (to and from Hawaii) in support of JPATS may then be reallocated to regular JPATS air movements.

1199

D. C. Superior Court

	Perm. Pos	Work-years	Amount
Cellblock Operations	21	10	$1,008

Proposed Actions
This initiative seeks to address the following objectives:

1. To provide additional staff to support cellblock operations.
2. To reduce the number of prisoner assaults on judges and USMS personnel.

D.C. Superior Court Staffing

An increase of **21 positions, 10 FTE, and $1,008,000** is requested to support D.C. Superior Court cellblock operations. These 21 Detention Enforcement Officer (DEO) positions will provide security in the prisoner cellblocks and holding cells. D.C. Superior Court processes more prisoners each day than any other USMS district. The Superior Court cellblock operates 6 days a week and averages 400 prisoners a day. The adult cellblock operates 16 hours a day while the juvenile cellblock operates 13 hours a day. Other USMS districts follow a standard 8 hour shift, 5 days a week. Currently, D.C. Superior Court has 28 DEOs staffing the cellblocks and holding cells. The detainee-to-DEO ratio is 11 to one. This is an unacceptable staffing ratio which puts USMS personnel at great risk.

During FY 1999, D.C. Superior Court reported 10 assaults to personnel and 10 incidents in which DUSMs had to discharge Oleoresin Capsicum gas (OC spray) to subdue prisoners. Following are examples of incidents occurring within the last year that illustrate the need for additional DEOs:

- On April 20, 1999, two DUSMs led a juvenile assailant to the cellblock area where the juvenile resisted restraints and refused to be placed into the cell. The prisoner had to be forcibly restrained.

- On July 17, 1999, a DUSM was involved in a physical struggle with a prisoner in the traffic lock-up cell. The prisoner broke free and attacked the DUSM. There were no other available operational personnel in the cellblock area. Another DUSM observed the altercation in the main cellblock area and used OC spray to gain control of the prisoner.

With additional DEOs, situations like these could be avoided or minimized. The lack of proper staffing has increased the risk of harm to judges, prisoners, jury members, and deputies. While deputies provide security in the courtrooms, DEOs monitor prisoners in the cellblocks to ensure that prisoners do not escape, harm themselves, or harm other prisoners. Due to the current shortage of DEOs, the Superior Court must assign deputies and guards to cellblock duty, which is not an effective or productive use of personnel resources. Also, other operational activities are not being completed in a timely manner.

1200

Management and Administration

	Perm. Pos	Work-years	Amount
Permanent Change of Station Moves	0	0	$2,965
Financial Management	32	17	1,415
Cooperative Agreement Program Staff	2	1	100
Total, Management and Administration	34	18	$4,480

Proposed Actions
This initiative seeks to address the following objectives:

1. To support Permanent Change of Station (PCS) moves.

2. To improve financial integrity.

3. To provide additional staff to manage the Cooperative Agreement Program.

Permanent Change of Station Moves
The USMS requests **$2,965,000** to support Permanent Change of Station (PCS) moves. This additional funding will allow the USMS to better manage limited personnel resources and reallocate deputies within the districts based on need. Instead of heavily relying on special assignments funding to temporarily staff districts with out-of-town deputies, PCS funds enable the USMS to permanently relocate deputies to districts with large numbers of high threat trials, protective details, and other criminal proceedings.

Traditionally, the USMS has used PCS funds to move deputies selected through the merit promotion process to fill Chief Deputy, Assistant Chief Deputy, Supervisory Deputy, and headquarters operational vacancies. The USMS recognizes that directed moves must be used to realign resources to meet the operational needs of the agency, such as the largest districts, including the Southwest Border and major metropolitan areas.

At an average cost of $55,000 per move, the requested funding will allow the USMS to move 54 deputies in 2001. In order to maximize the effectiveness of limited PCS funds, the USMS instituted the following cost-cutting restrictions on all PCS moves: 1) relocation company services are withheld until employees have attempted to sell their homes themselves for 90 days; and 2) temporary quarters will be provided for only 60 days rather than the current 90 days.

Financial Management

The USMS requests an increase of **32 positions, 17 FTE, and $1,415,000** to improve the agency's financial integrity. This request consists of nine accountants, fifteen accounting clerks, and eight computer specialists. These positions will enable the USMS to: provide sufficient staffing to increase financial oversight and policy compliance to meet standards necessary for audited financial statements; operate the USMS' Standardized Tracking Accounting and Reporting System (STARS); improve financial accountability; and replace current contractor support with USMS personnel.

In the 2000 conference report language, Congress remained "seriously concerned about the Marshals Service's inability to accurately project its funding requirements and effectively manage the resources provided." Specifically, Congress directed the USMS, in conjunction with DOJ, to "conduct a comprehensive review of the budget and financial management practices" in order to "remedy its budget and financial management weaknesses." As directed, the USMS will submit a report to Congress in February 2000 detailing a comprehensive review of budget and financial management practices. Throughout FY 2000, the USMS will improve its budget practices to correct existing weakness. However, in order to correct financial management weaknesses, the USMS requires additional positions. Even before the conference report was issued, the USMS recognized that the entire USMS financial system was slowly deteriorating. This deterioration was evident based on the following events:

- The inability of the USMS to obtain a clean financial opinion from the Office of the Inspector General (OIG) auditors;
- The difficulty of the USMS to respond to financial inquiries;
- The reduction of services being performed by the USMS financial staff;
- The lack of adequate review over aspects of the financial system;
- The increased reliance on contractor support; and,
- The users uncertainty of the financial data's accuracy.

During FY 1999, the USMS has made every effort to obtain a clean financial opinion: contract staff have been hired; USMS personnel have been temporarily reassigned to the USMS Audited Financial Statement Review team; and DOJ staff have been temporarily detailed to the USMS. With this concentrated effort, the USMS anticipates an unqualified opinion in 1999. In order to maintain this level of financial integrity, it is critical for the USMS to obtain additional staff.

1202

Contractor support is a special concern of the DOJ Office of Inspector General (OIG). The OIG stated in congressional testimony that "any gain in financial management within the USMS might be short lived because contractor support is only a short term solution." As of April 1999, the USMS has three accountants, twelve accounting clerks, and three computer specialists under contract to support financial management. This level of staffing is inadequate to ensure the agency's financial integrity.

Financial Operations

The USMS requests **19 positions, 10 FTE, and $755,000** to improve financial operations. This request (four accountants and fifteen accounting clerks) will address the financial staffing shortages in accounts receivable, records management, accounts payable, financial control and financial reporting, and travel voucher processing:

- One position to improve accounts receivable. This position will allow the Service to improve supporting documentation for revenue and accounts receivable, improve the accuracy of billing and collection data displayed on the agency's financial statements, and perform quarterly reviews of the status of accounts receivable.

- One position to enhance financial records management. This position will be responsible for the quality control of USMS financial records, maintenance of the financial files, and responding to requests for financial documents.

- Seven positions to expedite accounts payable. These positions will be responsible for processing vendor invoices in a timely manner. Prompt payment of invoices will eliminate the excessive prompt payment interest penalty currently being paid by the USMS.

- Two positions to produce financial controls. These positions will perform periodic and complete reconciliations of financial data to ensure all financial activity is captured in the USMS accounting system.

- Four positions to improve financial reporting. These positions will be responsible for preparing accurate obligation, outlay, and receivable reports for USMS senior level managers, DOJ, OMB, and the Department of the Treasury.

- Four positions to expedite travel voucher processing. These positions will improve the accuracy and timeliness of travel reimbursements, maintain a three-day response standard, and improve customer support for updated travel information.

1203

STARS Support

The USMS requests **8 positions, 4 FTE, and $406,000** to support the STARS. Eight computer specialists are required to provide STARS with daily systems maintenance and support to ensure proper operation and security of USMS accounting data. The STARS/ Accounting System is the backbone of the Service's entire financial operation.

Although the USMS has used base funding to install and operate STARS at headquarters, the USMS has not expanded installation to the districts. Districts continue to use the USMS Financial Management System (FMS). In effect, the USMS continues to use two separate accounting systems. In doing so, the OIG DOJ Annual Financial Statement for Fiscal Year 1998 (Audit Report 99-05) noted the following weaknesses:

- There are no written policies or procedures for granting user access to the Unix system, or the STARS application that resides on the Unix system;
- An experienced data base administrator was not designated to monitor the performance of the database or perform necessary maintenance; and,
- The configuration of the system that runs the STARS application was inadequate to ensure that only authorized users can access the application programs and data files.

1204

The USMS will apply the requested positions to correct the weaknesses cited by the OIG report. Specifically, the computer specialists would provide database administration, system security monitoring, user support, and all system interfaces. In addition, they will enable the USMS to reconcile interface STARS activity with external data sources (i.e. NFC, FMS) and enhance system reporting capabilities.

Financial Oversight and Policy Compliance

The USMS requests **5 positions, 3 FTE, and $254,000** to increase financial oversight and policy compliance. The five accountant positions will directly support the audited financial statement process.

As a result of the Chief Financial Officers Act, the USMS has undergone multiple reviews of its financial operations and accounting systems. In 1998, the accounting firm hired by the DOJ OIG to conduct a financial audit of the USMS' financial statement issued a disclaimer opinion due to "internal control weaknesses, insufficient supporting documentation for obligations, and other problems related to accounts receivable, leases, leasehold improvements, and beginning balances for the balance sheet." Under internal control

weaknesses, the OIG identified inadequate change management and inadequate testing of new systems as problems. In addition, the OIG made several recommendations for the USMS to review procedures and establish USMS financial management polices.

Although the USMS has established a plan to temporarily address the problems cited in the audit report, the long term cause for the disclaimer opinion is a lack of positions to perform necessary financial oversight. This request provides the positions to permanently resolve these problems. These positions will establish financial guidance, provide oversight to USMS offices, and ensure corrective actions are taken to resolve audit findings. They will also perform independent verification and testing of the accounting system and implement procedures to ensure that the USMS adheres to internal controls and government accounting standards.

STARS/ Accounting System

The USMS requests **$2,000,000** from the Department of Justice Working Capital Fund Unobligated Balance for costs associated with implementation of an automated financial system. Since 1996, the USMS has been in the process of replacing its two existing automated financial systems: the Financial Management System (FMS) used in the 94 districts and the DOJ's Financial Management Information System (FMIS) used at headquarters.

While both systems allowed the USMS to track its financial status, they fell short of satisfying Joint Financial Management Improvement Program (JFMIP) requirements. The USMS requires a single, integrated, real-time financial system. In 1998, the USMS signed a memorandum of agreement with the Department of the Treasury, Center for Applied Financial Management who agreed to analyze USMS accounting requirements and suggest a commercial-off-the-shelf product that would meet JFMIP standards. The Center recommended the Information Engineered Federal Accounting and Reporting System (i.e. FARS) developed by Computer Data Systems, Inc. (CDSI). In addition, a cross servicing agreement was signed by the USMS so that the Department of Commerce, Office of Computer Services would provide computer and technical support. Because CDSI made software modifications on behalf of the USMS as part of the customization to meet USMS requirements, FARS, the system was renamed the Standardized Tracking, Accounting, and Reporting System (STARS). During 1998, STARS was implemented in all USMS Headquarters offices.

Originally, the USMS planned to implement STARS in all 94 district offices once the system was operational at headquarters. Unfortunately, the system exhibited considerable defects which CDSI was unable to resolve in a timely manner. Additional problems developed as a result of system difficulties from the Department of Commerce. Consequently, the USMS terminated plans for any further deployment to the field. In 2000, CDSI did not renew i.e. FARS on the GSA Financial Management System Schedule (FMSS) because CDSI has discontinued commercial software development of their product. Despite requests, CDSI was unable to provide the USMS with access to the software source code. Moreover, CDSI has not delivered the software fixes to repair the defects. The USMS seeks to stabilize the operation of STARS pending a search and replacement of the accounting system.

Cooperative Agreement Program Staff

The USMS requests **2 positions, 1 FTE, and $100,000** to support the Cooperative Agreement Program (CAP). The CAP program is administered through the Federal Prisoner Detention Appropriation with the USMS serving as program manager. On December 23, 1999, a Memorandum of Understanding (MOU) between the United States Marshals Service (USMS) and the Immigration and Naturalization Service (INS) was signed establishing a single Department of Justice Cooperative Agreement Program (CAP) administered by the USMS.

To implement the MOU, detailed operating procedures and policies must be developed and followed by each agency. The USMS will utilize INS detention standards and other appropriate INS programmatic guidelines to administer the CAP program for INS. The USMS will be responsible for CAP budget requests for both INS and the USMS. The USMS will be responsible for all the steps necessary to negotiate, award and administer INS CAP agreements. The USMS will develop Intergovernmental Service Agreements (IGSA) for INS CAP projects. This includes: 1) conducting an IGA pre-audit; 2) establishing the jail day rate; 3) including any special services required by INS; and 4) determining future jail day rates or other agreement changes. The USMS will utilize INS standards and requirements when developing IGSA, for INS CAP projects.

A major problem facing the USMS and INS is a shortage of detention space. CAP has proven to be an effective tool for acquiring detention space. CAP awards are made in areas where Intergovernmental Agreement (IGA) bedspace is not available. The CAP provides capital investment funding to selected State and local governments to renovate, construct and upgrade detention facilities. In return for the funding, the USMS receives long-term, guaranteed jail space for Federal prisoners or illegal aliens. In addition to providing guaranteed bedspace, the CAP acts as a stimulus to the local economy, both through the initial capital investment, and through the per diem rates paid to the local governments when Federal detainees are actually housed in these jails.

The USMS has approximately 226 CAP agreements with 59 new CAP agreements awarded from FY 1996 to FY 1999. Currently, two CAP Specialists (GS-1101-13) handle the program. The CAP specialists are responsible for: 1) determining critical needs in 94 districts for guaranteed bedspace under CAP; 2) analyzing CAP project proposals from State and local governments nationwide; 3) conducting on-site negotiations with State and local governments; 4) performing contract administration to include notification of formal awards to support official fund obligations, changes in scope of work modifications, funding modifications, and requests for reimbursement of completed project work; 5) maintaining and validating all CAP program and financial records; 6) tracking all CAP progress and closeout reports; 7) tracking CAP utilization of bedspace to determine if any breaches have occurred; and 8) assisting in resolving audit, detention and legal issues. CAP awards can remain active for up to 20 years and require monitoring during the entire period they are active.

The two additional positions will enable the USMS to provide the same level of support to the CAP program as a result of adding the INS-related workload. For 2001, the CAP funding base is $35 million.

1207

DECISION UNIT: PROTECTION OF THE JUDICIARY

LONG RANGE GOAL: Maximize agency effectiveness and efficiency in performing the USMS law enforcement mission.

2001 PERFORMANCE GOAL: In 2001, the USMS will conduct an annual Court Security Facilities Survey, and recommend improvements and prioritize them within 60 days of review; implement improvements within 90 days of prioritizing, if funds are available.

PERFORMANCE INDICATOR INFORMATION

						Performance Plans	
Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. FTE (includes VCRP)	Budgets	2,387	2,448	2,439	2,094	2,265
	2. Amount ($000 and VCRP)		$270,474	$280,998	$280,998	$270,937	$311,596
	3. Threats against members of the judiciary.	Incident Repts	702	413	345	345	350
	4. Threats against protected federal witnesses.						
	Direct threats	Incident Repts	0	0	0	0	0
	Indirect threats		0	0	0	0	0
	5. Inappropriate communications received.		708	230	702	710	715
Output/ Activity	6. Percent of court proceedings meeting security standards.	Survey	72%	72%	72%	72%	86%
	7. Percent of threats investigated.	WIN	100%	100%	100%	100%	100%
	8. Percent of inappropriate communications investigated.	WIN	100%	100%	100%	100%	100%
Intermed Outcome	9. Personal protective details requested.	Spec Assgn	182	219	97	185	190
	10. Percent personal protective details provided.	Weekly	100%	100%	100%	100%	100%
	11. Level 2& 3 Judicial conferences, special event, and sequestered jury protective details requested.	Weekly Repts	198	218	160	218	226
	12. Percent judicial conference, special event, and sequestered juries provided.	Weekly Repts	100%	100%	100%	100%	100%
	13. Prisoner escapes during judicial proceedings.	Incident Repts	0	0	0	0	0
End Outcome	14. Assaults against members of the Judiciary.	Weekly Repts	0	0	0	0	0
	15. Assaults against protected federal witnesses.	Incident Repts	0	0	0	0	0

A. Definition of Terms or explanations for Indicators:

1208

3&4 A threat is any explicit or implied declaration with intent to assault, intimidate, or interfere with the federal judiciary, their staffs or families. A threat may be written, oral, or pictorial. All threats are inappropriate communications, but not all inappropriate communications are threats. Indirect threats are caused when the witness or his/her family members do not follow program guidelines. A direct threat occurs when a witness is threatened with harm.
5. Prior to 1998, this statistic was included in the number of threats against members of the judiciary and was not accurately tracked. An inappropriate communication is any written, oral or pictorial message that threatens or harasses a USMS protectee. An explicit threat is any inappropriate communication containing unreasonable demands, irrational statements, improper advances or inappropriate language. On the GPRA table, the number of inappropriate communications includes the number of threats. Threat statistics are on lines 3 and 4.
6. This information was collected after a two month survey of all districts. Of the 21,000 proceedings attended with prisoners during this time, over 14,000 were with the appropriate numbers of DUSMs and guards. A similar survey was not conducted during FY 1999, however, the same level of performance is assumed.
11. A Level 2 event requires an on-site security detail because the anticipated security risk is determined to be generally non-hazardous, yet at the same time, there are indications of some potential for disruption or violence. A Level 3 event requires a 24-hour security detail because the anticipated security risk is determined to present a substantial opportunity for disruption or violence. Also, a Level 3 environment will exist for all circuit conferences, the Judicial Conferences in the United States, and whenever a Supreme Court Judge is in attendance.
13. The key word in this definition is "during" judicial proceedings, and that being the case, there are zero recorded incidents.
14. Assault - An attempt to inflict bodily harm.

B. Factors Affecting FY 1999 Program Performance.

9. The Court Security Information System was down for several months and the data was entered manually. Some data may have been omitted due to the transition of staff loading data until the system was restored.
11. This is a difficult indicator to predict. Investigators and program managers base the 1999 plan from the past two years and current activities. The USMS believes that the 1999 actuals are a one-year event; the USMS does not anticipate a continued decrease in future years.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

1. & 2. In 2001, VCRP is eliminated as a separate appropriation. The reduced resources for the protection of the judiciary reflect a permanent reprogramming request.
3. Threats against the members of the judiciary are expected to increase in 2000 and 2001 due to the increase number of international crime that may have an impact in the United States.
9. Personal protective details requested are expected to increase in 2000 and 2001. In 1999, Supreme Court Judges' travel decreased however, the USMS expects these judges to increase their continue to travel in 2000 and 2001.

DECISION UNIT: PRISONER TRANSPORTATION

LONG RANGE GOAL: Transport Prisoners and Detainees in a Safe and Cost Effective Manner

2001 PERFORMANCE GOAL: *In 2001, the USMS will use the most cost effective mode of transportation to move approximately 120,461 USMS prisoners and detainees by ground and by air without sacrificing the safety of the public, USMS employees, or those in custody.*

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			1999 Performance Report				Performance Plans	
Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. FTE	Budgets	225	225	112	112	87	87
	2. Amount ($000)		$52,267	$52,267	$43,664	$43,664	$39,659	$43,603
Output/ Activity	3. Number of requests for transportation of prisoners.	APSS	140,439	136,998	62,648	58,325	64,157	70,573
Intermed Outcome	4. Number of districts that are in compliance with required security procedures for restraining, handling and transporting prisoners.	PMP	79	42	44	43	75	80
End Outcome	5. Number of USMS prisoner escapes.	Incident Rpt	0	0	0	0	0	0
	6. Number of USMS prisoner injuries.	Incident Rpt	0	0	0	0	0	0
	7. Number of USMS personnel injuries.	Incident Rpt	0	1	0	5	0	0
	8. Number of USMS prisoners transported by air.	APSS	135,168	134,479	$2,481	51,625	51,784	58,461
	9. Number of USMS prisoner movements in support of JPATS flights.	APSS	66,640	87,945	63,434	58,054	60,000	62,000

A. Definition of Terms or explanations for Indicators:

1. - 8. Prior to 1999, the term "prisoners" included USMS detainees, BOP prisoners, INS aliens, and state/local/military prisoners. Beginning in 1999, prisoners will include only USMS prisoners.
3. The Automated Prisoner Scheduling System (APSS) is the prisoner scheduling module. This indicator measures the number of requests that are received (by Prisoner Transportation) for the movement of USMS detainees. Upon receipt of a request, Prisoner Transportation determines the type of movement(s) required to get the detainee to their destination.
4. The Performance Management Plan (PMP) is the districts' annual self-assessment which measures their compliance with USMS standards. Districts report on their own compliance to this standard in their annual Performance Management Plan (PMP). This standard was first included in the 1998 PMP. For this reason, the USMS assumes that baseline compliance is 79 out of 94 districts.
5,6,&7. Incident reports are filled out by districts and sent to HQ whenever a prisoner escapes or is injured, or if USMS personnel are injured while on duty. Data excludes D.C. Superior Court.
9. Prisoner movements in support of JPATS include expenses for guards, overtime, ground transportation, and air charters.

B. Factors Affecting FY 1999 Program Performance.

1210

1. Beginning in 1999, funding, FTEs and workload data reflect USMS prisoners and detainees only. BOP, INS, DOD and state/local prisoner workload figures are reflected in the JPATS Revolving Fund GPRA table. 1. & 2. With the creation of the JPATS Revolving Fund in 1999, 113 positions, 129 workyears, and $10,300,000 were transferred out of the USMS S&E appropriation into the Fund. This explains the reduction in resources and workload. 3. The enacted plan was entered incorrectly in the OMB submission. The number of requests for transportation of prisoners is below the goal because approximately 3,000 judgement and commitments (that were the responsibility of the Bureau of Prisons) were inadvertently included in the USMS plan. 5. The USMS recorded 5 injuries to USMS personnel (excluding D.C. Superior Court) in 1999. As the detainee population rises, so does the chance of injury, particularly in districts with a shortage of staff or courthouse security equipment.
C. Factors Affecting Selection of FY 2000 and 2001 Plans.
1. & 2. Decreased resources reflect a permanent reprogramming request.

1211

DECISION UNIT: FUGITIVE APPREHENSION

LONG RANGE GOAL: Apprehend fugitives as quickly as possible to prevent more acts of violent crime.

2001 PERFORMANCE GOAL: In 2001, the USMS will close 80 percent of the 28,817 new Class 1 warrants within one year; reduce the number of backlog warrants by 5 percent, and use electronic surveillance techniques to apprehend the most violent fugitive offenders 37 percent of the time.

PERFORMANCE INDICATOR INFORMATION

						Performance Plans	
Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Plan**	**2001 Plan**
Input	1. FTE	Budgets	624	650	645	880	880
	2. Amount ($000)		$67,365	$70,371	$70,371	$107,084	$109,430
	3. Class 1 Warrants Received.	WIN	24,523	25,749	25,517	27,037	28,817
	4. Cases using the Electronic Surveillance Unit (ESU).	ESU	1,686	2,000	1,163	1,322	1,517
	5. Number of State/local/federal fugitive task forces in which the USMS is the lead agency.	ISD	69	69	57	57	57
	6. Number of international investigations.	WIN	266	270	170	180	200
	7. Number of foreign fugitive locate requests.	WIN	169	180	199	200	230
	8. Class 2 Warrants Received.	WIN	42,081	45,000	26,233	27,000	28,000
Output/ Activity	9. Class 1 Warrants Cleared.	WIN	23,171	26,000	27,627	29,000	31,000
	10. Extraditions completed.	WIN	205	205	195	300	320
	11. Class 2 Warrants Cleared.	WIN	47,642	37,821	32,013	33,000	35,000
Intermed Outcome	12. Number of Class 1 backlog warrants.	WIN	10,677	8,642	8,185	7,776	7,387
	13. Percent of warrant backlog reduced.	WIN	20%	20%	23%	5%	5%
	14. Percent of Class 1 warrants cleared within one year.	WIN	86%	80%	80%	80%	80%
End Outcome	15. Average number of days to clear a Class 1 warrant.	WIN	210	210	388	N/A	N/A

A. Definition of Terms or explanations for Indicators:

1212

WIN - Warrant Information Network.
ISD - Investigative Services Division.
3. Class 1 fugitive warrants are primary federal fugitive cases such as: escapes, bond defaults/failures to appear, parole/probation violators, warrants generated by agencies without arrest powers, and agencies with which the USMS has a memorandum of understanding to provide investigative support.
4. The Electronic Surveillance Unit assists in USMS 15 Most Wanted cases, USMS Class 1 cases where the fugitive has a history of violent crime, USMS Major Cases, escape cases and cases where the fugitive is considered by DEA to be a high level violator, i.e., violent or violent gang related. The criteria for a Major Case must focus on one or more of the following: a career criminal with a history of violence or weapons conviction, major narcotics distributor, and any physical custodial escape.
6. An international fugitive is a person who is wanted for a crime committed in the U.S. and has fled to another country. While most of these individuals are U.S. citizens, they can be foreign-born nationalists as well.
7. A foreign fugitive is a person who is wanted for a crime committed in a foreign country and has fled to the U.S.
8. Class 2 felony warrants are warrants where other agencies have primary responsibility for capturing the fugitive.
9. Cleared includes arrest, surrender, directed arrest, arrest by another agency, dismissal, and taking custody after a detainer is lodged.
13. The goal to reduce warrant backlog has been set at 5 percent, however in FY 1999, the Attorney General set the USMS goal for one year at 20 percent.

B. Factors Affecting FY 1999 Program Performance.

5.The number of fugitive task forces in which the USMS was the lead agency did not meet the target because of lack of available funds and staff.
6. Regarding international fugitive investigations, the two deputies reassigned to Mexico did not have a full year to work on warrants since they started during the second quarter of 1999.
8. The number of Class 2 warrants received did not meet the target because it excluded Class 2 felony warrants. The USMS is not responsible for collecting Class 2 felony warrant data. This data is collected by other law enforcement agencies.
9. The projected warrants cleared includes backlogged on hand and new warrants received.
10. The number of extraditions are controlled and issued by the State Department.
11. The number of Class 2 warrants cleared did not meet the target because of the USMS' focus on Class 1 warrants during 1999. The FY 1998 data includes Class 2 felony data from other law enforcement agencies. Eventhough, the USMS is not responsible for collecting Class 2 felony warrant data, the modifying of the WIN system will include the ability to capture Class 2 felony data for FY 2001. In FY 1999, Class 2 Warrants Cleared exclude non-felony warrants, however, include traffic violations and misdemeanors.
12. At the direction of the Attorney General, the USMS intensified efforts to capture the most violent Class 1 fugitives in 1999. The 20 percent goal was initiated in FY 1998 and ended in FY 1999. Effective in 1999, backlog warrants exclude warrants in which the fugitive is known to be incarcerated and a detainer has been lodged; those warrants in which the fugitive is known to be in a foreign country from which he/she either cannot be extradited or is in the process of being extradited; and, those warrants where DEA has retained investigative jurisdiction.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

1. & 2. Increased resources for fugitive apprehension reflect a permanent reprogramming request.
9. The projected warrants cleared includes backlogged on hand and new warrants received.
15. Data collection to maintain this indicator is time intensive because records are examined manually. Beginning in FY 2000, the USMS will develop a new end outcome performance indicator for this program.

DECISION UNIT: SEIZED ASSETS MANAGEMENT

LONG RANGE GOAL: Improve Accountability of the Asset Forfeiture Program.

2001 PERFORMANCE GOAL: In 2001, the USMS will sell 85% of real properties at 85% of its fair market value and dispose 80% of real property within one year.

PERFORMANCE INDICATOR INFORMATION							
						Performance Plans	
Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. FTE 2. Amount ($000)	Budget	325 $24,669	325 $25,277	325 $25,277	175 $14,209	40 $4,000
Output/ Activity	3. Dispose seized properties.	CATS	39,441	42,000	46,021	45,000	45,000
Intermed Outcome	4. Days needed to dispose of property from USMS custody.	CATS	363	354	300	300	300
End Outcome	5. Percent of real properties sold at 85% or more of its fair market value. 6. Percent of real property disposed on within one year.	CATS CATS	72% 74%	85% 90%	67% 80%	85% 80%	85% 80%

A. Definition of Terms or explanations for Indicators:

CATS is the Consolidated Assets Tracking System.
3. Disposed properties include real and personal properties (including cash and financial instruments.)
5. Performance indicator represents the average percent of properties that sold for more than 85% of fair market value based on total number of properties sold. If the property is not sold approaching the one year bench mark, the price may be adjusted to expedite the sale. If the price is not reduced approaching the one year period and is sold at 85% or more of its fair market value, then the property may be on the inventory for more than one year.
6. The time frame set by the Office of Asset Forfeiture for disposal of real property is 12 months (365 day) based on private real estate practices.

B. Factors Affecting FY 1999 Program Performance.

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4. The number of days needed to dispose of property from USMS custody averaged 300 days instead of 354 days. The improvement is due to the increased number of personal properties disposed.
5. The USMS did not meet the 1999 enacted plan for selling 85 percent of properties for 85 percent of their fair market price because several factors reduced the sales price: 1) many properties were seized in undesirable neighborhoods or were former crackhouses; 2) title problems decreased the number of interested buyers resulting in lower sales prices; and 3) in order to sell in less than 365 days, sometimes a lower sales price is accepted to move the property.
6. The USMS disposed of 80 percent of real properties within one year. While the USMS did not reach its target of 90 percent, the USMS was able to exceed last year's achievement of 74 percent. Given the type of the real properties being seized (i.e. properties with title problems or properties in depressed real estate markets) a realistic goal is 80 percent.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

1. & 2. Reduced resources for seized assets reflect a program initiative request. In addition, the USMS requests that 139 positions, 135 FTE, and $10,209,000 be removed from the USMS base allocation, to be reimbursed from the Assets Forfeiture Fund (AFF). The USMS will continue to administer the program and will be reimbursed for performing the administrative functions of the program. This reduction of resources does not affect operational personnel.

United States Marshals Service
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Protection of Judicial Process		Prisoner Transportation		DC Superior Court		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-11 Accountants							9	398	9	398
GS-11 Computer Specialist							8	354	8	354
GS-11 Professional Administrative							2	88	2	88
GS-07 Operational	203	4,824							203	4,824
GS-05 Detention Officer	65	1,932			21	624			21	2,556
GS-05 Clerical	58	1,398					15	362	73	1,760
	326	**8,154**	**0**	**0**	**21**	**624**	**34**	**1,202**	**381**	**9,980**
Lapse	(183)	(4,077)	0	0	(11)	(312)	(16)	(601)	(210)	(4,990)
Other Personnel Compens.	0	1,421				0	0	19	0	1,440
Total Workyears & Personnel Compensation	**143**	**5,498**	**0**	**0**	**10**	**312**	**18**	**620**	**171**	**6,430**
Personnel Benefits		1,540				125		163		1,828
Travel		2,590						2,965		5,555
Transportation of Things										0
GSA Rent & Other Rent										0
Comm, Util & Misc Chgs		546				41		60		647
Printing										0
Other Services		3,992		3,513		169		213		7,887
Supplies & Materials		1,374				138		35		1,547
Equipment		14,522				194		378		15,094
Buildout		1,057				29		46		1,132
Total Workyears & obligations changes requested, 2001	**143**	**31,119**	**0**	**3,513**	**10**	**1,008**	**18**	**4,480**	**171**	**40,120**

Department of Justice
United Stated Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Status of Congressionally Required Studies, Reports, and Evaluations

Comprehensive Budget and Financial Review
The Senate Report related to the Department of Justice Appropriations Act, 2000 (Public Law 106-113 Report, page 137) requires the U.S. Marshals Service to conduct a comprehensive review of USMS budget and financial management practices. The USMS must report to the Appropriations Committees on an action plan to remedy budget and financial management weaknesses. A report of activities will be submitted by February 15, 2000.

Sentencing Requirements
The conferees (H.R. 3194) expect the USMS to work with the Executive Office of United States Attorneys, Justice Management Division, and the Administrative Office of the Courts to determine the causes of sentencing delays. A report containing joint recommendations for expediting the sentencing process is to be submitted by April 15, 2000.

Service of Process
The conference agreement directs the Attorney General and the USMS to work with the Administrative Offices of the U.S. Courts to study alternatives for the service of process where no law enforcement presence is required. The USMS is required to report back to the Committees on the alternatives. A report of activities will be submitted by April 1, 2000.

Courthouse Security Equipment
The conference expects the USMS to consult with the Committee prior to any deviation from the plan noted in the Conference Report for the installation of courthouse security equipment. The committee expects to be notified through a formal reprogramming 15 days in advance. Specifically, the committee expects the USMS to give priority to those facilities scheduled to come on line in the first half of the fiscal year 2000, and expects to be notified in accordance with section 605 of this Act prior to any deviation from the distribution. No changes are expected at this time.

District of Columbia Transfer of Duties

Congress concurs with the recommendation included in the Senate report regarding the reallocation of personnel resulting from the defederalization of District of Columbia Superior Court operations. When defederalization occurs, the USMS is directed to notify Committees of such reallocation in accordance with section 605. It is recommend that the Director meet with the DC Mayor initially. At this time there has been no move within the D.C. government to defederalize D.C. Superior. The USMS will notify the Committee when talks begin on the defederalization.

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Department of Justice
United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Priority Rankings

BASE PROGRAM

Program	Ranking
Protection of the Judicial Process	1
Prisoner Transportation	2
Fugitive Apprehension	3
Seized Asset Management	4
D.C. Superior Court	5
Service of Legal Process	6
Training	7
ADP and Telecommunications	8
Management and Administration	9

PROGRAM INCREASES

Initiative	Ranking
Mission Support Staffing	1
Courthouse Security Equipment	2
Prisoner Movements	3
Financial Management	4
Special Assignments	5
DEOs for Prisoner Handling	6
PCS Moves	7
D.C. Superior Court Cellblock	8
Cooperative Agreement Program	9

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United States Marshals Service
Salaries and Expenses
Estimates for FY 2001
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	FY 1999		2000			2001		
			Total		Transfer	Program Increases	Total	
	Auth	Reimb	Auth	Reimb			Auth	Reimb
Attorneys (905)	18	...	18	...	...	...	18	...
Other Legal & Kindred (900-988)	2	...	2	...	...	...	2	...
Criminal Investigative (1811)	2,762	36	2,864	32	...	...	2,864	32
*Other Misc. Occupations (001-099)	124	3	120	3	...	203	323	3
Social Sciences, Economics and Kindred (100-199)	9	...	5	...	...	...	5	...
Personnel Management (200-299)	56	...	62	...	...	...	62	...
General Admin., Clerical and Offices Services (300-399)	821	24	701	26	...	68	630	165
Accounting and Budget (500-599)	144	...	115	...	(139)	24	139	...
Medical, Dental and Public Health (600-699)	1	...	1	...	...	...	1	...
Engineering and Architecture Group (800-899)	3	...	3	...	...	...	3	...
Information & Arts (1000-1099)	7	...	6	...	...	...	6	...
Business & Industry (1100-1199)	119	12	70	13	...	...	70	13
Library & Archives (1400-1499)	0	...	0	...	...	...	0	...
Equipment, Facilities, and Services Group (1600-1699)	4	...	4	...	...	...	4	...
Education Group (1700-1799)	2	...	3	...	...	...	3	...
General Investigative Series (1800-1899)	87	...	85	...	...	86	171	...
Supply Group (2000-2099)	3	...	7	...	...	...	7	...
Transportation Group (2100-2199)	48	...	2	...	...	...	2	...
	4,210	75	4,070	74	(139)	381	4,312	213
**Washington	876	21	874	26	...	34	905	65
U.S. Field	3,333	54	3,193	48	...	347	3,404	148
Foreign Field	1	...	3	...	...	...	3	...
Total	4,210	75	4,070	74	(139)	381	4,312	213

*94 United States Marshals Included. **Washington personnel include employees stationed at headquarters and those who perform headquarters functions in the field.

United States Marshals Service
Salaries and Expenses
Estimates for FY 2001
Summary of Law Enforcement and Support Positions by Category

Appropriated Positions

Decision Unit	2000 Appropriation Enacted						2001 Increases*						2001 Request Estimates					
	US Marshal Deputy USM Positions**		Non-Law Enforcement Positions		Total		US Marshal Deputy USM Positions		Non-Law Enforcement Positions		Total		US Marshal Deputy USM Positions**		Non-Law Enforcement Positions		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Protection of the Judicial Process	1,735	1,673	448	421	2,183	2,094	203	103	123	68	326	171	1,938	1,754	571	483	2,509	2,265
Prisoner Transportation	71	70	18	17	89	87	...	...	...	...	...	...	71	70	18	17	89	87
Fugitive Apprehension	725	719	169	161	894	880	...	...	...	...	...	...	725	719	169	161	894	880
Seized Assets Management	40	38	139	137	179	175	...	...	(139)	(135)	(139)	(135)	40	38	...	...	40	40
D.C. Superior Court	173	170	19	19	192	189	...	...	21	10	21	10	173	170	40	29	213	199
Service of Legal Process	103	106	22	17	125	123	...	...	...	...	...	...	103	106	22	17	125	123
Training Academy	...	...	26	26	26	26	...	...	...	...	...	...	...	...	26	26	26	26
ADP / Telecommunications	...	...	94	92	94	92	...	...	...	...	...	...	...	...	94	92	94	92
Management and Administration	19	19	269	265	288	284	...	...	34	18	34	18	19	19	303	283	322	302
TOTAL	2,866	2,795	1,204	1,155	4,078	3,950	203	103	39	96	242	64	3,069	2,876	1,243	1,108	4,312	4,014

Reimbursable Positions

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	US Marshal Deputy USM Positions		Non-Law Enforcement Positions		Total		US Marshal Deputy USM Positions		Non-Law Enforcement Positions		Total		US Marshal Deputy USM Positions		Non-Law Enforcement Positions		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Protection of the Judicial Process	11	11	39	39	50	50	...	...	...	...	...	...	11	11	39	39	50	50
Prisoner Transportation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fugitive Apprehension	13	13	...	...	13	13	...	...	...	...	...	...	13	13	...	...	13	13
Seized Assets Management	...	...	...	...	...	...	...	...	139	135	139	135	...	...	139	135	139	135
D.C. Superior Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Service of Legal Process	11	11	...	...	11	11	...	...	...	...	...	...	11	11	...	...	11	11
Training Academy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ADP / Telecommunications	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	35	35	39	39	74	74	...	...	139	135	139	135	35	35	178	174	213	209

*2001 Increases include: 381 positions and 171 FTE for program increases; 28 FTE for the annualization of 2000 positions; and (139 positions and 135 FTE) related to the transfer of Seized Asset resources to DOJ.

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Department of Justice
United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999 Acquired	1999 Disposed	1999 End-of-Year	2000 Acquired	2000 Disposed	2000 End-of-Year	2001 Acquired	2001 Average Cost	2001 Disposed	2001 End-of-Year
Purchased:											
Large sedan	1,112	42	151	1,003	71	1,003	43		21,550	43	1,003
Midsize Sedan	165	22	14	173	9	173	5		20,180	5	173
Stationwagon or 4WD	383	13	43	353	64	353	38		25,250	38	353
Van	204	4	27	181	17	181	10		21,610	10	181
Bus/Other	20	8	4	24	7	24	4		29,000	4	24
Subtotal Purchased	1,884	89	239	1,734	168	1,734	100		N/	100	1,734
Leased:											
Large sedan	124	16	11	129	8	129	60		---	60	129
Midsize sedan	46	3	13	36	1	36	10		---	10	36
Compact sedan	15	1	0	16	0	16	5		---	5	16
Subcompact sedan	32	0	0	32	0	32	10		---	10	32
Stationwagon	0	0	0	0	0	0	0		---	0	0
Van	241	31	27	245	75	245	95		---	75	245
Bus	11	2	1	12	2	12	2		---	2	12
Special Purpose:											
4 wheel drive	87	11	6	92	20	92	20		---	20	92
Pickup (& 2WD)	2	8	1	9	3	9	3		---	3	9
Subtotal Leased	558	72	59	571	109	571	185		---	185	571
Seized & Excess:											
Limousine	3	0	0	3	0	3	0		---	0	3
Large sedan	53	21	6	68	30	63	25		---	25	63
Midsize sedan	175	62	25	212	45	217	50		---	50	217
Compact Sedan	95	12	15	92	15	85	8		---	8	85
Station wagon	7	1	0	8	6	2	0		---	0	2
Van	66	18	10	74	8	74	8		---	8	74
Ambulance	4	0	0	4	2	2	0		---	0	2
Bus	2	0	0	2	0	2	0		---	0	2
Special Purpose:											
4 wheel drive	139	19	8	150	25	150	25		---	25	150
Other	30	12	5	37	15	32	10		---	10	32
Trucks:											
Pickup	79	18	8	89	18	86	15		---	15	86
Other	1	0	1	0	0	0	0		---	0	0
Subtotal Seized and Excess	654	163	78	739	164	716	141		---	141	716
Total Vehicles	3,096	324	376	3,044	441	3,021	426		---	426	3,021

*Many of the FY 1999 purchases did not arrive until FY 2000

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Department of Justice
United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Summary of Change
(Dollars in thousands)

	Pos.	Work-years	Amount
2000 Appropriation Enacted	4,070	3,950	$543,365
DOJ Justice Wireless Management Office transfer	...	...	(2,762)
Government-wide .38% recission pursuant to H.R. 3425	...	...	(10)
2000 Availability	4,070	3,950	540,593
Adjustments to base:			
Increases:			
2001 pay raise	...	...	10,265
Annualization of 2000 pay raise	...	...	5,068
Annualization of 2000 positions	...	28	1,223
Annualization of 1999 positions	...	...	1,304
Increased FERS cost	...	...	94
Federal Health Insurance Premiums	...	...	1,161
Lease Expirations	...	...	363
GSA Antenna Fees	...	...	634
Accident Compensation	...	...	698
GSA Blue Pages	...	...	6
National Archives and Record Projections	...	...	1
Total, adjustment-to-base increases	...	28	20,817
Decreases:			
Seized Assets to AFF	(139)	(135)	(10,209)
Nonrecurring (Equipment)	...	...	(4,852)
Total, adjustment-to-base decreases	(139)	(135)	(15,061)
2001 Base	3,931	3,843	546,349
Program Changes	381	171	40,120
2001 Estimate	4,312	4,014	$586,469

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Department of Justice
United States Marshals Service
Congressional Estimates for Fiscal Year 2001
Justification of Adjustments to Base
(Dollars in thousands)

	Perm Pos	Work-Years	Amount
Increases:			
2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $10,265,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits $7,801,000 for pay and $2,464,000 for benefits totaling $10,265,000.	...	...	$10,265
Annualization of 2000 pay raise. This pay Annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the enacted 4.8 percent. The amount requested $5,068,000, represents the total Annualization of pay amounts for the fiscal year plus appropriate benefits ($3,852,000 for compensation and $1,216,000 for benefits).	...	...	5,068
Annualization (third year) of additional positions approved in 1999. This provides for the third year Annualization of 54 additional positions received in the 1999 appropriation.	...	...	1,304
Annualization of additional positions approved in 2000. This provides for the second year annualization of 56 additional positions received in the 2000 appropriation. This request includes a decrease of	...	28	1,233

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($1,422,000) for one-time items associated with the increased positions, and increase of $2,645,000 full-year costs associated with these increases, for a net increase of $1,223,000.

	Approved 2000 Increases	Annualization Required
Annual salary rate of *56* approved positions	1,146,000	
Less lapse (50%)	(870,000)	
Net Compensation	870,000	1,146,000
Associated employee benefits	396,000	530,000
Overtime/Other Compensation	188,000	355,000
Travel	0	406,000
Rents/Utilities	98,000	98,000
Other Contractual Services		
25.2 Other Services	444,000	97,000
25.6 Medical Care	0	0
Supplies/Materials	183,000	13,000
Equipment	1,549,000	(1,178,000)
Build out	244,000	(244,000)
Total costs subject to Annualization	$3,972,000	$1,223,000

	Perm. Pos.	Work Years	Amount
Transfer of CSRS employees to FERS retirement system. This request provides for the increase in Federal Employees Retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. This request includes $94,000 for benefits.	...	...	$94
Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger portion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $1,161,000 for these costs.	...	...	1,161
Lease Expirations. GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $363,000 is requested for the U.S. Marshals Service.	...	...	363
Antenna Fees. GSA will charge the Department antenna fees in FY 2001. The fees include all current antennas utilized by Justice components that have antennas atop their buildings. Funding of $634,000 is requested for the U.S. Marshals Service.	...	...	634
Accident Compensation. This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $698,000.	...	...	698

	Perm. Pos.	Work Years	Amount
General Services Administration (GSA) Blue Pages. Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $6,000 is requested for the U.S. Marshals Service.	...	...	$6
National Archives and Records Administration (NARA). The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, based on current records maintained by NARA. Funding of $1,000 is requested for the U.S. Marshals Service.	...	...	1
Total Increases	...	28	$20,817

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Decreases:	Perm. Pos.	Work Years	Amount
Nonrecurring Equipment. This decrease is to remove one-time expenses associated with hiring 56 new positions in 2000, purchase electronic surveillance equipment for fugitive investigations and purchasing courthouse security equipment.	...	...	(4,852)
Seized Assets Management. This decrease was taken to remove the administrative duties of Seized Asset program and the associated administrative positions from the USMS. No Deputy U.S. Marshals are included in this decrease. As a result, a reduction of 139 positions, 135 FTE, and $10,209,000 will be removed from the USMS base allocation. These resources will be reimbursed back to USMS from the Asset Forfeiture Fund beginning in 2001.	(139)	(135)	(10,209)
Total Decreases	(139)	(135)	($15,061)
Total, Adjustments to Base	(139)	(107)	$5,756

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United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Grade and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, $122,400	1		1		1		0	
ES-5, $130,200	2		2		2		0	
ES-4, $130,200	6		5		5		0	
ES-3, $126,825	1		2		2		0	
ES-2, $121,264	1		1		1		0	
ES-1, $115,811	1		1		1		0	
Special Level, $110,700	21		18		18		0	
Special Level, $109,081	1		1		1		0	
Special Level, $108,209	1		1		1		0	
Special Level, $106,860	1		0		0		0	
GS-15, $84,638 - 110,028	148		148		148		0	
GS-14, $71,954 - 93,537	187		179		179		0	
GS-13, $60,890 - 79,155	648		666		610		(56)	
GS-12, $51,204 - 66,564	2,085		1,555		1,472		(83)	
GS-11, $42,724 - 55,541	566		556		556		0	
GS-10, $38,885 - 50,554	2		2		2		0	
GS-09, $35,310 - 45,900	38		455		455		0	
GS-08, $31,033 - 41,557	72		71		71		0	
GS-07, $28,866 - 37,522	366		334		368		34	
GS-06, $25,976 - 33,768	28		24		24		0	
GS-05, $23,304 - 30,292	9		29		376		347	
GS-04, $20,829 - 27,080	14		14		14		0	
GS-03, $18,555 - 24,120	3		3		3		0	
GS-02, $17,005 - 21,398	1		2		2		0	
GS-01, $15,125 - 18,921	7		0		0		0	
Total, appropriated positions	4,210		4,070		4,312		242	
Average ES Salary		$122,551		$127,773		$132,501		
Average GS Salary		$55,192		$57,841		$59,981		
Average GS Grade		12.2		12.4		12.6		

United States Marshals Service
Salaries and Expenses
Estimates for Fiscal Year 2001
Summary of Requirements by Object Class
(Dollars in Thousands)

	1999 Actual		2000 Estimate		2001 Request		Increases/Decreases	
Object Class	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Total Workyears & Personnel Comp	3,830	$203,657	3,895	$178,327	3,958	$182,352	63	$4,025
11.3 Other than full-time permanent	123	9,337	60	4,547	63	4,781	3	234
11.5 Total, Other Personnel compensation	759	41,523	583	31,868	656	35,882	73	4,014
Overtime	152	8,560	117	6,570	131	7,397	14	827
Law Enforcement Availability Pay	607	32,963	466	25,298	525	28,485	59	3,187
11.8 Special personal services payments	...	8,144	...	6,706	...	7,606	...	900
Total	4,712	262,661	4,538	221,448	4,677	230,621	139	9,173
Reimbursable workyears:								
Full-time permanent	[68]		[74]		[209]		[135]	
Other Object Classes								
12.0 Personnel Benefits		77,206		125,656		145,404		19,748
12.44 COLA		772		1,257		1,454		197
All Other		76,434		124,399		143,950		19,551
13.0 Benefits to Former Personnel		41		127		134		7
21.0 Travel and Transportation of Persons		26,219		28,987		34,448		5,461
Common Carrier		2,884		3,173		3,756		583
Mileage		262		289		341		53
Per Diem		6,555		7,215		8,536		1,321
All Other		16,518		18,310		21,814		3,504
22.0 Transportation of Things		924		1,000		1,000		...
23.1 GSA Rent		62,867		80,751		83,648		2,897
23.2 Rental Payments to Others		3,850		1,500		1,500		...
23.3 Comm, Utilities & Other Misc Charges		17,368		24,670		24,573		(97)
24.0 Printing and Reproduction		349		3,100		3,100		...
25.1 Advisory and Assistance Services		398		...		...		...
25.2 Other Services		30,920		37,007		37,092		85
25.3 Purchases of Goods & Svcs from Govt Accts		248		...		...		...
25.7 Operation & Maint of Equipment		586		...		...		...
26.0 Supplies and Materials		9,511		9,004		9,128		124
31.0 Equipment		11,486		8,937		15,510		6,573
32.0 Land and Structures				191		257		66
42.0 Insurance Claims and Indemnities		145		54		54		...
43.0 Interest on Back Pay				...		...		...
Total Obligations		504,779		542,432		586,469		44,037
Unobligated balance start-of-year		(303)		(1,839)		...		(1,839)
Unobligated balance end-of-year		1,839		...		...		...
Recoveries		(2,323)		...		...		...
Total Requirements		503,992		540,593		586,469		42,198
Relation of obligations to outlays								
Total Obligations		504,779		542,432		586,469		
Obligated balance start-of-year		92,581		71,569		60,682		
Obligated balance end-of-year		(71,569)		(60,682)		(59,154)		
Adjustments in expired accounts		(10,658)		...		...		
Outlays		515,133		553,319		587,997		

Notes: Total Obligations under the 2000 Estimates column excludes the $1,499,600 transfer for High Intensity Drug trafficking Area (HIDTA) funding.

Department of Justice
United States Marshals Service
Construction
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Department of Justice
United States Marshals Service
Construction
Estimates for Fiscal Year 2001
Summary Statement and Performance Plan

The United States Marshals Service (USMS) requests a total of 9 positions, 9 workyears, and $6,378,000 in the Construction Appropriation. This request represents an increase of 4 workyears and $378,000 over the FY 2001 base of 9 positions, 5 workyears, and $6,000,000.

This funding will facilitate the renovation of USMS space in U.S. Courthouses and federal buildings. These renovations include the construction of secure prisoner movement areas, the expansion of prisoner cell blocks, and the addition of prisoner interview rooms, as dictated in the USMS Requirements and Specifications for Special Purpose and Support Space Manual. U.S. Courthouses need secure prisoner movement areas to ensure that federal prisoners are moved into the courtrooms in a secure manner, without any interaction with the public. Secure prisoner movement areas include vehicle sallyports that lead directly to the cell block, secure prisoner hallways where the public does not interact with the prisoners, and prisoner elevators so that prisoners can be taken to the courtrooms without access to the public.

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A. USMS Mission and Goals, and Relationship to DOJ Strategic Plan

The USMS FY 2001 budget request and performance plan directly support the overall core functions and law enforcement goals included in the Department of Justice (DOJ) Strategic Plan, 1997-2002. This request incorporates information on performance measurement that will lead to more accurate performance assessments. The USMS Strategic Plan establishes the connection between DOJ Strategic Goals and the short term objectives set forth in the USMS Tactical Plan.

USMS Mission

The mission of the USMS is to protect the federal courts and ensure the effective operation of the judicial system. In accordance with existing statutes and regulations, the USMS must:

- Protect judges and other participants in the federal judicial system;
- Provide security for federal court facilities; and,
- Provide secure confinement, transportation, and production of prisoners for judicial proceedings.

USMS Program Goals and Relationship to DOJ Strategic Plan

Protection of the Judiciary

The USMS will **provide personal and physical security to ensure the integrity of judicial proceedings.** The USMS will ensure that adequate security is in place at all court facilities to preserve the effective operation of the federal judicial system and to protect federal judges, U.S. Attorneys, USMS personnel, and the public.

This directly relates to the DOJ Strategic Plan, PROTECTION OF THE FEDERAL JUDICIARY AND IMPROVEMENTS OF THE JUSTICE SYSTEM, Goal 6.1: **Protect the federal judiciary and ensure the safe and secure operation of the federal court system.**

B. Highlights of 1999 Mission Critical Results

During 1999, the USMS completed 15 major courthouse renovation projects to meet established security requirements. The USMS also initiated renovation projects in 18 facilities to meet USMS security standards. Altogether, 332 U.S. Courthouse facilities with prisoner-holding areas do not meet USMS specifications for courthouse security.

C. 2001 Performance Goals and Indicators

The purpose of the Government Performance and Results Act (GPRA) table is to demonstrate improvements in performance as additional resources are dedicated to mission critical long range goals. Goals and accomplishments are based on the level of requested funding for 2001.

Long Range Goal: Renovate USMS Space in U.S. Courthouse Facilities to Eliminate Severe Security Deficiencies

In 2001, to improve existing security levels, the USMS will:

- Renovate 13 U.S. Courthouses to meet security standards contained in the USMS Requirements and Specifications for Special Purpose and Support Space Manual.

Summary Level Performance Indicators:

- Number of additional USMS-controlled space in U.S. Courthouses and federal buildings being renovated to meet USMS security standards.

  - This indicator measures the overall progress towards eliminating severe security deficiencies.

D. New 2001 Initiatives

No major new initiatives are planned for FY 2001.

E. Data Validation and Verification Issues

In 1998, the USMS Central Courthouse Management Group distributed 391 surveys to all federal courthouse facilities in the United States, Guam, Puerto Rico, and the Virgin Islands. In July 1998, all 391 surveys were completed and returned. Survey results were based on the 353 facilities having prisoner movement areas. Each courthouse facility was evaluated according to the requirements and specifications manual and all security deficiencies were identified. The USMS then graded the security of each courthouse on a 100 point scale. A score of 100 indicates that a courthouse meets all security specifications. A score of 0 indicates that a courthouse meets none of the USMS security specifications. Based on the findings, approximately 90 percent of the facilities do not meet 70 percent of the security measures. Survey data has helped the USMS identify which courthouse facilities are not meeting security requirements and prioritize construction projects. The USMS will update survey results as courthouse renovations are completed.

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F. Resources

	1999			2000			2001		
Strategic Goal	Dollars	Pos	FTE	Dollars	Pos	FTE	Dollars	Pos	FTE
Core Function 6, DOJ Strategic Plan Goal 6.1.1 – Protection of the Federal Judiciary	$4,600	0	0	$6,000	9	5	$6,378	9	9

G. Department Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 6: Protection of the Federal Judiciary and Improvement of the Justice System

Strategic Goal 6.1: Protect the Federal judiciary and ensure the safe and secure operation of the Federal court System.

Key Summary Level Indicator	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Additional USMS-controlled space in U.S. Courthouses and federal buildings being renovated to meet USMS security standards.	21	18/18	18	13

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimate includes proposed changes in the appropriation language listed and explained below. New language is underscored and italicized with deleted matter enclosed in brackets.

Construction

For planning, constructing, renovating, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators and sallyports, [$6,000,000] *$6,378,000* to remain available until expended.

(18 U.S.C. 1963, 3053, 3059, 3192, 3521-3528, 4008 19 U.S.C. 1613; 21 U.S.C. 881; 28 U.S.C. 510; 524, 561-562, 565, 567, 569-572, 1921; 48 U.S.C. 1424(b), 1614(c), 1694(b)(3), Department of Justice Appropriations Act, 2000, P.L 106-113)

Explanation of Changes
No substantive changes are proposed.

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Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 Enacted			Reprogrammings			Final 1999 Availability		
Estimates by budget activity	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
Construction.....	...	...	$4,600	...	...	...	...	...	$4,600

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Crosswalk of 2000 Changes
(Dollars in thousands)

Estimates by budget activity	2000 President's Budget Request			Congressional Action on Request			Reprogrammings			2000 Appropriation Enacted		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
Construction.....	...	...	$8,832	...	...	($2,832)	...	...	...	9	5	$6,000

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Congressional Action on Request:
In the FY 2000 congressional action, $6,000,000 in direct funding was appropriated and an additional $2,600,000 was directed to be provided for this account from the Assets Forfeiture Fund Super Surplus. The total anticipated availability is $8,600,000.

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Summary of Requirements
(Dollars in thousands)

Adjustments to Base	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	9	5	$6,000
Adjustments to Base Increases	...	4	378
2001 Base	9	9	6,378
Program Changes	...	...	...
2001 Estimate	9	9	$6,378

Estimate by Budget Activity:

	1999 as Enacted			1999 Planned			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
Construction.....	...	...	$4,600	...	...	$4,600	9	5	$6,000	9	9	$6,378	9	9	$6,378	...	...	...

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Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Program Performance Information
(Dollars in Thousands)

ACTIVITY: RENOVATION OF USMS-CONTROLLED SPACE IN U.S. COURTHOUSES

	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	9	5	$6,000
2001 Base	9	9	6,378
2001 Estimate	9	9	6,378
Increase	0	0	$0

BASE PROGRAM DESCRIPTION:
The federal judicial process must be open and secure. The United States Marshals Service's (USMS) role is to ensure that the court system is able to operate without interruption. The USMS oversees all new construction and renovation of USMS-controlled space in U.S. Courthouses and federal buildings which includes: detention cellblocks, secure prisoner circulation corridors, courtroom holding cells, prisoner/attorney interview rooms, prisoner elevators, vehicle sallyports, and secure vehicle parking.

The USMS Requirements and Specifications for Special Purpose and Support Space Manual provides specifications and requirements for architects, engineers, and other construction professionals to develop USMS space within U.S. Courthouses and federal buildings. The Department of Justice, the Administrative Office of U.S. Courts, and the General Services Administration have approved the manual. Of the $6,378,000 in base funding, $5,768,000 is to initiate 13 renovation projects in 2001 and $610,000 is for personnel compensation.

INITIATIVES:
No program increases are requested.

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PROGRAM: CONSTRUCTION

LONG RANGE GOAL: Renovate USMS space in U.S. Courthouse facilities to eliminate severe security deficiencies.

2001 PERFORMANCE GOAL: In 2001, the USMS will initiate 13 renovation projects and complete another 35 renovation projects to eliminate security deficiencies.

PERFORMANCE INDICATOR INFORMATION							
				Performance Plans			
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Plan**	**2001 Plan**
Input	1. FTE 2. Direct Dollars ($000) 3. Asset Forfeiture Super Surplus Dollars ($000)	Budget	0 $2,300 0	0 $4,600 0	0 $4,600 0	5 $6,000 $2,600	9 $6,378 0
Output/ Activity	4. Additional USMS-controlled space in U.S. Courthouses and federal buildings being renovated to meet USMS security standards.	Courthouse Security Survey	21	18	18	18	13
Intermediate Outcome	5. Major courthouse renovation projects completed.	Courthouse Status Report	16	16	15	27	35
End Outcome	6. Total number of U.S. Courthouses that do not meet USMS security requirements.	Courthouse Status Report	353	332	317	280	245

A. Definition of Terms or Explanations for Indicators:

4. USMS renovation projects often are not completed in the same year they are initiated. Most projects are multi-year renovation projects.

5. The National Security Survey Report was completed in March 1999. FY 1998 figures are based on estimates provided by the USMS Central Courthouse Management Group. The FY 1999 actual figures are based on the survey results. The USMS has space in 391 courthouse facilities. All 391 facilities were surveyed. Of this amount, 353 facilities have prisoner movement areas requiring security. The other 38 facilities were eliminated from the survey report because prisoners are not moved at these sites. Of the 353 facilities with prisoner movement areas, 332 facilities do not meet USMS specifications for courthouse security.

B. Factors Affecting FY 99 Program Performance.

Events beyond USMS control often delay construction projects. Price fluctuations depending on labor costs and the age of the buildings being renovated. For these reasons, the USMS was unable to apply funding to all projects originally planned.

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

The USMS selects renovation projects based on their security score, planned GSA renovation date, prisoner population, and size of USMS staff.

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Status of Construction
(Dollars in thousands)

(Estimated costs are as of December 1999)

	Funds Status Renovation / Construction			Total Current Cost	Status - January 2000		Estimated
Courthouse Renovations:	Fiscal Year	Amount	Total Funding	Estimate or Actual	Oblig. to Date	Stage of Programs	Activation Date
Birmingham, AL	2001	$850	$850	$850	$0	Will Begin in 2001	8/2001
Fort Smith, AR	2001	$400	$400	$400	$0	Will Begin in 2001	7/2001
Hartford, CT	2001	$200	$200	$200	$0	Will Begin in 2001	8/2001
Wilmington, DE	2001	$100	$100	$100	$0	Will Begin in 2001	5/2001
Bowling Green, KY	2001	$300	$300	$300	$0	Will Begin in 2001	6/2001
Boston, MA	2001	$650	$650	$650	$0	Will Begin in 2001	8/2001
Ann Arbor, MI	2001	$200	$200	$200	$0	Will Begin in 2001	8/2001
Detroit, MI	2001	$650	$650	$650	$0	Will Begin in 2001	6/2001
Wilmington, NC	2001	$775	$775	$775	$0	Will Begin in 2001	9/2001
Buffalo, NY	2001	$150	$150	$150	$0	Will Begin in 2001	3/2001
Tulsa, OK	2001	$300	$300	$300	$0	Will Begin in 2001	8/2001
Philadelphia, PA	2001	$400	$400	$400	$0	Will Begin in 2001	5/2001
Hato Rey, PR	2001	$793	$793	$1200	$0	Will Begin in 2001	8/2001

The balance of funding for Hato Rey, PR will be requested in future budget submissions. Of the $6,378,000 requested in 2001, $5,768,000 is for renovation and $610,000 is for personnel costs.

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Summary of Congressionally Requested Studies, Reports, and Evaluations

Courthouse Construction

The conferees expect to be notified in accordance with Section 605 of the Department of Justice Appropriations Act, 2000. The USMS is to consult with the Committee prior to any deviation from the construction plan noted in the Conference Report. The Committee expects to be notified through a formal reprogramming 15 days in advance. No changes are expected at this time.

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2000

Category	1999		2000		2001		
						Total	
	Author-ized	Reim-bursable	Approp. Anticip.	Reim-bursable	Program Increases	Auth.	Reimb.
Gen. Admin. Clerical and Office Services (300-399)	...	...	9	...	...	9	...
Washington	...	...	9	...	...	9	...

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Summary of Attorney/Agent and Support Positions by Category

	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Agents		Support		Total		Agents		Support		Total		Agents		Support		Total	
Decision Unit	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Construction	...	...	9	5	9	5	...	...	...	4	...	4	...	...	9	9	9	9

The 2001 adjustment to base includes 4 FTE for annualization.

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	9	5	$6,000
Adjustments to Base:			
Increases:			
Pay Raise	...	...	8
Annualization of 2000 Positions	...	4	370
2001 Base	9	9	6,378
Program Changes	...	...	...
2001 Estimate	9	9	6,378

Department of Justice
United States Marshals Service
Construction
Estimates for FY 2001
Justification of Adjustments to Base

Increases:

	Pos	WY	Amount
2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy includes in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. The requested $8,000 includes locality pay adjustments as well as the general pay raise.	...	...	$8
Annualization of 2000 Positions. This request provides 4 FTE and $370,000 for the second year annualization of the 9 positions received in the 2000 appropriation.	...	4	370
Total Adjustments to Base	...	4	$378

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United States Marshals Service
Construction
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Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Grade and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
GS-12, $51,204-66,564	...		...		9		9	
GS-11, $42,724-55,541	...		9		...		(9)	
Total, Appropriated Positions	...		9		9		...	
Average GS Salary		...		$42,724		$53,099		
Average GS Grade		...		11.01		12.02		

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United States Marshals Service
Construction
Estimates for FY 2001
Summary of Requirements by Object Class
(Dollars in thousands)

Object Classes	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	WYs	Amount	WYs	Amount	WYs	Amount	WYs	Amount
11.1 Total workyears & personnel compensation	...	...	5	$183	9	$481	4	$298
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	...	...	5	183	9	481	4	298
Other Obj. Classes								
12.0 Personnel Benefits		...		49		129		80
13.0 Benefits to former personnel		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.3 Rental payments to others		...		...		...		...
23.3 Comm., utilities., & other misc. charges		...		...		...		...
24.0 Printing and reproduction		...		...		...		...
25.1 Advisory and assistance services		...		...		...		...
25.2 Other services		$2,600		3,288		3,288		...
25.3 Purchases of goods & svcs from gov accts		...		...		...		...
25.7 Operation and Maintenance of Equipment		...		...		...		...
25.8 Medical Care		...		...		...		...
26.0 Supplies and Materials		...		...		...		...
31.0 Equipment		2,000		2,480		2,480		...
32.0 Build out		...		...		...		...
Total Obligations		4,600		6,000		6,378		378
Unobligated balance, start of year		...		...		...		
Unobligated balance, end of year		...		...		...		
Total requirements		4,600		6,000		6,378		
Relation of Obligations to Outlays								
Total Obligations		4,600		6,000		6,378		
Obligated balance, start of year		...		4,595		9,535		
Obligated balance, end of year		(4,595)		(9,535)		(11,037)		
Outlays		5		1,060		4,876		

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Estimates for Fiscal Year 2001
Summary Statement and Performance Plan

For 2001, the Justice Prisoner and Alien Transportation System (JPATS) Fund reflects revenue and expenditures related to the movement of detainees and prisoners. Program funding requirements are identified in the budget of each customer agency.

A. Justice Prisoner and Alien Transportation System Mission and Goals, and Relationship to DOJ Strategic Plan

The JPATS 2001 budget request and performance plan directly support the overall core functions and law enforcement goals included in the Department of Justice's (DOJ) Strategic Plan, 1997-2002. This request incorporates information on performance measurement that will lead to better accountability of achievements. The United States Marshals Service (USMS) Strategic Plan establishes the connection between DOJ Strategic Goals and the shorter-term objectives set forth in the USMS Tactical Plan.

JPATS Mission

The mission of the JPATS is to transport federal detainees and prisoners. The JPATS Fund is the account used to track revenue and expenditures related to the movement of detainees and prisoners. Detainees and prisoners include pretrial, sentenced, and deportable aliens, whether in the custody of the USMS, Bureau of Prisons (BOP), or the Immigration and Naturalization Service (INS). JPATS also provides prisoner transportation to the Department of Defense (DOD) and State and local law enforcement agencies on a reimbursable, space-available basis. JPATS transports prisoners and detainees in a cost-effective manner without sacrificing the safety of the public, federal employees, or those in custody.

USMS Long-Range Goals and Relationship to the DOJ Strategic Plan

Detention and Transportation of Prisoners and Deportable Aliens

The USMS will **transport prisoners in a safe and cost-effective manner.** The USMS, in coordination with INS and BOP, will ensure that detainees, prisoners, and deportable aliens are transported and detained in a cost-effective manner, utilizing procedures that safeguard the court family, USMS personnel, and the public. In addition, the USMS will make prudent arrangements to ensure persons in custody reach their destinations in a timely manner.

Prisoner transportation directly relates to the DOJ Strategic Plan, DETENTION AND INCARCERATION, Goal 5.1: **Provide for the safe, secure, and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.**

B. Highlights of 1999 Mission-Critical Results

JPATS continues to exceed expectations in the air movement of federal prisoners, detainees, and deportable aliens. In 1999, JPATS handled a total of 140,286 prisoner air movements. Over the past two years, the JPATS airfleet has been enhanced by: 1) acquiring an excess DC-9 aircraft from the Department of Energy (which replaced a commercially leased aircraft); 2) acquiring a third B727 which was purchased with funds from the DOJ Working Capital Fund; 3) leasing newer commercial aircraft to replace aging government-owned aircraft; and 4) entering into reimbursable agreements with other federal agencies such as Federal Aviation Administration, Federal Bureau of Investigation, and Department of Energy. During the past year, JPATS provided onboard medical personnel and equipment; made progress towards automating requests for prisoner movements; increased the overseas flights for INS deportation; added additional airlift stops to reduce ground movement and expedite transit time; expanded resources on the east coast to provide full-time availability of a USMS-owned aircraft; and, staffed the Business Management Office. The Business Management Office is staffed with a business manager, budget officer, accountant, cost analyst, and procurement specialist. As managers of the revolving fund, the Business Management Office issues contracts, performs cost analyses, develops long-range strategic plans, certifies invoices, and prepares financial statements.

C. FY 2001 Performance Goals and Indicators

JPATS proposes a 2001 Performance Plan that is attainable within the proposed level of reimbursement and will have demonstrable results as shown below. The 2001 goals, organized around ongoing priorities, establish a baseline upon which future performance may be tracked and reported as required by the Government Performance and Results Act (GPRA).

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The current GPRA table lists specific objectives for the long range goal. Each objective has summary level performance indicators that measure USMS performance in meeting the objectives. The USMS intends to meet all objectives which support the long range goal.

Long Range Goal: Transport Prisoners in a Safe and Cost-Effective Manner

In 2001, JPATS will transport prisoners, detainees, and deportable aliens in a cost-effective manner without sacrificing the safety of the public, JPATS employees, or those in custody. As part of this long-range goal, JPATS will continue to implement the JPATS Five-Year Strategic Plan. In 2001, JPATS will:

- Move an estimated 174,885 federal prisoners, detainees, and deportable aliens, a 25 percent increase over the 140,286 prisoner air movements in 1999. JPATS strives to move all prisoners requested by USMS districts, INS, BOP, and other federal agencies in the most cost effective way. When seats are available, the USMS will also transport DOD and State and local prisoners on a cost-reimbursable basis.

- Perform domestic air movements at a cost-per-seat charge of $490. This amount reflects a $1 decrease from the 2000 cost-per-seat charge.

- Request long-term leasing of aircraft to exceed 5 years. This is in lieu of purchasing aircraft.

Summary Level Performance Indicators:

- User satisfaction.

  - This indicator measures the satisfaction of JPATS customer agencies.

D. New FY 2001 Initiatives

No new initiatives are requested for 2001.

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E. Data Validation and Verification Issues

Currently, the USMS relies on both system generated and manual reports to collect JPATS performance data. The USMS validates requests for the movement of prisoners and the number of prisoners transported through the USM-106, Request for Prisoner Transportation. Districts send these requests to Prisoner Transportation where flight manifests are generated and returned to the districts for confirmation. Internal incident reports and weekly status reports provide data regarding the aircraft and related maintenance, medical related incidents, and any incidents on JPATS aircraft. This information is sent from the districts to headquarters where it is compiled manually. Also, STARS Reports (the USMS accounting system) provide accounting data used to track costs associated with air movements. As the USMS continues to implement the Automated Prisoner Scheduling System, data collection and validation will become increasingly automated.

F. Resources

Strategic Goal	1999 Actuals			2000 Enacted			2001 Request		
	Pos	FTE	Dollars	Pos	FTE	Dollars	Pos	FTE	Dollars
Core Function 5.1, DOJ Strategic Plan Goal 5.1.2, Prisoner Transportation	183	183	$0	183	183	$0	183	183	$0

G. DOJ Summary Performance Plans, Performance Goals, Targets and Actuals

Key Summary Level Indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Per prisoner rate of JPATS Transport	N/A	$448/$448	$491	$490
Number of JPATS accidents/USMS personnel injuries/escapes	0/3/0	0/0/0 0/5/0	0/0/0	0/0/0
Number of prisoner air movements	134,479	153,410/140,286	155,208	174,885

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Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Justification of Proposed Changes in Appropriation Language

The 2001 budget request includes proposed changes in the appropriation language listed and explained below. New language is underscored and italicized with deleted matter enclosed in brackets.

Justice Prisoner and Alien Transportation System Fund

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed [5] *10* years. (Department of Justice Appropriations Act, 2000. P.L. 106-113)

Explanation of Change:

This change will allow the USMS to enter into operating equipment lease agreements for up to 10 years. The USMS lease authority currently prohibits contracts exceeding five years. A longer lease authority will expand the market of available contractors and also result in significant cost savings for lease agreements. This provision complies with the lease scoring requirements of the Balanced Budget Act of 1996 and OMB Circular A-11 on capital leases. The USMS has established an internal review mechanism that will ensure any aircraft base decision adheres to the A-11 principles that the lease: 1) may not exceed 90 percent of the fair market value of the capital asset; 2) will not exceed 75 percent of the economic life of the asset; and 3) will stipulate that the U.S. Government will not own the asset upon expiration of the lease term.

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Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Summary of Requirements
(Dollar in Thousands)

	Perm Pos.	Work Years	Amount
2000 Appropriation Enacted	183	183	...
2000 Availability	183	183	...
2001 Base	183	183	...
Program Changes	----	----	----
2001 Estimate	183	183	...

Estimates by Budget Activity:

	1999 Enacted	1999 Actual	2000 Appropriation Anticipated	2001 Base	2001 Estimate	Increase/ Decrease
Justice Prisoner and Alien Transportation System	...	...	...	...	...	...

Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Reimbursable Resources, Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Approp Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Collections by Source															
Bureau of Prisons	32	32	11,649	35	35	14,042	30	30	14,196	30	30	14,196	...	...	...
Immigration & Naturalization Service	84	84	30,710	82	82	32,640	88	88	41,143	88	88	41,143	...	...	...
U.S. Marshals Service	64	64	23,500	63	63	25,426	62	62	29,016	62	62	29,016	...	...	...
State, Local and DOD	3	3	1,460	3	3	1,387	3	3	1,402	3	3	1,402	...	...	...
Witness Security	...	...	188	...	...	...	...	...	...	...	...	...			
Asset Forfeiture Fund (Capitalization)	...	...	5,000	...	...	...	...	...	...	...	...	...	...	...	...
Proceeds from Sale of Convair	...	...	1,144	...	...	...	...	...	...	...	...	...	...	...	...
Total, Collections by Source	183	183	$73,651	183	183	$73,495*	183	183	$85,757	183	183	$85,757	...	...	...

MAX entry of $76 million is based on a cost-per-seat charge of $501. The FY 2001 estimate is based on an updated cost-per-seat charge of $491.

Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Program Performance Information
(Dollars in Thousands)

ACTIVITY: JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM (JPATS)

	Pos	FTE	Amount
1999 Appropriation Enacted	183	183	$0
2000 Base	183	183	0
2000 Estimate	183	183	0
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Justice Prisoner and Alien Transportation System (JPATS) was formed on October 1, 1995, by merging the USMS and INS air transportation systems. JPATS is responsible for moving by air all federal prisoners and detainees, including sentenced, pretrial and deportable aliens, whether in the custody of the U.S. Marshals Service, Bureau of Prisons or Immigration and Naturalization Service. JPATS also provides prisoner transportation services to the Department of Defense and State and local law enforcement agencies on a reimbursable space-available basis. The JPATS goal is to move prisoners and deportable aliens more efficiently by maximizing the passenger payload capacity on JPATS aircraft.

On October 1, 1998, JPATS began operating as a revolving fund activity with operating costs being reimbursed by customer agencies. The scheduling and movement of detainees, prisoners, and deportable aliens are accomplished on a cost-per-seat charge paid by the customer agencies via reimbursable agreements. The USMS estimates the 2001 cost-per-seat charge at $490 (a $1 decrease from the 2000 rate), based on JPATS personnel and operational costs for an estimated 154,885 domestic movements. In developing the rates, the USMS has taken into account expected costs and additional resource requirements to the JPATS program (see below). The total operational costs are then divided by the total number of anticipated domestic prisoner movements to obtain a cost-per-seat. Movement requirements are provided by the customer agencies (i.e, USMS, INS, and BOP) and non-federal movements are estimated based on historical data.

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Repatriation movements are overseas flights that require leased aircraft capable of flying extremely long distances. Repatriation flights have a much higher cost which is not included in the cost-per-seat charge. These flights are priced independently of domestic movements and fully charged to INS. The 154,885 domestic and 20,000 repatriation movements bring the total estimated JPATS air movements to 174,885 in 2001.

Included in the cost-per-seat charge are resource requirements for the projected 8.2 percent increase in domestic air movements. In 2001, JPATS expects to lease three and one-half additional aircraft. These aircraft will support the increased domestic air movements of 11,677 over the 2000 estimate of 143,208 and increased repatriation movements of 8,000 over the 2000 estimate of 12,000. In 2001, JPATS expects to spend $1.103 million to perform the following required aircraft maintenance: $250,000 for a heavy maintenance D-check for the DC-9 that was acquired from the Department of Energy in January 1999; and $853,000 to replace the deteriorating seating and floor covering in three B-727s.

DECISION UNIT: JPATS Fund

LONG RANGE GOAL: Transport Prisoners and Detainees in a Safe and Cost Effective Manner

2001 PERFORMANCE GOAL: In 2001, the USMS will transport 174,884 prisoners and detainees in a cost effective manner without sacrificing the safety of the public, USMS employees, or the federal detainees in custody. As part of this long-range goal, the JPATS will continue to implement the JPATS Hangar Plan and Strategic Plan.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			1999 Performance Report				Performance Plans	
Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. FTEs	Budgets	225	225	183	183	183	183
	2. Dollars ($000)	Budgets	$52,267	$52,267	$0	$0	$0	$0
	3. Number of aircraft devoted to prisoner transportation	Property Reports						
	a. JPATS owned aircraft		11	11	11	11	11	8
	b. Leased aircraft		3	3	3	2	3.5	7
	4. Average age of JPATS owned aircraft.	Property Rpts	28	28	25	25.5	28	29
	5. Number of requests for transportation of prisoners.	USM-106	140,439	136,998	159,926	147,519	169,017	191,719
Output/ Activity	6. Number of prisoner air movements.	Data Base	135,168	134,479	153,410	140,286	155,208	174,885
Intermed Outcome	7. Percentage of seats filled in flights transporting prisoners.	APSS	*	*	*	*	*	*
	8. Percentage of time JPATS owned aircraft not available to fly due to unscheduled maintenance.	Miss Capable Status Rpt	20%	18.3%	15%	13%	15%	10%
	9. Percentage of aircraft flights utilizing Public Health Service employees for medical purposes.	Medical Reports	90%	90%	100%	100%	100%	100%
	10. Percentage of prisoners refused transport via JPATS flights because of health- related problems.	Medical Reports	.1%	.1%	.1%	.5%	.1%	.1%
	11. Progress toward implementing the Automated Prisoner Scheduling System (APSS).	MBD	n/a	n/a	66%	66%	100%	100%
End Outcome	12. User Satisfaction	JAC	n/a	n/a	**	**	**	**

Productivity/ Efficiency	13. Number of:	Accident						
	a. accidents involving JPATS aircraft.	Invest Rpts	0	0	0	0	0	0
	b. Escapes from JPATS aircraft.	and	0	0	0	0	0	0
	c. Injuries on JPATS aircraft	Incident						
	1. Prisoner injuries	Reports	0	0	0	0	0	0
	2. USMS personnel injuries	OSHA Qtly Rpt	1	3	0	5	0	0
	14. Per prisoner rate of JPATS transport.	STARS/APSS	$428	$428	$448	$448	$491	$490

A. Definition of Terms or explanations for Indicators:

* - This indicator is not currently captured but will be beginning in FY 2000 when APSS is expected to be fully operational.
** - This data will be made available in the Annual JAC Report.
n/a - Data for this indicator is not available.
3. The term "prisoners" includes: USMS detainees, BOP prisoners, INS deportable aliens, and state/local/military prisoners.
5. JPATS receives requests for the " movement" of prisoners and at that time, determines the appropriate mode of transportation (i.e., ground and/or air movement).
9. Includes aircraft that transport 50 or more passengers.
10. Health-related problems include no tuberculosis screening, medications and/or required medical equipment not with prisoner.
11. This indicator is a measurement of customer agency (USMS, BOP, INS) access to the automated USM-106.
12. JAC - JPATS Advisory Committee
14. STARS - USMS Accounting System

B. Factors Affecting FY 1999 Program Performance.

Workload is based on customer agency projections

C. Factors Affecting Selection of FY 2000 and 2001 Plans.

Workload is based on customer agency projections.
1.-2. In 1999 the JPATS Fund was created. Prior to 1999, the FTEs and funds reflected the USMS S&E appropriation for prisoner transportation.

Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Status of Congressionally Requested
Studies, Reports, and Evaluations

Citation	Reporting Requirement	Timetable	Progress-To-Date	Projected Completion Date
Sen. Rpt. 106-76 H. Rpt. 106-479	Report on the availability of surplus Defense Department aircraft that could fill JPATS requirements	3/1/00 and Qtly thereafter	The report is in progress and will be completed on time.	3/1/00
Sen. Rpt. 106-76 H. Rpt. 106-479	Report on the financial requirements to establish a proper revolving fund that fully capitalizes operations, aircraft, and facilities.	4/1/00	The report is in progress and will be completed on time.	4/1/00

Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999 Enacted		2000 President's Request		2001 Estimate		
						Total	
	Auth.	Reim-bursable	Auth.	Reim-bursable	Changes	Authorized	Reimbursable
General Admin, Clerical and Office Services (300-399)	...	32	...	32	...	...	32
Accounting and Budget (500-599)	...	8	...	8	...	...	8
Medical, Dental and Public Health (600-699)	...	17	...	17	...	...	17
Business & Industry (1100-1199)	...	2	...	2	...	...	2
Equipment, Facilities and Services Group (1600-1699)	...	2	...	2	...	...	2
Criminal Investigator (1811)	...	9	...	9	...	...	9
General Investigative Series (1800-1899)	...	34	...	34	...	...	34
Quality Assurance, Inspection & Grading Group (1900-1999)	...	2	...	2	...	...	2
Supply Group (2000-2099)	...	2	...	2	...	...	2
Transportation Group (2100-2199)	...	69	...	69	...	...	69
Wage Grade	...	1	...	1	...	...	1
Wage Leader	...	5	...	5	...	...	5
Total	...	183	...	183	...	...	183
U.S. Field	...	183	...	183	..	...	183
Total	...	183	...	183	...	...	183

Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Summary of Attorney/Agent and Support Positions by Category

Appropriated Positions

Decision Unit	2000 Appropriation Anticipated						2001 Total Increases						2001 Request Level					
	Deputy United States Marshals		Non-Law Enforcement Positions		Total		Deputy United States Marshals		Non-Law Enforcement Positions		Total		Deputy United States Marshals		Non-Law Enforcement Positions		Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Justice Prisoner and Alien Transportation System	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Reimbursable Positions

Decision Unit	2000 Appropriation Anticipated						2001 Total Increases						2001 Request Level					
	Deputy United States Marshals		Non-Law Enforcement Positions		Total		Deputy United States Marshals		Non-Law Enforcement Positions		Total		Deputy United States Marshals		Non-Law Enforcement Positions		Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
Justice Prisoner and Alien Transportation System	43	43	140	140	183	183	...	...	...	...	...	...	43	43	140	140	183	183
TOTAL	43	43	140	140	183	183	...	...	...	...	...	...	43	43	140	140	183	183

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Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Schedule of Aircraft

Type of Aircraft (Passenger Capacity)	1998 End-of-Year Inventory	FY 1999			FY 2000			FY 2001			
		Acquired	Disposed	End-of Year	Acquired	Disposed	End-of-Year	Acquired	Average Cost***	Disposed	End-of Year
Direct Purchase:											
Jet Engine(120)	2	...	...	2	...	...	2	...		...	2
Jet Engine(75)	...	1*	...	1	...	...	1	...		...	1
Turbo Prop(10)	...	...	...	...	...	...	...	...		...	...
Subtotal, Purchased	2	1	...	3	...	...	3	...		...	3
Leased:											
Jet Engine(75-120)	1	2	1	2	1.5**	...	3.5	1.5**	$4,600	...	5
Jet Engine (10)	...	...	...	...	...	...	...	2	$642	...	2
Subtotal, Leased	1	2	1	2	1.5	...	3.5	3.5		...	7
Seized or no cost excess:											
Single-Engine(3)	1	...	...	1	...	...	1	...		...	1
Twin-Engine(6)	1	...	...	1	...	...	1	...		...	1
Turbo Prop(50)	...	...	...	...	...	...	...	...		...	...
Jet Engine(120)	1	...	...	1	...	...	1	...		...	1
Jet Engine(75)	1	...	...	1	...	...	1	...		...	1
Jet Engine(8)	1	...	...	1	...	...	1	...		...	1
Jet Engine(10)	4	...	1	3	...	...	3	...		3	...
Subtotal, Seized	9	...	1	8	...	...	8	...		3	5
Total Aircraft	12	3	2	13	1.5	...	14.5	3.5		3	15

*Purchased a DC-9/15 from DOE (1/99) to replace a leased aircraft.
**Indicates one full lease plus a half-year lease.
***Includes lease costs only.

NOTE: Prior to 1999 aircraft were included in the USMS Salaries and Expenses appropriation. In 1999, they were transferred to the JPATS Fund.

United States Marshals Service
Justice Prisoner and Alien Transportation System Fund
Estimates for Fiscal Year 2001
Summary Of Requirements By Object Class
(Dollars In Thousands)

Object Class	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-Time Permanent	...	6,791	...	7,950	...	8,418	...	468
11.8 Special Personal Services Payments	...	2,684	...	3,809	...	4,233	...	424
12 Civilian Personnel Benefits	...	1,746	...	1,814	...	1,869	...	55
21 Travel	...	13,989	...	18,932	...	24,652	...	5,720
22 Transportation of Things	...	...	...	...	...	...	...	...
23 Rentals	...	1,884	...	2,147	...	2,192	...	45
25 Other Services	...	16,322	...	19,717	...	20,284	...	567
26 Supplies and Materials	...	11,446	...	15,930	...	18,243	...	2,313
31 Equipment	...	4,046	...	...	...	...	...	...
32 Land & Structures	...	13	...	...	...	...	...	...
Total Obligations	...	58,921	...	70,299	...	79,891	...	9,592
Unobligated balance, start-of-year		...		(14,730)		(17,926)		
Unobligated balance, end-of-year		14,730		17,926		23,792		
Capitalization [non-add]		[5000]		[5000]		[5000]		
Depreciation [non-add]		[4103]		[8292]		[12569]		
Leave Accrual [non-add]		[1498]		[3041]		[4630]		
Profit [non-add]		[4129]		[1593]		[1593]		
Total Requirements		73,651		73,495 *		85,757		

*MAX entry of $76 million is based on a cost-per-seat charge of $501. The FY 2000 requirement of $73 million is based on an updated cost-per-seat charge of $491.

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Department of Justice
United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
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United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Summary Statement and Performance Plan

The United States Marshals Service (USMS) requests a total of $597,402,000 for the Federal Prisoner Detention (FPD) appropriation. The FPD appropriation pays for the jail days, subsistence, medical costs, and medical guard services of federal detainees in USMS custody. This request provides the resources to fund 9,573,000 Intergovernmental Agreement (IGA) and contract jail days and represents an increase of $64,355,000 over the 2001 base of $533,047,000.

Although the Office of Justice Programs appropriation provides funding for the Cooperative Agreement Program (CAP), the USMS maintains management of the program. The USMS, in conjunction with the Immigration and Naturalization Service (INS), requests $35,000,000 for 2001, an increase of $10,000,000 over the 2000 level. CAP provides funding to selected state and local governments for renovation, construction, and equipment purchases for detention facilities in return for long term, guaranteed, jail space.

A. USMS Mission and Goals, and Relationship to DOJ Strategic Plan

The 2001 requested increase will fund mission activities that directly support the core functions, priorities, and goals set forth in the Department of Justice's (DOJ) Strategic Plan for 1997-2002. The request funds increases in the jail rate and the number of jail days necessary in 2001 to house detainees. In addition, this request funds jail days, subsistence, medical costs, and medical guard services to secure the detainees while in local medical facilities. Funds for the Federal Prisoner Detention appropriation relate directly to DOJ's Strategic Plan function of "Detention and Incarceration." The request supports the DOJ Goal 5.1: "Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, hearings on their immigration status, or deportation." The CAP request supports not only the core function of detention and incarceration, but also the function of "Assistance to State and Local Governments" by providing capital investment funds to the State and local governments for improvements to their detention facilities.

USMS Mission

The USMS is responsible for administering the FPD appropriation for the federal government. The FPD account provides funding for housing, subsistence, medical care, and medical guard services for all federal detainees in USMS custody. The USMS acquires detention space at the lowest possible cost to the government through the use of federal detention facilities, IGAs, cooperative agreements with State and local governments, and private jail facilities.

Organizational Goals

Detention

- House all detainees remanded to USMS custody.

  This relates to the DOJ Strategic Plan, CORE FUNCTION 5: DETENTION AND INCARCERATION, Goal 5.1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

- Provide required medical care and services for federal detainees consistent with community expectations and standards.

  This relates to the DOJ Strategic Plan, CORE FUNCTION 5: DETENTION AND INCARCERATION, Goal 5.1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, hearings on their immigration status, or deportation.

B. Highlights of 1999 Mission Critical Results

The USMS continues to successfully house an ever-growing detainee population nationwide. Between 1996 and 1999, the USMS average detainee population grew 37 percent (from 23,374 to 32,119). During the same period, the Southwest Border districts' (Arizona, New Mexico, Southern Texas, Western Texas, and Southern California) average population has collectively grown 91 percent (from 4,925 to 9,425). Most of the growth in the Southwest Border districts is a result of illegal and criminal immigration

issues. Successfully housing a detainee population of this magnitude, both nationwide and specifically in the Southwest Border districts, represents an unparalleled accomplishment.

In addition to successfully housing the federal detainee population, the USMS strives to reduce and contain detainee medical care costs. In 1995, the USMS began retrospective medical bill reviews in a limited number of districts, reviewing and recalculating bills at Medicare rates. This produced a cost avoidance of $3.4 million in 1998 and $2.8 million in 1999. In 1996, the USMS initiated a managed care network in New York City which reduced medical care rates for federal detainees, resulting in medical care cost avoidance of $4.6 million in 1998 and $4.5 million in 1999.

C. 2001 Performance Goals and Indicators

The USMS is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results. These 2001 goals will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance Results Act (GPRA).

The FPD appropriation funds the following: bed space for detainees in IGA and private jail facilities, subsistence, detainee medical services, and medical guard service. OMB Circular A-87 establishes the guidelines used to determine amounts paid for IGA detention space but local economic factors determine the cost of the other required services. The USMS endeavors to care for and house all detainees remanded to its custody in the most economical manner possible. The USMS has set milestones to chart the progress related to the effectiveness of the FPD appropriation as required by GPRA:

- Fund 9,573,000 IGA and contract jail days for detainees in USMS custody.
- Fund medical, guard, and other services at a level consistent with community expectations and standards for federal detainees.

D. New 2001 Initiatives

The USMS requests a program increase of $64,355,000 to cover the increase in jail days, subsistence, medical costs, and medical guard services. The erratic growth in the federal detainee population and resultant number of contract and intergovernmental agreement (IGA) jail days needed to house the detainees poses a formidable challenge in predicting future resource needs. The overall detainee population is rising, resulting in a corresponding increase in the number of IGA and contract jail days needed for housing. The

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requested funds will allow the USMS to house an estimated average daily IGA detainee population of 26,227, with a total of 9,573,000 projected jail days at an average daily rate of $56.55.

E. *Data Validation and Verification Issues*

The USMS uses the following reports and data systems to validate prisoner population, jail days, jail rate, and costs associated with the FPD program: USM-268 and USM-268A, produced from the Prisoner Tracking System (PTS); Jail Utilization report, produced from the Access database; and the USMS Status of Funds report, produced from the Standardized Tracking Accounting and Reporting System (STARS). The USM-268 report validates prisoner population; the USM-268A report validates jail days; the Jail Utilization report validates jail rates; and, the Status of Funds report contains accounting information.

F. Resources

Strategic Goal	1999 Actuals	2000 Enacted	2001 Request
	Dollars	Dollars	Dollars
Core Function 5.1, DOJ Strategic Plan Goal 5.1.1, Detention and Incarceration	$460,395,000	$525,000,000	$597,402,000

Dollars include direct, reimbursable and carryover funds; they exclude CAP funding.

G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Key Summary Level Indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Average daily detention population in custody (Includes federal and non-federal detainees)	28,692	32,000/32,119	35,156	38,531
Jail Day costs	$54.86	$58.95/$55.41	$55.99	$56.55

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United States Marshals Service
Federal Prisoner Detention
Estimates For Fiscal Year 2001
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and italicized with deleted matter enclosed in brackets.

Federal Prisoner Detention

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, [$525,000,000] *$597,402,000*, as authorized by 28 U.S.C. 561 (i), to remain available until expended: *Provided, That, subject to appropriations in advance, the United States Marshals Service may enter into multi-year contracts with private entities for the confinement of Federal prisoners: Provided further, That hereafter amounts appropriated for the Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of providing transportation, guard services, and medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.* (Department of Justice Appropriations Act, 2000. P.L. 106-113)

Explanation of changes:

1. This first change will allow the USMS to enter into multi-year contracts and other agreements with private entities for the confinement of prisoners. Long-term contracts and agreements will limit the renegotiation of jail day costs and result in significant cost savings .

2. The second change will allow the USMS to reimburse the Federal Bureau of Prisons for salaries and expenses incurred in transporting, guarding, and obtaining medical care for USMS detainees outside of the Federal penal and correctional institutions in which they are being held. This is a pilot program that is the result of the DOJ Detention and Incarceration Study, which was requested by Congress. This study recommended that the financial and operational responsibilities for providing medical care for USMS prisoners housed in BOP facilities be consolidated into the BOP.

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United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Crosswalk of 1999 Availability
(Dollars in Thousands)

Activity/Program	1999 Enacted	Reprogrammings	Transfers	Recoveries and Unobligated Balance Brought Forward	Final 1999 Availability
Federal Prisoner Detention.....	$425,000	...	$30,813	$27,075	$482,888

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Crosswalk of 2000 Changes
(Dollars in Thousands)

Activity/Program	2000 President's Budget Request	Congressional Action	Reprogramming	2000 Appropriation Enacted
Federal Prisoner Detention.....	$550,232	($25,232)	...	$525,000

Congressional Action. Congress reduced funding for 2000 based on an anticipated carryover of prior year funding.

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Summary of Requirements
(Dollar in Thousands)

	Perm Pos	Work-Years	Amount
2000 Appropriation Enacted	...	...	$525,000
Unobligated Balance Brought Forward	...	...	22,493
2000 Availability	...	...	$547,493
Adjustment-to-Base Increases	...	...	8,047
Unobligated Balance No Longer Available	...	...	(22,493)
2001 Base	...	...	$533,047
Program Changes (See Narrative for Detail)	...	...	64,355
2001 Estimate	...	...	$597,402

Estimates by Budget Activity:

	1999 Availability	1999 Actual	2000 Appropriation Enacted	2001 Base	2001 Estimate	Increase/ Decrease
Federal Prisoner Detention	$482,888	$460,395	$525,000	$533,047	$597,402	$64,355

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Reimbursable Resources, Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Appropriation Enacted			2001 Request			Increase/Decrease		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amount
Collections by Source												
Bureau of Prisons	...	...	$ 4,000	...	...	$ 4,000*	...	...	$ 4,000*	...	...	...
Asset Forfeiture Fund	...	...	41,320	...	...	...	...	...	...	...	...	...
Office of Justice Programs (CAP)	...	...	15,367	...	...	$35,970**	...	...	$35,000	...	...	($970)
Budget Resources	...	...	$60,687	...	...	$39,970	...	...	$39,000	...	...	($970)

*MAX does not include $4,000,000 for Bureau of Prisons.
**Includes $25,000,000 in appropriated funding and $10,970,000 in carryover from FY 1999.

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United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Program Performance Information
(Dollars in Thousands)

ACTIVITY: FEDERAL PRISONER DETENTION

Federal Prisoner Detention	Pos.	Work-years	Amount
2000 Appropriation Anticipated	...	...	$525,000
2001 Base	...	...	533,047
2001 Estimate	...	...	597,402
Increase	...	...	$64,355

BASE PROGRAM DESCRIPTION: The USMS administers the FPD program for the federal government using funding appropriated specifically for the care of U.S. prisoners. The FPD appropriation provides the financial support for the housing, subsistence, medical care, and medical guard service for federal detainees remanded to USMS custody. The responsibility begins when a prisoner is initially brought into USMS custody, continues through the trial process, and ends when a prisoner is acquitted or arrives at a designated Bureau of Prisons (BOP) facility to serve sentence. The USMS' pretrial population is generated by public policy and multi-component investigative and prosecutorial efforts within the Department of Justice or other Federal law enforcement agencies. Since the USMS, like the BOP, is at the receiving end of federal law enforcement initiatives and efforts, the USMS has no control over the number of detainees remanded to its custody and has no option other than to house and care for the detainees.

The USMS depends on State and local governments and the BOP to house detainees. Detention bed space for federal detainees is acquired at the lowest cost to the government through: 1) Intergovernmental Agreements (IGAs), where a daily rate is paid; 2) Cooperative Agreements with State and local governments, where capital investment funding is provided in exchange for a guarantee of

a certain number of bed spaces, for which a daily rate is paid when these bed spaces are used; 3) federal detention facilities, where the government must pay for construction and operation of the facility; and 4) private jail facilities.

As mentioned above, the FPD appropriation also provides funding for medical care and guard service for detainees requiring hospital care. Medical needs range from simple dental and medical services requiring no hospitalization to major surgery requiring months of hospitalization for recovery.

INITIATIVES

Federal Prisoner Detention	Pos.	Work-Years	Amount
Required Housing	...	...	$63,180
Medical Hospital Services	...	...	675
Contract Medical Guard/Other	...	...	500
Total	...	...	$64,355

Proposed Actions
This initiative seeks to address the following objectives:

1. House all detainees remanded to USMS custody.

2. Maintain an average daily population of 26,227 detainees.

3. Provide adequate medical care for all USMS detainees.

The USMS requests a program increase of **$64,355,000** to house and care for detainees for 9,573,000 non-federal jail days. This request includes $63,180,000 for increased jail days, $675,000 for medical costs, and $500,000 for prisoner medical guard services. Federal law enforcement agencies continue to increase their pursuit and prosecution of violent criminals, drug offenders, criminal aliens, and terrorists. To effectively support these efforts, it is critical that the USMS receive sufficient resources to house detainees.

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With the resources requested, the USMS will be able to house detainees for a total of 9,573,000 non-federal jail days. This equates to an average non-federal daily prisoner population of 26,227, or approximately 70 percent of the total requirement. The balance, approximately 30 percent, will be housed in federal detention facilities. The USMS assumes federal jail days will increase slightly through 2001 to the level of 4,491,000, or an average federal daily population rate of 12,304. This assumption is based on information provided by the Bureau of Prisons (BOP). BOP projects that three new federal detention centers will be available to the USMS in 2001: Philadelphia, Pennsylvania; Houston, Texas; and Brooklyn, New York. The USMS will lose the use of the Otisville facility once the Brooklyn facility is opened. The remaining 9,573,000 jail days will be housed in State and local jails, and private contract facilities. The non-federal average daily population is projected to be 26,227.

	1999 Actual	2000 Estimate	2001 Estimate
IGA and Contract Jail Days	8,370,957*	8,858,000**	9,573,000
Federal Jail Days	3,490,968	3,974,000	4,491,000
Total Jail Days	11,861,925	12,832,000	14,064,000

*Actual days reflect reimbursable funding of $4 million.
**Includes 402,000 days that will be funded by the $22,493,000 carryover.

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A majority of the USMS detainee population growth is directly attributable to the continued crackdown on illegal aliens. The largest impact of this crackdown occurs in the districts along the Southwest Border: Arizona, New Mexico, Southern Texas, Western Texas, and Southern California. Collectively, the average daily prisoner population of these districts grew from 4,925 in 1996 to 9,425 in 1999, a 91 percent growth. The total population for the rest of the country grew only 37 percent during the same period. In 1994, prior to the aggressive prosecution of immigration cases, the Southwest Border districts comprised 18 percent of the USMS total population, versus 29 percent in 1999.

The cost per jail day is projected to increase by 1 percent from 2000 to 2001. Based on current information, the USMS believes the average jail rate in 2000 will be $55.99 and $56.55 in 2001. The program increase is calculated by first deducting 402,000 jail days in 2000 that were covered by the $22,493,000 one-time carryover and then applying the new rate to the anticipated growth in non-federal jail days (9,573,000-(8,858,000 - 402,000) = 1,117,000).

In conjunction with the increased resources needed to house federal detainees, the USMS also requires an increase for medical and medical guard resources. As the detainee population increases so do detainee medical costs. When federal detainees become ill or injured, the USMS must provide medical services which vary in complexity and cost. In certain cases, the treatment requires the detainee to be transported to a medical facility outside of the detention facility. When this happens, guard services must be provided to prevent detainee escapes. If adequate medical and guard funding is not provided, funding for jail days must be used which reduces the number of jail days the USMS can fund.

The USMS estimates that total medical and guard funding required in 2001 will be $56,049,000. Of this amount, $38,491,000 is for medical and $17,558,000 is for guard and other miscellaneous expenses. The average medical cost per detainee has been on the increase. Although the USMS is taking steps to reduce individual detainee medical costs by increased scrutiny of medical bills, paying Medicare rates, and implementing detainee medical care networks, these steps have only slowed the increase in the national average medical cost per detainee. Medical costs are expected to increase from an estimated $35,000,000 in 2000 to $38,000,000 by 2001. To help offset the increase, the USMS requests an increase of $675,000.

Similar to medical costs, payments for medical guard services have also steadily increased over the years. Guard usage has become increasingly important in the transportation and security of Federal detainees during trips to and from medical facilities. Deputy Marshals are increasingly required to staff multi-defendant trials and to travel further distances to house detainees. This makes the deputies unavailable for medical trips. In 2000, USMS medical guard payments are expected to increase to $11,357,000 and to $11,959,000 in 2001. The USMS requests $500,000 to help offset this increase.

This request encompasses the requirements necessary to fulfill the FPD mission in 2001. If the USMS does not receive the requested funding to support additional jail days, prisoner medical, and prisoner medical guard services, the USMS will be unable to house the number of detainees projected to be remanded to its custody.

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PERFORMANCE MEASUREMENT TABLE

LONG RANGE GOAL: House all detainees in USMS custody, provide required medical care and contract medical guard services consistent with community expectations and standards.

FY 2001 PERFORMANCE GOAL: Fund 9,573,000 IGA jail days in State and local facilities for detainees in the custody of the USMS and fund medical and contract medical guard services at a level consistent with community expectations and standards.

PERFORMANCE INDICATOR INFORMATION

					Performance Plans			
			1998		1999		2000	2001
Type of Indicator	**Performance Indicators**	**Data Source**	**Enacted Plan**	**Actuals**	**Enacted Plan**	**Actuals**	**Plan**	**Plan**
Input	1. Dollars ($000) for jail days	STARS	$414,061	$402,324	$460,902	$458,490	$495,959	$541,353
	2. Dollars ($000) for medical	STARS	37,986	28,645	33,000	32,121	35,222	38,491
	3. Dollars ($000) for medical guards/other	STARS	11,000	13,719	11,444	15,109	16,312	17,558
Output/ Activity	3. IGA Jail Days Acquired (000)	PTS	7,320	7,354	8,318	8,371	8,858	9,573
	4. Number of detainees provided medical services	PTS	28,840	28,692	32,285	32,119	35,156	38,531
Intermediate Outcome	5. Non-Fed. Avg. daily population	PTS	20,056	19,914	22,789	22,666	24,268	26,227
End Outcome	6. Average annual housing cost per detainee (per capita costs)	STARS/ PTS	$20,645	$20,203	$20,225	20,228	$20,437	$20,641
	8. Average daily jail rate		$57.46	$54.86	$58.95	$55.41	$55.99	$56.55
Productivity/Efficiency	9. Cost per detainee for medical services	STARS/ PTS	$1,317	$998	$1,022	$1,000	$1,002	$1,000

A. Definition of Terms or explanations for Indicators:

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STARS-USMS Accounting System PTS-USMS Prisoner Tracking System 1. Amounts reflect base funds for non-federal jail days. 4. Number of detainees provided services - The indicator is equal to the average daily population of detainees in USMS custody whether in federal or non-federal detention facilities. Detainee Services include, but are not limited to: medical treatment, hospitalization, guard service while in a medical facility, and other miscellaneous requirements 3. IGA (Intergovernmental Agreement)- Agreement entered into between the federal government, and State and local jurisdictions to house federal detainees with the understanding that the federal government will reimburse the jurisdictions' costs associated with the housing of federal detainees. 9. The cost per detainee for services - Calculated by dividing the total estimated detainee population (federal and non-federal) by the total expenses for services.
B. Factors Affecting FY 99 Program Performance.
The number of detainees remanded to USMS custody and the rate of change in the jail day rate will affect the requirement for and the ability to acquire non-federal detention space.
C. Factors Affecting Selection of FY 2000 and 2001 Plans.
In addition to IGA costs, the Federal Prisoner Detention (FPD) appropriation funds medical service payments for detainees in the USMS' custody. Positions [and their related costs] that support the FPD appropriation are funded out of the USMS Salaries and Expenses (S&E) appropriation.

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United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Program Performance Information
(Dollars in Thousands)

ACTIVITY: COOPERATIVE AGREEMENT PROGRAM

	Pos.	Work-Years	Amount
2000 Appropriation Anticipated	...	...	$25,000
2001 Base	...	...	25,000
2001 Estimate	...	...	35,000
Increase	...	...	$10,000

BASE PROGRAM DESCRIPTION: The Cooperative Agreement Program (CAP) resources for the USMS and INS are included in the Office of Justice Programs appropriation. An MOU between the USMS and INS establishes that this program will be managed and administered by the USMS. As a result, the USMS, in conjunction with INS, is submitting the 2001 CAP resource request and justification as part of the FPD request.

A major problem the USMS and INS face is a shortage of detention space. CAP is an effective tool in acquiring detention space. The CAP provides capital investment funding to selected State and local governments for the renovation, construction and upgrading of detention facilities. In return for the funding, the USMS and INS receive long-term, guaranteed jail space for federal prisoners or illegal aliens. In 2001, the USMS and INS will be able to acquire approximately 700 guaranteed jail spaces, at an average cost of $35,000 per bed, with base resources of $25,000,000.

Each CAP project is unique in nature. CAP provides partial funding to State and local governments enabling them to add new jail capacity, renovate existing jail space, or upgrade existing facilities. In some cases, the renovation or facility upgrades are needed to establish acceptable conditions of confinement and detention services in accordance with federal, State and local detention standards. In addition to enabling the governments to renovate their facilities, this program provides an economic stimulus to the local economies through both the initial capital investment and the per diem payments that are made when the bed spaces are actually used to house

federal prisoners. As stated in the Federal Detention Plan, the acquisition of jail bed space through the CAP program helps avoid the most expensive bed space acquisition option, the construction of federal jail beds.

The CAP program is instrumental in obtaining scarce detention bed space in cities which have large detainee populations but limited detention facilities, and has averted the loss of vital jail space for federal detainees. Obtaining scarce detention bed space relates directly to the DOJ priority:"... to provide for the safe, secure and humane confinement of persons who are detained." Goal: "Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned ...." The ultimate outcome of the increase in funding and the CAP itself is the reduction/elimination of areas reporting detention shortages.

INITIATIVE

		Perm. Pos.	FTE	Amount
COOPERATIVE AGREEMENT PROGRAM	(CAP)	...	...	$10,000

The USMS, in conjunction with INS, requests a program increase of $10,000,000 for the CAP. This request, when added to the base, is consistent with the continued implementation of the Federal Detention Plan, and will enable the Department to acquire approximately 1,000 guaranteed beds based at an average estimated cost of $35,000 a bed. As stated in the Federal Detention Plan, the acquisition of jail bed space through the CAP program avoids the most expensive bed space acquisition option, the construction of federal jail beds.

Failure to receive additional CAP funding will increase the numbers of detainees that must be housed far from their federal court city and make the housing of illegal aliens awaiting processing more difficult. The lack of funding will result in increased security risks and will jeopardize INS' ability to accomplish its mission. Additionally, the USMS will incur increased costs in transportation and overtime due to increased travel distances to produce detainees for court appearances.

The CAP program is instrumental in obtaining scarce detention bed space in critical cities and has, in many instances, averted the loss of vital jail space for federal detainees. Obtaining scarce detention bed space relates directly to the DOJ priority: "Provide safe, secure and humane correctional facilities with adequate bed space for ... detainees and others in pre-trial status ...." Goal: "Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned ...." The ultimate outcome of the increase in funding and the CAP itself is the reduction/elimination of areas reporting detention shortages.

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United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Federal Prisoner Detention
Contract Medical Guard/Other	$500
Medical Hospital Services	675
Housing	63,180
Total Program Obligations Changes Requested, 2001	$64,355

United States Marshals Service
Federal Prisoner Detention
Estimated For Fiscal Year 2001
Status of Congressionally Requested
Studies, Reports, and Evaluations

Citation	Reporting Requirement	Timetable	Progress-To-Date	Projection Completion Date
Sen. Rpt 106-76 H. Rpt 106-479	Report on the progress in achieving cost savings in medical care for federal detainees.	3/1/00 and Qtly thereafter	The report will be completed on time.	3/1/00

United States Marshals Service
Federal Prisoner Detention
Estimated For Fiscal Year 2001
Priority Ranking
(Dollars In Thousands)

Base Program

Program	Ranking
Federal Prisoner Detention	1

Program Increases

Initiative	Ranking
Housing	1
Medical Hospital Services	2
Contract Medical Guard/Other	3

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Summary of Change
(Dollars in Thousands)

	Pos.	Work-Years	Amount
2000 Appropriation Enacted	...	...	$525,000
Available Prior Year Funding	...	...	22,493
2000 Appropriation Anticipated	...	...	$547,493
Adjustment-to-Base Increases			
Jail Rate	...	...	5,273
Medical Cost	...	...	1,350
Medical Guard			1,424
Total, adjustments-to-base	...	...	$8,047
Adjustment-to-Base Decreases:			
Prior Year Funding No Longer Available	...	...	(22,493)
2001 Base	...	...	$533,047
Program Changes	...	...	64,355
2001 Estimate	...	...	$597,402

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Justification of Adjustments to Base
(Dollars In Thousands)

	Perm Pos	Work-Years	Amount
Increases:			
1. **Medical Hospital Service Costs** ..... The Department of Health and Human Services projects an increase in health care costs. The Department applies a factor of 3.8 percent against medical services. An increase of $1,350,000 will be required for 2001.	...	...	$1,350
2. **Jail Day Rate Increase** ..... This request re-costs the number of State and local jail days projected to be available at the 2000 funding level by applying an increase for the annual nationwide average rate increase. The requested increase reflects the additional resources required to fund the same number of jail days in FY 2001 as could be funded in 2000. Jail day costs are projected to rise by an average of 1 percent, from $55.99 to $56.55.	...	...	5,273
3. **Security Guard Services** ..... The requested increase reflects the additional resources required to fund the guard services for detainees requiring hospital care. Guard services are expected to increase 8 percent. An increase of $1,424,000 is required in 2001 to partially offset this added expense.	...	...	1,424
Total, Adjustments to Base	...	...	$8,047

United States Marshals Service
Federal Prisoner Detention
Estimates for Fiscal Year 2001
Summary Of Requirements By Object Class
(Dollars In Thousands)

Object Class	1999 Actual* Workyears	1999 Actual* Amount	2000 Estimate* Workyears	2000 Estimate* Amount	2001 Request* Workyears	2001 Request* Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.8 Special Personal Services Payments	...	$12,367	...	$12,888	...	$13,538	...	$650
12 Civilian Personnel Benefits	...	66	...	71	...	77	...	6
21 Travel	...	...	...	...	...	...	...	...
22 Transport, All Other	...	120	...	122	...	142	...	20
25.2 Other Services	...	6,770	...	7,563	...	8,566	...	1,003
25.6 Medical Care	...	28,578	...	30,884	...	33,719	...	2,835
25.8 Subsistence and Support of Persons	...	412,489	...	495,959	...	541,353	...	45,394
26 Supplies and Materials	...	5	...	6	...	7	...	1
Total Obligations	...	$460,395	...	$547,493	...	$597,402	...	$49,909
Unobligated balance, start-of-year		(24,197)		(22,493)		...		
Recoveries of Prior Year Obligations		(2,878)		...		...		
Unobligated balance, end-of-year		22,493		...		...		
Total Requirements		$455,813		$525,000		$597,402		
Relation of obligations to outlays:								
Total Obligations		$460,395		$547,493		$597,402		
Obligated balance, start-of-year		144,114		89,250		254,498		
Recoveries prior year obligations & Cash		(2,878)		...		...		
Obligated balance, end-of-year		(89,250)		(254,498)		(302,498)		
Outlays		$512,381		$382,245		$549,402		

NOTE: Medical costs are charged to OC 11.8 and 25.6
*Does not include reimbursable funding.

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Department of Justice

Fees and Expenses of Witnesses

Estimates for Fiscal Year 2001

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Summary Statement
Fees and Expenses of Witnesses

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of $156,145,000 for 2001 to remain available until expended. This resource level includes a program increase of $60,978,000, and is $61,145,000 above the 2000 Appropriation. Most of the additional funding will be used to fund expert witness expenses, including extraordinary expenses being incurred in cases such as WINSTAR and COBELL and the imminent litigation against the tobacco industry. Additional funding is also sought to enhance the Private Counsel and Alternative Dispute Resolution activities.

The Fees and Expenses of Witnesses activity provides for all fees and expenses associated with the provision of testimony on behalf of the Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of $40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the respective Government attorney. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine defendants upon order of the court to determine their mental competency.

The Protection of Witnesses activity provides for the security of Government witnesses, or potential Government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security. This program provides funding for expenses of witnesses enrolled in the Witness Security program. Such expenses include, but are not limited to, subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 98-473). The Fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed $50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed $25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent Government officers and employees who are sued, charged or subpoenaed for actions taken while performing their official duties. Further, funding allotted to this activity is used to pay private legal representation expenses associated with the provision of testimony before Congressional committees in instances wherein Government counsel is precluded from representing Government employees, or in instances wherein private counsel is otherwise appropriate.

The D.C. Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and protective services to witnesses who provide prosecution testimony in D.C. Superior Court cases.

The Alternative Dispute Resolution activity will fund the expenses of hiring third party neutrals and expert witnesses in resolution proceedings.

Fees and Expenses of Witnesses

Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, [$95,000,000] *$156,145,000*, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; [and] of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; *and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)*

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Explanation of Changes:

1. The FY 2001 budget requests $5,000,000 for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

Fees and Expenses of Witnesses
Crosswalk of 1999 Availability
(In thousands of dollars)

Activity/Program	1999 As Enacted	Approved Reprogrammings	Recoveries and Unobligated Balances Brought Forward	Final 1999 Availability
1. Fees and Expenses of Witnesses.....	$65,515	...	$32,812	$98,327
2. Protection of Witnesses	27,485	...	10,622	38,107
3. Victim Compensation Fund.....	(1,000)	...	204	(796)
4. Private Counsel.....	1,600	...	2,604	4,204
5. Superior Court Informant Program....	1,400	...	1,304	2,744
Total	95,000	...	47,586	142,586

Unobligated Balance Brought Forward and Recoveries. The Fees and Expenses of Witnesses appropriation brought forward $19,299,000 in unobligated prior year balances. Also, total recoveries of $28,287,000 were made in 1999.

Fees and Expenses of Witnesses
Crosswalk of 2000 Changes
(In thousands of dollars)

Activity/Program	2000 President's Budget Request	Congressional Appropriation Actions on the 2000 Request	Reprogrammings	2000 Appropriation Enacted
1. Fees and Expenses of Witnesses.....	$79,515	($15,000)	...	$64,015
2. Protection of Witnesses	27,485	...	...	27,485
3. Victim Compensation Fund.....	(1,000)	...	...	(1,000)
4. Private Counsel.....	1,600	...	...	1,600
5. Superior Court Informant Program....	1,400	...	...	1,400
6. Alternative Dispute Resolution.....	1,000	...	...	1,000
Total	110,000	($15,000)	...	95,000

Congressional Appropriation Action on 2000 Request. Congress reduced the Fees and Expenses of Witnesses' request by $15,000,000.

Legal Activities
Fees and Expenses of Witnesses
Summary of Requirements
(In thousands of dollars)

Adjustments to Base:	
2000 Appropriation Enacted	95,000
2001 Base	95,167
Program Changes (Detailed below)	60,978
2001 Estimate	156,145

Estimates by budget activity	1999 Availability	1999 Actual[1]	2000 Appropriation Enacted	2001 Base	2001 Estimate	Increase/ Decrease
1. Fees and Expenses of Witnesses	$98,327	$85,794	$64,515	$64,682	$120,760	$56,078
2. Protection of Witnesses	38,107	22,776	27,485	27,485	27,485	0
3. Victim Compensation Fund	(796)	6	(1,000)	(1,000)	0	1,000
4. Private Counsel	4,204	3,097	1,600	1,600	4,500	2,900
5. Superior Court Informant Program	2,744	381	1,400	1,400	1,400	0
6. Alternative Dispute Resolution	0	0	1,000	1,000	2,000	1,000
Total	95,000	112,054	95,000	95,167	156,145	60,978

[1] These amounts represent gross obligations posted for 1999. No offsetting de-obligations for prior year activity are included.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Fees and Expenses of Witnesses

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	$64,515
2001 Base	...	...	64,682
2001 Estimate	...	...	120,760
Increase/Decrease	...	...	56,078

Base Program Description:

This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the Government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses is essential to the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately sixty percent of expert witnesses used by the Department in 1989 were either physicians, psychiatrists, appraisers, engineers, or economists. Also, the testimony of fact witnesses is used in court proceedings by the Department's legal divisions and the U.S. Attorneys. Fact witnesses are needed in a wide range of court proceedings, as well as pre-trial conferences. Fees and expenses paid to fact witnesses are intended to defray the costs of appearing to testify and are set by law and/or regulation. Further, the importance of this program is underlined by the need to protect the rights of accused individuals. Courts often order the Government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

Planned Base Initiatives:

To continue to provide adequate funding for payment of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the alleged offense.

To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. 524.

To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court-attendance fee paid to fact witnesses is set by law (28 U.S.C. 1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulations governing official travel by Federal employees and promulgated by the Administrator of the General Services Administration.

To provide adequate resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in Federal court for the indigent defendants.

To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. 4241 and 4242.

Expert Witnesses

Projected expert witness costs for fiscal year 2001 are expected to increase for several of the Department's larger expert witness users. The need for a significant portion of the requested increase of $120,760,000 will be generated in the Civil Division (CIV) where expert witness costs are projected to be approximately $42.3 million, or an increase of $13.3 million over anticipated costs for 1999. By fiscal year 2001, the CIV expects total expert witness requirements to increase as several factors unfold: (1) there could be as many as 100 active *WINSTAR* cases requiring the services of testifying experts; (2) Tobacco litigation will require the expertise of economists, epidemiologists, and medical experts to demonstrate the impact of tobacco use on federal health care expenditures; (3) numerous lawsuits following the decennial census, which will require a significant amount of expert witness participation; and (4) the need for additional funding to address workload increases in the Division's core litigating areas.

Also, the Environment Division (ENR) expects a significant increase in the number of experts hired to provide highly specialized assistance for a host of multi-site mega-CERCLA defensive contribution cases similar to the claims recently filed by Alcoa, Dupont and Lockheed in which the Government is faced with potential liability in the billions of dollars. In addition, ENR foresees a wide variety of large, resource-intensive cases requiring teams of complementary experts defending challenges to the Army's chemical weapons demilitarization program, and help prove ownership and liability for thousands of abandoned mines which are leaking toxic materials into surrounding aquifers. The Division will also be confronted by an expected rise in the number of cases involving restoration of water sheds and protection of Federal and tribal water rights, which once lost are lost forever. ENR's total expected need for 2000 is $13 million, or $4 million over the 1998 allotment.

Further, the Tax Division (TAX) expects to increase its use of expert witnesses as the Division increases its efforts to implement new initiatives to stem the tide of international tax evasion, the use of off-shore tax havens to promote tax scams. In FY 2001, TAX will initiate two new enforcement efforts; one that will combat international tax fraud, and another that will expose abusive trust tax scams run from off-shore tax havens. The need for these new initiates is generated by increasing attorney caseloads and increasing attorney hours devoted to these enforcement efforts. In developing the full range of enforcement tools to assist the Division's lawyers, there will be additional demands for expert witnesses to prepare and present testimony in cases with international origins.

Activity: Protection of Witnesses

	Perm. Pos.	FTE	Amount
2000 Appropriation Anticipated	...	...	$27,485
2001 Base	...	...	27,485
2001 Estimate	...	...	27,485

Base Program Description:

The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including the following: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safesite facilities to house protected witnesses before and during trial.

Planned Base Initiatives:

To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.

To provide orientation, documentation and family-oriented services to new WITSEC Program entrants.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Victim Compensation Fund

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	($1,000)
2001 Base	...	...	(1,000)
2001 Estimate	...	...	0
Increase/Decrease	...	...	1,000

Base Program Description:

This program provides resources to compensate individuals who are victimized by protected witnesses. Section 1208 of the Comprehensive Crime Control Act of 1984 (Title II of P.L. 98-473), enacted October 12, 1984, authorized annual appropriations not to exceed $1,000,000 for the Victim Compensation Fund. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P.L. 99-88).

Restitution will not exceed $50,000 for those victimized since the establishment of the Fund. Restitution not to exceed $25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473.

Planned Base Initiative:

To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

To pay restitution, or in the case of death, compensation for the death, to any victim of a crime committed by a protected witness that results in death or serious bodily injury.

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Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Private Counsel

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	$1,600
2001 Base	...	...	1,600
2001 Estimate	...	...	4,500
Increase/Decrease	...	...	2,900

BASE PROGRAM DESCRIPTION:

This activity provides funding to allow the Department to retain outside private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. As provided for under 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel and further provided that payments for such services will be payable from the Department of Justice appropriations.

Planned Base Initiatives:

To continue to defend Federal employees personally sued for carrying out official duties.

To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

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Private Counsel

Two major factors are responsible for the increasing demand for private counsel funding: (1) a sharp increase in the number of counsels hired (a 26 percent increase between 1998 and 1999; and (2) a 26 percent increase in the hourly rates paid to outside counsel.

The increase in demand for private counsel services is a direct result of the increased number of people called to provide testimony or to deliver depositions in judicial proceedings, Independent Counsel investigations and congressional inquiries. For example, in Cobell vs Babbitt, six separate law firms were needed to represent the relevant parties. Similarly, multiple counsel are often needed in matters wherein more than one party is involved.

The increase in hourly rates was necessary to accommodate higher fees demanded by outside counsel. The previous rate of $99 per hour was significantly below prevailing market rates, thereby impeding the Department's ability to reimburse private counsel for numerous cases. While the Department attempts to hold these rates as low as possible, the cost of providing adequate counsel in today's market is prohibitive.

Following are three examples of cases in which private counsel are needed:

Harris vs Roderick. This case arose from the shooting of Kevin Harris during the Ruby Ridge incident. Mr. Harris has asserted claims against 14 FBI and U.S. Marshals Service officials; consequently, six separate law firms were retained to represent the various groups of federal defendants. The case has expanded in full discover which involves a large number of depositions conducted throughout the country, large scale document review and production and the retention and preparation of many expert witnesses by both sides.

Alverez-Machain vs United States. This case arose out of the forcible abduction of Dr. Humberto Alvarez-Machain from Mexico to the United States for trial on a federal criminal indictment of federal murder and kidnaping charges based upon his alleged participation in the torture and murder in Mexico of DEA Special Agent Enrique "Kiki" Camerena-Salazar.

Trentadue vs United States. Kenneth Trentadue was a federal prisoner who died while incarcerated at the Federal Transfer Center in Oklahoma City, Oklahoma. Mr. Trentadues's family contends that he was murdered by Bureau of Prison guards and that there is a Department of Justice conspiracy to cover up the true cause of his death. There are a large number of witnesses and exhibits in this case. The Department expects to incur costs for some time in relation to this trial as private counsel and plaintiffs are expected to appeal various rulings after the close of the trial.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Superior Court Informants

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	$1,400
2001 Base	...	...	1,400
2001 Estimate	...	...	1,400

Base Program Description:

This program provides for funding for the protective services offered to D.C. Superior Court witnesses. Specifically, funding is provided for subsistence expenses; travel; temporary relocation; and other miscellaneous expenses. Funding in 1996 was provided from available balances.

Planned Base Initiatives:

To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate D.C. Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.

To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

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For 2001, the Department proposes to expand the current Superior Court Informant Program (SCIP) to two additional locations[2].

Over the past decade, the Department, largely through the U.S. Attorney offices, has become increasingly involved in the prosecution of violent, often drug- and gang-related, crime that historically had been the province of the states. One of the results of this trend is that witness security has become a more serious problem. Witnesses to violent crime, particularly gang-related violent crime, are often the targets of intimidation, threats, and assaults. Fear of gangs can be pervasive in a neighborhood, intimidating witnesses without any explicit threat needing to be made. Effective law enforcement requires that prosecutors and law enforcement agencies be able to respond to the needs of threatened and intimidated witnesses.

The justification for the proposed expansion is consistent with the rationale originally cited for the SCIP. That is: the threats faced by witnesses in violent crime cases are often local rather than national or international; danger to the witnesses generally ends upon conviction of the defendant(s); and most witnesses are unwilling to sever all ties with the local community as required by the long-term Witness Security program.

No additional funding is sought for this initiative because the Department believes that the expansion can be accomplished within the existing resource level for the current SCIP, which for the past two years has maintained a prior year carryover balance of roughly half the enacted amount.

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2 The new locations are as yet undetermined.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Alternative Dispute Resolution (ADR)

	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	...	...	$1,000
2001 Base	...	...	1,000
2001 Estimate	...	...	2,000
Increase/Decrease	...	...	1,000

Base Program Description:

Alternative Dispute Resolution (ADR) encompasses a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials. ADR processes offer the opportunity to settle pending civil litigation in ways that can be more efficient than unassisted negotiations, and on terms that can be more advantageous to the parties. According to the National Performance Review, ADR can enhance the public's access to justice by reducing delays and costs associated with government litigation. ADR can provide quick solutions in government disputes which, in turn, produce savings in interest payments on outstanding debts that the government owes in cases in litigation. ADR can provide flexibility, creativity, and control that lawyers and clients do not enjoy in litigation. And ADR often produces better, more comprehensive long-term solutions to problems.

Planned Base Initiatives:

To attempt resolution of civil disputes and litigation by using professional services of a mediator, arbitrator or other alternative dispute resolution provider.

To provide funding to pay the Government's share of the costs incurred during ADR proceedings.

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INITIATIVE

Alternative Dispute Resolution processes such as mediation and arbitration offer the opportunity to settle pending civil litigation in ways that can be more efficient than unassisted negotiation, and on terms that can be more advantageous to the respective parties. Accordingly, the Department has placed a significant emphasis on using ADR in civil proceedings. To promote this program, the Attorney General has directed that all attorneys be trained in the use of ADR, and that ADR be used whenever it is appropriated to do so. Thus, many attorneys in Washington, D.C., including all attorneys in the Civil Rights Division, and more than 1,000 Assistant U.S. Attorneys across the country, have been trained in ADR advocacy. Moreover, pursuant to the ADR Act of 1998, all district courts are required to have an ADR program for civil litigation. Many of the court programs already in existence use private mediators who charge for their services. The requested enhancement is needed to fund the costs of ADR services in instances wherein the Department has taken the initiative to use ADR and in those matters wherein the courts have directed the parties to attempt a settlement using mediation or some other ADR process.

Legal Activities
Fees and Expenses of Witnesses
Summary of Requirements by Object Class
(In thousands of dollars)

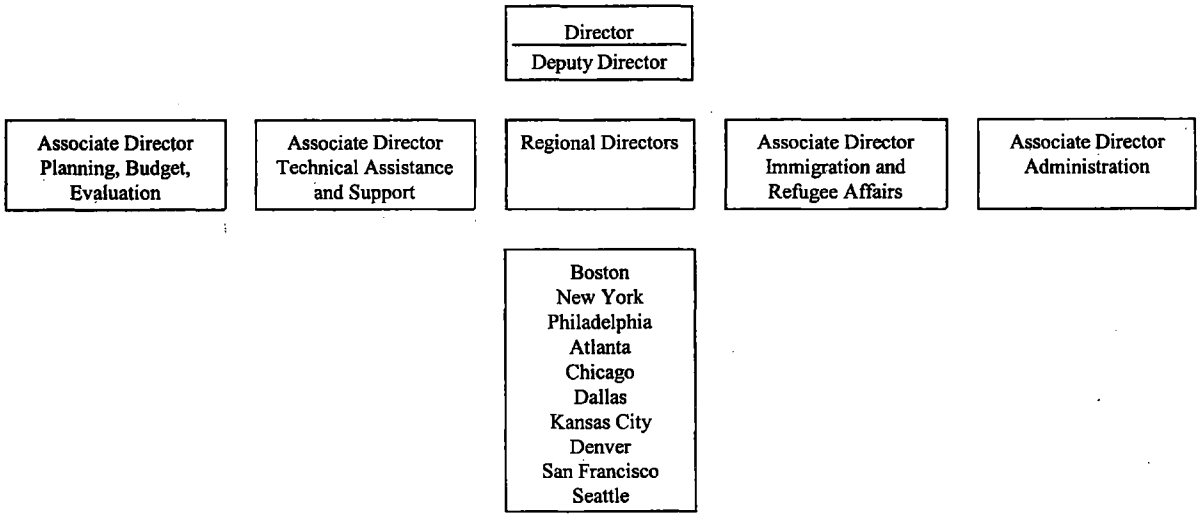
Object Class	1999 Actual	2000 Estimate	2001 Request	Incr/Decr
11.8 Special Personnel Services payment	$93,493	$105,128	$130,280	$25,152
21.0 Travel & Transportation of persons	14,642	16,465	20,404	3,939
25.0 Other Services	3,919	4,407	5,461	1,054
Total obligations	112,054	126,000	156,145	30,145
Unobligated balance, start of year	-19,299	-30,532	468	
Recovery of prior year balances	-28,287	...	...	
Unobligated balance, end of year	30,532	-468	-468	
Total requirements	95,000	95,000	156,145	
Relation of obligations to outlays:				
Obligations	112,054	126,000	156,145	
Obligated balance, start of year	81,221	63,221	75,689	
Adjustment in expired accounts	-28,287	...	...	
Obligated balance, end of year	-63,221	-93,221	-112,366	
Outlays	101,767	96,000	137,000	

Department of Justice
Community Relations Service
FY 2001 Authorization and Budget Request for the Congress
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Organization Chart



Revised organization chart expected

Approved: _____ Date: May 17, 1995
JANET RENO
Attorney General

Summary Statement and Performance Plan for FY 2001

The Community Relations Service (CRS) is requesting a total of 86 permanent positions, 71 work years, and $9,829,000 in its Salaries and Expenses appropriation. This request represents an increase of 30 positions, 15 work years, and $2,350,000 over the 2001 base appropriation of $7,479,000. The program increase for 2001 would resume the restoration of services and activities begun in 1999, and will extend the improved and expanded delivery of conciliation and conflict resolution services to local jurisdictions through addition of 15 conciliation specialists and 10 new field offices. The additional conciliators and offices will provide CRS services where there are "gaps" in our ability to respond. New headquarters personnel will provide management and coordination of conciliators' activities, strategic planning for CRS response to emerging situations of racial and ethnic tension, expert technical assistance to conciliation specialists on a number of service areas, including administration of justice, hate crimes, and youth violence associated with racial tension and conflict, and management and evaluation of all of CRS services, from field operations to staff development. A detailed explanation of CRS FY 2001 program increases is described on page 17, and a corresponding explanation of CRS base program is described on page 12.

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B. Component Mission and Goals, and Relationship to DOJ Strategic Plan

CRS' 2001 Request/Performance Plan directly supports the overall priorities, goals, and strategic plans of the Department of Justice. The plan establishes an improved ability to track and account for actual performance and results in the framework of the respective missions and goals of the Department and CRS, as prescribed by the Government Performance and Results Act of 1993 (GPRA).

The CRS mission is to assist States and local communities to resolve conflicts and prevent racial and ethnic violence, and to develop the capacity of such communities to address such conflicts and violence on their own. CRS services are conducted in accordance with Title X of the Civil Rights Act of 1964 (42 U.S.C. §2000g), which mandates that CRS provide assistance to communities and persons in the prevention and resolution of disputes, disagreements, and difficulties relating to perceived discriminatory practices based on race, color, or national origin. CRS is the only federal agency assigned this legislative mandate.

CRS provides services on a voluntary and cost-free basis. It relies on impartial mediation practices and established conflict resolution procedures to help local officials and community leaders resolve conflicts, and restore and maintain community stability. CRS has no law enforcement authority and does not impose solutions, assign blame or fault, or investigate or prosecute cases. CRS conciliation specialists are required by law to conduct their services without publicity and are prohibited from disclosing confidential information.

A description of CRS mission-critical functions and their alignment with the Department's strategic goals follows:

1. Conflict resolution and violence prevention: CRS provides conflict resolution and violence prevention services to those communities that experience or are vulnerable to tensions, conflict, and violence arising from issues of race, color, or national origin. This function directly relates to the Department's Strategic Plan, Core Function 2, Assistance to State and Local Governments, specifically under Goal 3 (Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities).

2. Establishment of Law Enforcement and Community Cooperation and Partnerships: CRS improves communications and cooperation between minority communities and law enforcement agencies by creating problem-solving processes by which formal and informal agreements are reached, resulting in increased community confidence and safety, and reduced potential for violent police-community confrontations and civil disorders. This function directly relates to the Department's Strategic Plan, Core Function 2, Assistance to State and Local Governments, specifically under Goal 3 (Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities).

3. Improvement of Preparedness for Civil Disorders and Unrest: CRS assists in improving the readiness of States and local governments to respond to civil unrest and disorder, including potential violence and domestic terrorism associated with organized hate group activity by providing assistance with the development of response plans, including early warning systems and other racial tension assessment instruments. This function directly relates to the Department's Strategic Plan, Core Function 2, Assistance to State and Local Governments, specifically under Goal 3 (Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our

communities) and is linked to Core Function 1 (Investigation and Prosecution of Criminal Offenses), specifically under Goal 3 (Improved Response Capability to Domestic Terrorism).

4. Enhancement of Local Conflict Resolution Capacity: CRS improves conflict resolution and violence prevention capabilities in communities and organizations, including law enforcement, schools, and colleges and universities, so that local institutions will have the skills and tools to independently resolve racial conflicts, including youth violence. CRS helps create mechanisms for constructive resolution of conflicts and disputes based on race and ethnicity, promotes the application of alternative dispute resolution methods, and helps establish conflict resolution approaches to address racial conflict and violence. This mission directly relates to the Department's Strategic Plan, Core Function 2, Assistance to State and Local Governments, specifically under Goal 3 (Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities).

B. FY 2001 Performance Plan and Summary Level Performance Indicators

CRS proposes a FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals will establish a baseline upon which future performance will be tracked and reported upon, as required by the Government Performance and Results Act (GPRA).

The FY 2001 Plan will transition CRS to the use of different performance measures, adding to "time and motion" indicators other measures which track both specific outcomes of CRS services and customer satisfaction with those services.

The Justice Management Division's Management Planning Staff (MPS) recognized in its Strategic Management Review of the Community Relations Service, (April 28, 1998) that CRS is one Departmental component for which impact or outcome performance measurement is very difficult. "Prevention, resolution, and mitigation of disorder are negatives, that is, events which did not occur or were less severe. It is nearly impossible to measure a negative quantitatively in the short run." Thus, CRS concurs with the MPS recommendation that CRS adopt a customer-driven model which documents customer satisfaction with outcomes, processes, and services.

Beginning in FY 1998 and 1999, CRS modernized its information technology infrastructure. The new system will include a revised case management system which allows for better data collection and information retrieval. The new system will allow CRS to develop strategies, programs, and priorities which address the most urgent needs of its customers, focus CRS on determining the requisite services and organization; and establish customer satisfaction as an essential measurement for both organizational and individual performance.

Until this new Performance Plan is in place, CRS will continue to operate under the structure of its existing Performance Plan.

Departmental Summary Performance Plan:

- In FY 2001, DOJ will play a more active role in assisting communities to respond to and resolve racial and ethnic violence and conflict. Through the Community Relations Service, the Department will provide conflict resolution and violence prevention services to communities.

Community Relations Service Summary Performance Indicators:

- In FY 2001, there will be an increase in the number of jurisdictions assisted by CRS in which violence is prevented or reduced, and/or local capacity to respond to racial conflict and violence is enhanced.

- In FY 2001, CRS will provide increased conflict resolution and violence prevention services as a result of greater availability and accessibility of CRS conflict resolution professionals to local communities, development of improved service delivery and management systems, and improved information technology and training.

- CRS conciliation specialists will increase the number of alerts filed, assessments made, and cases opened and closed by 15 percent in FY 2001.

- CRS conciliation specialists will increase the number of conflict resolutions, consultations, and other services provided to State and local governments in FY 2001 by 15 percent.

- CRS will increase its ability to respond on-site to requests for services from communities experiencing racial or ethnic conflict and violence, and report a measurable reduction in the levels of racial and ethnic tension in those communities, based on accepted CRS tension assessment methodology.

C. Major FY 2001 Initiatives: Ensuring "Peaceful Communities" through Local Conflict Resolution and Violence Prevention Services and Coordination with Federal, State, and local Governments

In FY 2001, CRS will place 15 additional conciliation specialists in strategic, "high risk" locations throughout the country. This initiative also creates 10 additional CRS Field Offices, and follows closely the recommendations contained in the JMD Management Planning Staff report, Strategic Management Review of the Community Relations Service (April 24, 1998). The Field Offices will be located in cities and states where a set of selection criteria has determined the greatest need for additional CRS conflict resolution and violence prevention services. This initiative is consistent with the Department's Community Crosscut planning process for FY 2001, and will ensure that CRS can facilitate the local coordination of Federal, State, and local Government agencies when conflict and violence are imminent in communities. Localized services will maximize the benefits derived from the unique credibility and trust CRS staff establishes with local officials, law enforcement agencies, and civic leaders.

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Community Relations Service
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimate includes proposed changes in the appropriations language listed and explained below. New language is italicized and underscored, and language proposed for deletion is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Community Relations Service, established by Title X of the Civil Rights Act of 1964, [$7,199,000] *$9,829,000*, and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. (Department of Justice Appropriations Act, 2000, P.L. 106-113)

Explanation of Changes:
No substantive changes proposed.

Community Relations Service
Salaries and expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Estimates by Program	1999 as Enacted			Approved Reprogramings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Conflict Prevention and Resolution:															
Total	56	56	$7,199	...	...	...	...	...	...	...	...	...	56	56	$7,199

Community Relations Service
Salaries and expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Conflict Prevention and Resolution:	2000 President's Budget Request			Congressional Action on 2000 Request			Transfers Between Accounts			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Total.....	86	71	$10,334	(30)	(15)	($3,135)	...	...	...	...	...	...	56	56	$7,199

Congressional Appropriation Action on 2000 Request: Congress funded the 2000 appropriation at the 1999 level.

Community Relations Service
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work Years	Amount
Adjustments to base:			
2000 Appropriation Enacted	56	56	$7,199
Transfers to and from other accounts:			
FY 1998 Infrastructure Improvement Transfer	...	...	256
2000 Availability	...	...	7,455
Adjustment-to-base increases	...	...	280
2001 Base	56	56	7,479
Program Changes	30	15	2,350
2001 Estimate	86	71	9,829

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Program	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Conflict Prevention and Resolution:												
Total, Program Operations	56	56	$7,199	56	56	$7,479	86	71	$9,829	30	15	$2,350

Community Relations Service
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1999 Availability Perm. Pos.	WY	Amount	1999 Actual Perm. Pos.	WY	Amount	2000 Appropriation Enacted Perm. Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
Conflict Prevention and Resolution:																		
Program Operations.....	56	51	$7,199	56	42	$7,199	56	56	$7,199	56	56	$7,479	86	71	$9,829	30	15	$2,350

Community Relations Service
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

Conflict Prevention and Resolution Program Operations	Permanent Positions	Work Years	Amount
2000 Appropriation Enacted	56	56	$7,199
2001 Base	56	56	7,479
2001 Request	86	71	**9,829**
Increase/Decrease	30	15	**2,350**

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Base Program Description

Conflict Prevention and Resolution - Program Operations has base resources of 56 positions, 56 work years, and **$7,479,000.** All positions are occupied by staff directly engaged in conflict resolution and prevention work. Staff in this decision unit assist communities to prevent and resolve conflicts and disputes based on race, color, or national origin by the provision of conflict resolution and violence prevention services.

CRS helps States, local communities, and tribal governments resolve racial violence and conflict. Four major customer groups request CRS services: law enforcement agencies; courts, State and local governments, and Federal agencies, including U.S. Attorneys, the FBI, HUD, ATF; schools, colleges, and universities; community groups; and other organizations. Through its program cross-cutting efforts with other Department of Justice components and their grantees, CRS provides services in situations that threaten program initiatives. CRS' case tracking system classifies the tangible outcomes of services provided.

The demand for CRS conflict resolution and violence prevention services continues to be acute. Police excessive use of force incidents created community-wide tensions with the potential for violence and division in both urban and suburban communities. A series of high profile hate crimes, including the brutal murder of James Byrd, Jr., in Jasper, Texas, required CRS' involvement to restore community calm. The generalized increase in racial tension was marked by a resurgence of incidents involving the Ku Klux Klan and other organized hate groups, and continued church burnings. CRS continued to respond to an increasing number of incidents involving community racial tension arising from issues of accommodation and assimilation of new immigrants by local communities.

CRS' limited resources remain stretched beyond the capacity to respond to all requests for assistance. CRS applied lessons acquired from more than thirty five years of experience: there is no substitute for on-site service, and no substitute for experienced impartial conciliation specialists who have worked directly with local officials and community leaders in developing local solutions to racial violence and conflict. CRS continued to respond to the most urgent and explosive situations to help ensure public safety and reduce the prospect of new or continued racial violence.

1. Civil Disorder Response and Police-Community Cooperation: A great majority of CRS services supports and assists law enforcement agencies. CRS services included: mediating and conciliating conflicts before they turn violent; assisting police agencies to work with residents to identify and address "hot spots" and other points of conflict; helping police and civic leaders to work together to address the underlying causes of racial conflicts before "triggering incidents" provoke civil unrest and serious disturbances.

   CRS helps to quell violence and contain civil disorder by engaging community leadership in responding to violence, ensuring coordination among Federal, State, and local agencies and community groups, and providing effective information and rumor control. CRS developed a series of "best practices" protocols to help guide law enforcement officials to manage and avoid violence in potentially explosive situations. In the wake of violence, CRS provides services to help agencies avert new violence and improve overall police-community relations. CRS works to establish and sustain communications between law enforcement and community groups through mutual understanding and working partnerships.

   - CRS deployed conflict resolution teams to **Riverside, California** to help city officials and community groups respond to community tensions following a fatal police shooting in December 1998, of Tyisha Miller, a young

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Black woman. CRS helped city officials and a citywide clergy group develop improved policies and procedures governing response to similar circumstances. When the Riverside County District Attorney was ready to announce in May, 1999, the results of his criminal investigation into the police shooting, CRS helped local officials and community groups respond to tensions at four local high schools and other "hot spots." CRS facilitated sessions to help residents express their feelings about the District Attorney's findings. When national and local civil rights leaders announced and staged a series of civil disobedience actions, CRS conciliated between police and protestors on the arrangements and ground rules for the arrest. For a number of other rallies and marches, CRS helped assure that enough self-marshals were prepared to prevent serious confrontations. CRS learned from police debriefings that its conciliation services both preserved order and improved in police enforcement strategies.

- CRS responded to increased racial tensions in the **Miami, Florida** area, prompted by strong community reaction to a series of immigration-related issues, including the custody of Elian Gonzalez, a juvenile Cuban rafter whose mother died on the journey from Cuba; and the treatment of Haitians arriving on Florida shores. CRS helped officials and protesters plan for non-violent demonstrations, arranged face to face meetings between Cuban and Haitian leaders with INS and other government officials, and fostered good communications and factual information.

- Following the shooting of Amadou Diallo in **New York City,** CRS, at the request of the New York Police Department, worked with local and Federal officials, and civil rights organizations to ease community racial tensions. CRS secured agreement between police and march organizers on ground rules for demonstrations and arranged for effective self-marshaling of these events.

- CRS completed a bulletin on **"Police Use of Force – Addressing Community Racial Tensions"** in collaboration with a committee of police executives. The bulletin provides examples of "best practices" in response to use of force incidents where there are pre-existing community tensions between the police and minority residents. The best practices represent the combination of law enforcement perspective provided by police chiefs, and CRS' collective experience resolving conflict and preventing violence in response to "triggering incidents," such as a use of force situation.

2. Conflict Resolution and Violence Prevention in Schools: As catastrophic incidents of school violence have shown, there is a tremendous potential for conflict and violence in our schools. CRS services help schools address racial conflicts and violence, reduce tensions, develop plans to avoid potential incidents, and prepares students, teachers, and administrators for effective conflict resolution and mediation. CRS services were requested in 1999 by more than **150 school** districts and **100** colleges and universities. The "Student Problem Identification and Resolution Program" (SPIR) is illustrative of CRS theory and approach to school conflict and violence. SPIR is a conflict resolution program which helps schools identify and defuse racial tensions involving students at junior and senior high schools. Through a carefully structured process that brings students, teachers, and administrators together, underlying causes for racial conflict are identified and a joint plan is developed to address the issues. CRS helps school administrators, local community leaders and police officers to identify conditions which may lead to conflict and violence, and to conduct these programs. This strengthens cooperation between police and schools. CRS work helps to build the infrastructure to allow communities to address these issues independent of CRS involvement.

- After a racial melee at the **Inglewood, California** high school, CRS conducted a two-day session with a cross-section of over 90 students. Through SPIR students were helped to diagnose school race relations issues and propose joint solutions to school administrators. A permanent mechanism, a SPIR Council, was established to work with the school principal, to implement the recommendations. CRS helped members of the Los Angeles County Human Relations Commission, California Youth Authority, and School Law Enforcement Partnership carry out the program at other school locations.

- In response to a increasing community racial tensions and protests in December, 1999, arising from the expulsion of seven Black students from the **Decatur, Illinois** schools, CRS worked with local officials and demonstration leaders to assure that a series of protest activities would be conducted without incident. Then, while the Federal District court held hearings on the expulsion issues, CRS secured agreement from city leaders, local college officials, and community leaders to join in mediated discussions on ways to improve race relations in Decatur for the long term.

3. Hate Crime Response: CRS services help local officials maintain and restore stability when hate crimes heighten community tension and the threat of violence. CRS prepares police to recognize and respond to hate crimes, and strengthens hate crime reduction programs in schools, colleges, and universities.

   CRS, as part of the Department's Hate Crime Initiative, and in partnership with the FBI and national police and prosecutors' organizations, designed new curricula for police executives, investigators, and patrol officers on "best practices" when responding to hate crimes.

   - CRS conciliators were on-site in **Jasper, Texas** almost continuously for two months following the brutal murder of James Byrd, Jr. CRS met with local officials, community leaders, and residents at the grass roots level to develop plans for managing protests and counter-demonstrations by the Ku Klux Klan and New Black Panther Party; convened strategic meetings of key city, religious and other community leaders to plan for racial reconciliation in Jasper; and prepared the school system's staff and students for effective, independent conflict resolution and crisis response.

Initiative: Ensuring "Peaceful Communities" through Local Conflict Resolution and Violence Prevention Services and Coordination with Federal, State, and local Governments

Program	Positions	Work years	Amount
Conflict Resolution	30	15	$2,350,000

This request includes the following positions: one Deputy Director, 15 Conciliation Specialists, 10 Administrative/Intake Specialists, and four Program Specialists/Management Analysts.

CRS is requesting a program increase of $2,350,000 to address racial violence, disorders, and conflict in States and local communities. The program increase for FY 2001 would resume the restoration of services begun in FY 1999 and will extend the improved and expanded delivery of conciliation and conflict resolution services to local jurisdictions through addition of 15 conciliation specialists and 10 additional field offices. CRS will determine the cities and states where the new offices will be located based on the following criteria:

- Levels of community volatility, vulnerability, and a history of racial and ethnic violence;
- Documented requests for services from public officials that were unmet by CRS;
- Demographic and socio-economic shifts resulting in increased racial conflict and tension; and
- Issues of accessibility, cost of service, and response time to remote locations.

The 10 new field offices will allow more sustained CRS involvement in communities and will maintain the ongoing working relationships with local officials, law enforcement agencies, and civic leaders, especially during critical times of community unrest and disorder. The additional conciliators will provide CRS services where there are "gaps" in our ability to respond. The program increase will also create 10 administrative assistant positions intended to support the work of the Headquarters and Regional offices, further relieving Regional Directors, conciliation specialists, and Headquarters staff from clerical tasks to conduct conflict resolution services. New headquarters personnel will provide management and coordination of conciliators' activities, strategic planning for CRS response to emerging situations of racial and ethnic tension, expert technical assistance to conciliation specialists on a number of service areas, including administration of justice, hate crimes, and youth violence associated with racial tension and conflict, and

management and evaluation of all of CRS services, from field operations to training of staff. This initiative restores to CRS administrative, financial, and personnel capabilities and services which had been provided by EOUSA from 1996 through 1999.

The program increase includes $2,350,000 of modular costs for the new positions. Each of the new positions has first year, non-recurring costs of approximately $6,000 for additional office space and associated administrative costs associated with the creation of new positions and hiring of new staff.

This initiative supports the Attorney General's and the Department's Strategic Plan, Core Function 2, Assistance to State and Local Governments, specifically under Goal 3 (Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities). The initiative is directly related to the Attorney General's priorities to assist communities to bridge racial division and lessen destructive community racial violence and conflict.

The program increase is consistent with the findings and reorganization recommendations contained in the JMD Management Planning Staff report, Strategic Management Review of the Community Relations Service (April 24, 1998), which called for a redesigned field structure to provide a more responsive, customer-oriented service delivery system. Based on interviews with more than 150 public officials and civic leaders across the country, MPS reported that "... the Community Relations Service is needed today more than ever" and that "... many officials interviewed were visibly frustrated and angry that the Federal government had reduced the resources for CRS under these circumstances." It concluded that "current conditions argue persuasively that there is more demand for CRS community conciliation than can be met today."

The proposed enhancement can also be justified on the basis of independent analyses of growing racial violence and conflict and projected added demand for CRS services. According to researchers and law enforcement experts, the current level of racial tension and conflict will increase the potential for violent outbreaks in many localities. As communities become more diverse, racial conflicts and tensions are predicted to rise and the calls for CRS service are expected to continue to grow. Given the fundamentally different and more complex racial and ethnic landscape in America today, issues of accommodation and assimilation will create a greater demand for CRS services are in greater demand than ever.

Criminologists project a greater potential for racial violence based on demographic shifts, economic dislocation, and disparate urban youth unemployment over the next decade. In areas where there have been changes in the composition of the community, there have

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been marked increases in crimes against minorities, hate crimes, and crimes committed by newly formed youth gangs. Hate crime incidents and retaliatory actions have risen sharply in the last few years. In addition to an increase in hate crimes, groups which advocate race-based violence are on the rise. According to Klan Watch, a publication which monitors the activities of the Ku Klux Klan and other hate groups, law enforcement and human relations officials throughout the United States are reporting the reappearance of large numbers of Skinheads in their communities.

First hand tension assessments by CRS Regional Directors show an increased demand for CRS services to help resolve community racial conflict, based on community tensions arising from intensified immigration and drug enforcement activities; incidents and complaints of excessive use of force by police; tribal/State conflicts over sovereignty issues; and campus violence and conflicts in response to demographic changes. Without the resources requested for 2000, Regional offices continue to decline or postpone requests for conflict resolution and violence prevention services.

CRS experience indicates that outbreaks of civil disorder may be attributed to the existence of two volatile community dynamics known to create extraordinary tension and a triggering incident. The first community dynamic is a perception that severe inequities exist in certain areas of the social structure. The second dynamic is the lack of confidence in the interest or capability of government or other institutions to provide effective remedies to perceived inequities. A triggering incident is a tension-heightening event that catalyzes discontent and allows for civil disorder. CRS Regional managers report that the inability by CRS to respond in a timely fashion increases the likelihood in many communities of a triggering incident and its destructive consequences.

Community Relations Service
Performance Measurement Table

NAME OF DECISION UNIT: Conflict Prevention and Resolution - Program Operations

Department of Justice Core Function: Assistance to State and local Governments
Strategic Goal: Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities

PERFORMANCE INDICATOR INFORMATION								
				Performance Report		Performance Plan		
Type of Indicator	Performance Indicators	Data Source	1998	1999		2000		2001
			Actual	Enacted Plan	Actual	Plan	Revised Plan	Plan
Input	1. Number of alerts filed during fiscal year	CRSIS	1139	1367	1202	1442	1322	1382
	2. Number of alerts carried in from previous fiscal year	CRSIS	585	702	797	956	877	917
	3. Number of cases opened during fiscal year	CRSIS	449	539	614	737	675	706
	4. Number of cases carried in from previous fiscal year	CRSIS	497	596	558	670	614	642
Output/ Activity	5. Number of assessments conducted	CRSIS	560	672	547	656	602	629
	6. Number of cases worked on							
	a. At tension level 6	CRSIS	32	38	34	40	37	39
	b. At tension level 5	CRSIS	60	72	63	76	69	72
	c. At tension level 4	CRSIS	428	514	449	539	494	517
	7. Number of cases in which law enforcement, State or local governments, or community organizations received technical assistance or training	CRSIS	149	179	156	188	172	180
	8. Number of training programs delivered to professional associations of educators, school district personnel, and/or students	CRSIS	68	82	71	86	79	82

"Alert" - a report on an occurrence that could possibly require CRS casework; "Tension level 6" - Racially motivated violence resulting in serious injury/property damage; "Tension level 5" - Racially motivated violence resulting in minor injury/property damage; "Tension level 4" - Public statements by parties, expressing conflicts with other parties.

NAME OF DECISION UNIT: Conflict Prevention and Resolution - Program Operations

Department of Justice Core Function: Assistance to State and local Governments
Strategic Goal: Support innovative, community-based strategies aimed at reducing crime, delinquency, and violence in our communities

PERFORMANCE INDICATOR INFORMATION

Type of Indicator	Performance Indicators	Data Source	1998	Performance Report 1999		Performance Plan 2000		2001
			Actual	Enacted Plan	Actual	Plan	Revised Plan	Plan
Intermediate Outcome	Conflict prevention and capacity enhanced at the State and local level							
	9. Number of cases in which CRS work with local law enforcement averted potential violence or disorder	CRSIS	164	197	167	200	184	192
	10. Conflict management and resolution skills curriculum or programs adopted or facilitated with CRS assistance	CRSIS						
	a. Number of schools	CRSIS	22	26	26	31	29	30
	b. Number of school districts	CRSIS	31	37	18	22	20	21
	c. Number of State, local governments, and community organizations	CRSIS	198	238	218	262	240	251
End Outcome	12. Number of cases in which the potential for conflict, violence, or civil disorder is reduced or ameliorated due to mediation and/or conciliation services	CRSIS	164	197	167	200	184	192
Productivity/ Efficiency	13. Percentage of work years committed to conflict prevention or resolution activities vs. total number of work years	CRSIS						

A. **Data Validation and Verification:**
Data Collection and Storage: CRS collects and maintains data in a case management system, CRSIS. CRSIS establishes standard criteria for recording and classifying casework.. **Data Validation and Verification:** CRS Regional Directors review and approve case information entered into CRSIS; the data is reviewed and verified by analysts and managers at CRS headquarters. **Data Limitations and Mitigations:** In FY 2000, CRS will develop and implement a revised case management system to: improve the accuracy of data collection; better describe the work undertaken; and more easily extract the information required for preparing GPRA reports as well as requests for information from Congress and the White House. The revised system will provide CRS with improved tools for assessment and evaluation of casework, resulting in programmatic improvements.

B. **FY 99 Program Performance Report:**
- With almost 20% of CRS Conciliation Specialist positions vacant for much of FY 98, and a delay in hiring of new personnel during FY 99, the number of cases that CRS was able to address in FY 99 was reduced from the original plan..

C. **Issues Affecting Selection of FY 99 and 00. Provide information on the selection of target levels of performance, where necessary.**
- FY 99 and 00 targets reflect increases in funding to return CRS's operations to levels approaching FY 95. An ongoing effort to maintain the highest possible number of field conciliators continues

Community Relations Service
Salaries and Expenses
Financial Analysis - Program Changes, FY 2001
(Dollars in thousands)

	Program:	Conflict Resolution	
	Item	Number of Positions	Amount
	Grades		
	ES-1	1	$120
	GS-15	1	88
	GS-14	5	372
	GS-13	6	378
	GS-12	5	265
	GS-9	2	77
	GS-8	10	330
	Total positions and annual rate	30	1630
	Lapse (-)		815
Object Class	Other personnel compensation	0	0
11.1	Total workyears and personnel compensation	15	815
12.1	Personnel Benefits		220
21.0	Travel		138
22.0	Transportation		5
23.1	GSA Rent		169
23.2	Rental Payments to Others		21
23.3	Communications & Utilities		72
24.0	Printing and Reproduction		5
25.2	Financial, Payroll, and other Services		102
25.6	Medical Care		1
26.0	Supplies		25
31.0	Equipment		349
32.0	Build out		324
Multi-class	Conciliation Specialist Training		90
Multi-class	Computer Training		15
	Total workyear and obligation changes requested, FY 2001	**15**	**2350**

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Community Relations Service
Salaries and Expenses
FY 2001 Priority Rankings

Base Program	
Program	Ranking
Conflict Resolution	1

Program Increases				
Program	Initiative	Ranking	Item	Ranking
Conflict Resolution	Conflict Resolution and Violence Prevention	1	Enhanced Localized Conciliation Services	1
			Management, Evaluation, Administration and Strategic Planning	2
			Technical Assistance to Field Operations	3

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Community Relations Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999-2001
(Dollars in thousands)

Category	FY 1999 Authorized	2000 Authorized	2001 Program Increases	2001 Total Authorized
Attorney (905)	1	1	0	1
Regional Directors (340)	10	10	0	10
Senior Conciliation Specialists (301)	17	17	6	23
Conciliation Specialists (301)	17	17	7	24
Management/Program Analysts (343)	5	5	5	10
Program Specialists (301)	2	2	0	2
General Administrative and Clerical (300-399)	2	2	11	13
Accounting and Budget (500-599)	2	2	1	3
Total	56	56	30	86
Washington	12	12	5	17
U.S. Field*	44	44	25	69
Total	56	56	30	86

*Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year.

Community Relations Service
Salary and Expenses
Summary of Changes
(Dollars in thousands)

	Permanent Positions	Work Years	Amount
Adjustments to base:			
2000 Appropriation Enacted	56	56	7,199
Increases:			
2001 Pay Increase			136
Annualization of 2000 Pay Increase			73
Federal Health Insurance Premiums			9
Travel Management Center Contract Fees			10
General Services Administration (GSA) Rent			52
Adjustments to FY 2001 base:	...	...	280
2001 Base	56	56	7,479
Program Increase:			
Conflict Resolution and Prevention (See Program Narrative for Details)	30	15	2,350
2001 Estimate	86	71	9,829

Justification of Adjustments to Base

Community Relations Service
Congressional Authorization and Budget Request
Estimates for FY 2001

Increases: Adjustment to Base	Permanent Positions	Work years	Amount
FY 2001 pay increase. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, **$136,000**, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (**$99,000 for pay and $37,000 for benefits**).	-	-	$136
Annualization of 2000 pay increase. This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent to be effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent provided for in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, **$73,000**, represents the total annualization of the pay amounts for the fiscal years plus appropriate benefits (**$53,000 for compensation and $20,000 for benefits**).	-	-	73
Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal Employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger portion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes **$9,000** for these costs			9

Increases: Adjustment to Base	Permanent Positions	Work years	Amount
Travel Management Center Fees. In the past, travel management services were provided at no costs, and the Department received rebates based on ticket sale. However, current practices in the travel industry have ended this process. The new contract will not provide rebates and will carry fees for each ticket, hotel, car and other reservations made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $10,000 is requested for CRS.	-	-	$10
General Services Administration (GSA) rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $52,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates, reflecting a 5 percent increase over 2000 levels.	-	-	52
Increases ..... Total	-	-	**280**

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Community Relations Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and Salary Ranges	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
Executive Level IV, $122,400	1		1		1			
ES-1, $115,811					1		1	
GS-15; $84,638-110,028	14		14		15		1	
GS-14, $71,954-93,537	20		20		25		5	
GS-13, $60,890-79,155	5		5		11		6	
GS-12, $51,204-66,564	15		15		20		5	
GS-11, $42,724-55,541								
GS-10, $38,885-50,554								
GS-9, $35,310-45,900					2		2	
GS-8, $31,968-41,557	1		1		11		10	
Ungraded positions								
Total, appropriated positions	56	3,547	56	4,185	86	5,159	30	974
Lapses	(14)		(5)		(15)			
New, full-time permanent	42	3,547	51	4,185	71	5,159		
Average GS Salary		$63,339		$74,732		$59,988		
Average GS Grade		13.51		13.51		12.67		

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Community Relations Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Full-time permanent	42	$3,389	56	$4,158	71	$5,125	15	$967
11.3 Other than full-time permanent		78		27				
11.5 Other personnel compensation		70						
11.8 Special personnel services payments								
Total	42	3,537	56	4,185	71	5,125	15	940
Other Object Classes:								
12.0 Personnel benefits		634		757		1,043		286
13.0 Benefits to Former Personnel								
21.0 Travel and transportation of persons:		706		681		869		188
22.0 Transportation of things		24		30		35		5
23.1 GSA rent		421		350		571		221
23.2 Rental payments to others		73		70		91		21
23.3 Comm., util., & other misc. charges		240		262		334		72
24.0 Printing and reproduction:		35		12		17		5
25.1 Advisory and assistance services:		636		586		262		(324)
25.2 Other services:		201		63		175		112
25.3 Purchases of goods & svcs from Gov't accts		214		108		214		106
25.4 Operation and Maintenance of Facilities		150		4		88		84
25.6 Medical Care:		2		1		2		1
25.7 Operation & Maintenance of Equipment:		12		7		22		15
26.0 Supplies and materials		115		45		140		95
31.0 Equipment		198		38		412		374
32. 0 Build Out		...		...		324		324
42.0 Insurance claims and indemnities		1		...		...		...
Multi-class		...		...		105		105
Total obligations		7,199		7,199		9,829		2,350
Relations of Obligations to Outlays								
Total Obligations		7,199		7,199		9,829		
Obligated balance, start of year		490		452		1,118		
Obligated balance, end of year		(1,080)		(1,080)		(1,474)		
Outlays		6,609		6,571		9,473		

Department of Justice

Independent Counsel

Estimates for Fiscal Year 2001

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Legal Activities

Independent Counsel, Permanent Indefinite Appropriation

Summary Statement

Fiscal Year 2001

In the 1988 Appropriations Act, Congress established a permanent indefinite appropriation to fund the expenses of Independent Counsel investigations and prosecutions. Under this appropriation, all necessary costs and expenses incurred in the pursuit of these investigations will be funded from amounts available in the Treasury.

Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The Authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for on-going investigations. In June 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law. On June 30, 1999, the Reauthorization Act of 1994 expired. To-date there has been no reauthorization.

Upon expiration of the Reauthorization Act of 1994, ongoing Independent Counsel investigations will continue their operations to conclusion. Expenditures for these operations will continue to be funded from the permanent indefinite appropriation.

Legal Activities

Independent Counsel, Permanent Indefinite Appropriation

Summary of Requirements

(Dollars in Thousands)

Estimates by budget activity	1999 Enacted	1999 Actual	2000 President's Request	2001 Base	2001 Estimate	Increase/ Decrease
Independent Counsel.....	$9,500	$25,000	$9,500	$9,500	$9,500	...

Legal Activities

Independent Counsel, Permanent Indefinite Appropriation

Program Performance Information

Government Performance and Results Act Requirements

Mission: To implement the provisions of the Ethics in Government Act of 1978 (28 U.S.C. 591 et. seq., as amended), pertaining to the appointment and functions of the various Independent Counsel.

Organizational Goals:

1. To investigate allegations of misconduct by high-level officials of the Executive branch whenever a preliminary investigation by the Attorney General results in an application for appointment of an Independent Counsel.

2. To conduct proceedings before grand juries and other investigations.

3. To review all documentary evidence from any source.

4. To initiate and conduct prosecutions in any court of competent jurisdiction, including the framing and signing of indictments, the filing of information, and the handling of all aspects of cases.

Legal Activities

Independent Counsel, Permanent Indefinite Appropriation

Program Performance Information
(Dollars in Thousands)

ACTIVITY: INDEPENDENT COUNSEL

2000 Appropriation Anticipated	$9,500
2001 Base	9,500
2001 Estimate	9,500
Increase/Decrease	...

BASE PROGRAM DESCRIPTION: Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for ongoing investigations. In June, 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law. On June 30, 1999, the Reauthorization Act of 1994 expired and to-date there has been no reauthorization. The provisions of the chapter remain in effect for ongoing investigations.

In order to facilitate functioning of these counsel and maintain their independence from the Department of Justice, a working arrangement was implemented in 1986 between the Administrative Office of the U.S. Courts (AOUSC) and the Department of Justice for the administrative support of Independent Counsel investigations. In a letter of agreement between the Department and AOUSC, the Department was responsible for funding the appropriate costs of any Independent Counsel, while AOUSC was responsible for the disbursement and accounting of such funding. The Independent Counsel Reauthorization Act of 1994 directs AOUSC to provide administrative support and guidance to each Independent Counsel.

The Department provides funding periodically to AOUSC. This funding is available to pay the appropriate costs of any active Independent Counsel. Under P.L. 100-202, an Act making further continuing appropriations for 1988, a permanent indefinite appropriation was established. This authorization is included within the General Legal Activities appropriation language (101 Stat.

1329-9). All necessary funding is to be provided from general funds in the Treasury on an as needed basis. The Congress has directed the Comptroller General to conduct semiannual financial audits.

Independent Counsel Investigations Costs				
Completed:				
Special Counsel	Subject	Outcome	FY Begun	Cost
Paul J. Curran	Improper financial transactions between the **Carter Peanut Warehouse** and the National Bank of Georgia		1979	$162,809
Independent Counsel				
Arthur H. Christy	Illegal drug use by **Hamilton Jordan**, President Carter's Chief-of-Staff	Insufficient evidence	1981	181,938
Gerald Gallinghouse	Illegal drug use by **Tim Kraft**, President Carter's national campaign manager	No basis for prosecution	1981	3,348
Leon Silverman	Alleged improper business relationships between Labor Secretary **Raymond Donovan's** firm and organized crime figures	Insufficient Evidence	1982	326,444
Jacob Stein	Impropriety of AG **Edwin Meese III** involving financial transactions and appointments of business associates to federal jobs	No basis for Indictment	1984	311,848
Independent Counsel[1]				
Harper	Alleged willful failure to file an income tax return, **subject's name under seal.**[2]	No indictment	1987	44,498
Leon Silverman	Reappointed in 1985 under court seal to investigate **Raymond Donovan** on same subject	Insufficient Evidence	1989	7,205

[1] Costs for Counsel established after 1986 reflect expenditures reported by Administrative Office of U.S. Courts.

[2] Charles Rauh originally appointed to investigation resigned shortly after because he didn't like certain potential restrictions on his legal practice.

Independent Counsel Investigations Costs				
Independent Counsel	Subject	Outcome	FY Begun	Cost
Sealed			1989	$17,087
Alexia Morrison	Former AAG **Theodore Olson** giving false testimony before Congress[3]	No basis for Indictment	1986	1,514,891
Whitney Seymour	Violation of federal conflict-of-interest laws by former White House aide, **Michael Deaver**	Conviction	1986	1,469,650
James McKay	**Edwin Meese III** (2nd Investigation)	No Indictment	1987	2,576,648[4]
	Violation of criminal laws by **Franklyn Nofziger** on behalf of the Wedtech Corp.	Conviction overturned	1987	
Sealed			1991	87,377
Ongoing Costs:				Cost as of 9/30/99
Lawrence Walsh	Secret sale of weapons to Iran and the diversion of profits to assist U.S.-backed Nicaraguan rebels, **several defendants** involved	Convictions/ Pardons	1987	39,008,326[5]
	Sensitive Compartmented Information Facility			2,363,529[6]

[3] James McKay originally appointed to investigation resigned a month later to avoid a conflict of interest.

[4] Cost breakdown between the two investigations are estimated at 50%/50%.

[5] An additional $98 thousand has been charged directly against the permanent indefinite IC appropriation. In April, 1995, $380 thousand was credited to the account due to a reimbursement from the Judgment Fund for attorney fees.

[6] An additional $3,067 thousand has been charged directly against the permanent indefinite IC appropriation.

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Independent Counsel Investigations Costs				
Independent Counsel	Subject	Outcome	FY Begun	Cost as of 9/30/99
Arlin Adams Larry Thompson (6/1/95)	Conspiracy to defraud the U.S. by **Samuel Pierce** and other HUD officials involving the Dept.'s rehabilitation program	Guilty Pleas/ Convictions Fines Collected	1990	$24,099,527
diGenova	Violation of the law and cover up of knowledge of the preelection search of President Clinton's passport files by **White House officials**	No Indictment	1993	2,472,613
Starr	Violation of any federal criminal law relating to what has become known as the "Whitewater Affair", **President Clinton's** relationship with a former White House intern, the White House travel office, misuse of FBI files, and other matters -- **several defendants** involved	Indictments/ Guilty Pleas/ Report Submitted to Congress Ongoing	1994	34,628,669
Smaltz	Violation of federal laws by Agriculture Secretary **Mike Espy** for accepting gifts from regulated co.	Indictments/ Ongoing	1994	17,900,183
Barrett	The criminal concealment of information about payments to his former mistress by HUD Secretary **Henry Cisneros**	Indictments/ Guilty Pleas Ongoing	1995	9,500,775
Pearson	Violation of federal laws by Commerce Secretary **Ronald Brown** for accepting more than $400,000 from a business partner and filing inaccurate financial disclosure statements.	Transferred to the Justice Department	1995	2,106,082
Von Kann	Illegal fund-raising by **Eli Segal**, White House aide and AmeriCorps chief	No Indictment	1996	449,192

Independent Counsel Investigations Costs				
Bruce	False statements by Interior Department Secretary **Bruce Babbitt** about an Indian casino license and activities surrounding the Department's decision regarding the license	Ongoing	1998	4,527,115
Lancaster	Influence peddling and campaign fund-raising improprieties by Labor Secretary **Alexis Herman**	Ongoing	1998	2,243,447

Revised October 1999 (Expenses reported through August 31, 1999)

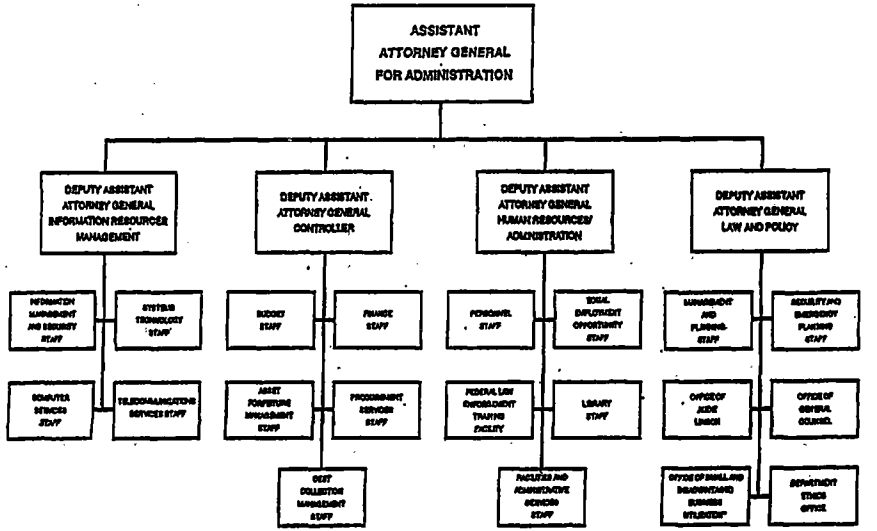
Department of Justice
Assets Forfeiture Fund
Estimates for Fiscal Year 2001
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Prepared 1/31/00

Department of Justice
Assets Forfeiture Fund
Organization Chart
Fiscal Year 2001

JUSTICE MANAGEMENT DIVISION



*LOCATED IN JMD FOR ADMINISTRATIVE PURPOSES.

Approved by: _____ Date: 8/10/99
JANET RENO
Attorney General

Department of Justice
Assets Forfeiture Fund
Summary Statement and Performance Plan
Fiscal Year 2001

Summary Statement:

The Department of Justice is requesting $485,838,000 for expenses of the Assets Forfeiture Fund (the Fund) for 2001. Based on current projections, receipts to the Fund in 2001 will be $490,986,000 including approximately $41,000,000 in interest earned on cash balances, of which $879,000 is not available for general operations of the Fund. Included in the 2001 budget plan is an estimate of $462,838,000 for mandatory Program Operations Expenses of the Fund. This is $201,234,000 less than the estimate for 2000, primarily due to decreases in equitable sharing expenses associated with non-recurring forfeiture activity in prior years. Also included in this estimate is $23,000,000 in definite authority for Investigative Expenses of the Fund.

The primary purpose of the Fund is to provide a stable source of resources to cover the costs of an effective asset forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, forfeiting, and disposing of property seized for forfeiture. Prior to creation of the Fund in 1985, costs of these activities had to be diverted from agency operational funds. The more effective an agency was in seizing property, the greater the drain on its appropriated funds. Creation of the Fund is responsible, in large measure, for the growth in the Department's forfeiture program over the past decade. A secondary benefit of an aggressive and well-managed forfeiture program is the production of surplus revenues to assist in financing important law enforcement programs. If the forfeiture program ceases to function effectively in its primary role, these surplus revenues will not be generated.

Following the creation of the Fund, the asset seizure and forfeiture program grew rapidly. The inventory of property in custody increased from 3,664 properties valued at $313.2 million at the end of 1985 to 28,983 properties valued at about $964.3 million at the end of 1999 ($780.2 million excluding six Bank of Commerce and Credit International(BCCI) cash assets). Following a decline in 1995 and 1996, seizure activity increased from about 40,500 assets valued at $675 million in 1997 to about 45,000 assets valued at $718 million in FY 1998. Through 1999, 50,073 assets were seized, valued at approximately $974.7 million. Receipt levels including BCCI activity from 1995 to 1999 were at $487.5 million, $338.1 million, $445.6 million, $448.9 million, and $609.7 million. Excluding the effect of BCCI funds, the receipts in those years were $483.0 million, $379.6 million, 443.0 million, $448.8 million, and $598.3 million. Although receipts in 1999 showed an upswing due to the Nasser David, Duboc, and Bicycle Club cases, a long-term substantial upward trend in deposits is not projected.

Receipts are available to pay the Program Operations Expenses, i.e., mandatory expenses, of the forfeiture program, to recognize the equity of innocent third parties and lienholders, and to recognize the efforts of state and local law enforcement agencies that helped produce the forfeitures. For 2001, the Department is

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estimating $462,838,000 for these purposes. Included in this amount, providing net receipts support this expense level, is $33.9 million to continue to pay overtime expenses and other costs of state and local law enforcement officers engaged in joint operations with Federal law enforcement agencies participating in the Fund. The Department's authority to incur Program Operations Expenses, including recognition of the equity interests of others and the efforts of law enforcement agencies, is limited only by the level of receipts deposited into the Fund. To the extent that receipts exceed the amounts necessary for program expenses, the Fund may be used for authorized investigative expenses.

The Fund has served as a catalyst to involve more federal, state and local investigative agencies in the forfeiture program. In 1991, the U.S. Park Police and the Bureau of Alcohol, Tobacco and Firearms joined the Department of Justice's asset forfeiture program, and in 1992, the U.S. Secret Service joined the program. As one result of the effectiveness of asset seizure and forfeiture as a law enforcement tool and the Assets Forfeiture Fund as a resource to support important law enforcement goals, the Treasury, Postal, and General Government Appropriations Subcommittee enacted legislation that created a separate Treasury Forfeiture Fund that became operational in 1994, replacing the Customs Forfeiture Fund and pulling Treasury agencies out of the Justice Department Fund. In 1994, the Office of Criminal Investigations, Food and Drug Administration joined the Department of Justice asset forfeiture program, and in 1998, the U.S. Department of Agriculture Inspector General joined the Justice asset forfeiture program. Currently, a memorandum of understanding is being developed for the Commerce Department's Bureau of Export Administration to join the Justice program. It is increasingly important to recognize that the benefits to be achieved through inter-departmental cooperation and standardization of policies and procedures are enormous, not only from a program management perspective, but also from the perspective of preserving the due process rights of citizens. While some recovery of the program is evident, the significant effect of a less than aggressive forfeiture program is that criminal organizations have hundreds of millions of dollars more in their coffers to support their illicit operations each year.

In summary, the asset forfeiture program not only represents an effective law enforcement tool against criminal organizations but also provides financial support to other Federal law enforcement efforts. Without this resource, agency funds would be seriously taxed to maintain and preserve seized assets and liquidate forfeited assets; and law enforcement projects supported by the Fund could not be undertaken or would have to await the possibility of funding through other avenues. The recent progress in reinvigorating use of the asset forfeiture sanction must be maintained and expanded. Continuing to support aggressive training, case evaluations, funds management, and contract support are keys to extracting the greatest benefit to our society from application of the asset forfeiture sanction.

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A. Mission, Goals, and Relationship to DOJ Strategic Plan

Mission:

The Assets Forfeiture Fund's 2001 request/performance plan directly supports the Department's strategic goals to investigate and prosecute criminal offenses and to provide assistance to tribal, state and local governments. In addition, the Fund incorporates information on performance measurement that should lead to better accountability regarding actual results achieved. In support of the Department's goals, allocations in excess of $503 million were provided in 1999 for program operations, investigative expenses, joint law enforcement operations, and equitable sharing. This was made possible by 1999 revenues of $609.7 million from the forfeiture of cash, sales of forfeited property, and investment of funds.

The mission of the Asset Forfeiture Program is to disrupt, damage and dismantle criminal organizations, through the use of civil and criminal forfeiture, by removing those assets that are essential to the operation of those criminal organizations, and to punish the criminals involved by denying them use of the proceeds of their crimes.

Goals and Relationship to DOJ Strategic Plan:

(1) The Fund will provide monies to federal agencies engaged in the asset forfeiture program in a manner designed to support use of the asset forfeiture sanction against the financial infrastructure of criminal organizations, to eliminate the burden of forfeiture-related costs as a disincentive to use of the asset forfeiture powers, to facilitate the efficient execution of forfeiture program responsibilities, and to enhance program accountability by ensuring the availability of current and accurate information on the status of all assets seized for forfeiture.

Goal 1 directly relates to the DOJ Strategic Plan, Core Function 1: Investigation and Prosecution of Criminal Offenses.

(2) The Fund will provide funds to state and local law enforcement agencies for the purpose of encouraging cooperation in development and execution of criminal investigations.

This goal directly related to the DOJ Strategic Plan, Core Function 2: Assistance to Tribal, State and Local Governments.

B. Highlights of 1999 Mission Critical Results

Nasser-David Case: In December, 1998, $89,016,022 was deposited in the Fund, representing the U.S. Government's share of proceeds repatriated from the Swiss Government as a result of the Drug Enforcement Administration's (DEA) successful efforts to forfeit millions in drug proceeds from a Colombian drug

trafficking family responsible for smuggling tons of marijuana and cocaine into the United States in the 1970s and 1980s. The seizure, which occurred in 1995, totaled approximately $276 million. About 65 percent of the total, or $180 million, was on deposit in Swiss bank accounts. It is estimated that as much as 70 percent of the $89 million will be shared with state and local law enforcement agencies who participated in the investigation leading to the seizure and forfeiture of assets in this case. Sharing with the state and local agencies will likely occur in 2000, and, to a lesser extent, in 2001.

Reiners Case: In June, 1997, Edward J. Reiners pled guilty to bank fraud and money laundering. In his plea agreement, Mr. Reiners agreed to forfeit all of the property and proceeds of, or traceable to, the bank fraud and money laundering. This Federal Bureau of Investigation (FBI) case was pursued initially as a forfeiture case. However, in the end, the forfeiture was dismissed in favor of restitution. The victims in this case were banks who were unwilling to dismiss their claims to the seized funds in favor of petitions for remission. The FBI's efforts to pursue this case under forfeiture and identify and trace assets, yielded hundreds of millions of dollars. More than $200 million in restitution was made to the victim banks.

Equitable Sharing with Colombia: In May, 1997, more than $36 million was deposited in the Fund from Luxembourg, representing cocaine drug proceeds generated by José Gonzalo Rodriguez Gacha, a leading member of the Medellin Cartel in Colombia. Of the proceeds, $19 million was to be shared with Colombia. Due to Colombia's decertification by the President for not fully cooperating in international narcotics control, the Department has been unable to release the money. Early in 1999, Colombia was re-certified. The Department's Criminal Division has been working with Colombian Government officials on a plan to disburse the monies due the Colombians to support defined projects designed to improve the effectiveness of law enforcement related to the suppression of narcotics trafficking, and the investigation, prosecution, and forfeiture of property and proceeds of narcotics trafficking. In November 1999, approximately $6 million was disbursed to Colombia. The remainder is expected to be distributed during 2000. Through the funding made available from the forfeiture of assets in the Gacha case, the United States and Colombian Governments are now in a position to cooperate in the fight against illicit drug trafficking and related crimes.

C. FY 2001 Performance Goals and Indicators

The Fund is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act (GPRA). With regard to the number of assets in inventory and their value, annual objectives are not established in advance of a fiscal year in order to avoid even the appearance of targeting or a "speed trap" approach to forfeiture.

During 1998, at the direction of the Attorney General, the Department began to focus attention on the strategic use of asset forfeiture against criminal organizations, in further support of the attainment of the goals and objectives of the Department's strategic plan. The strategic approach focuses on the use of our law enforcement powers to identify, analyze, attack and eliminate a criminal enterprise. The strategic

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approach (1) requires a strong intelligence function that provides all-source information on target organizations to permit the assessment of vulnerabilities and the identification of key structural assets; (2) transcends specific cases to coordinate and target enforcement actions against the vulnerabilities of the underlying criminal organization; and (3) focuses on removal of the assets that are key to the functionality and viability of the criminal organization. Special emphasis is placed on creative ways to use the proceeds of asset forfeiture, in conjunction with other funds available to our investigative and prosecutive offices, to support operations that focus on the disruption and destruction of criminal organizations and not merely on the conviction of individuals and forfeiture of their personal property.

This challenge also requires the dedication of greater human resources to development of the financial aspects of criminal operations. Continuing education in conducting financial investigations, tracing assets, presenting financial evidence in court, and managing and disposing of sophisticated properties is needed to develop and support experienced law enforcement professionals capable of dismantling criminal enterprises. The increasing use of sophisticated technology by criminals and the relative ease of operating across international boundaries also present special challenges for law enforcement that must be met if the power of the asset forfeiture sanction is to be realized. The Department will continue to seek opportunities to use asset forfeiture funds to advance the ability of our investigators, prosecutors, and other professionals to meet these challenges successfully.

D. Data Validation and Verification Issues

The financial management of the Fund is supported by the Justice Management Division's Financial Management Information System (FMIS), the U.S. Marshals Service's Standardized Tracking and Reporting System (STARS) and Financial Management System (FMS), and the Consolidated Asset Tracking System (CATS). FMIS is a computerized, general purpose accounting and reporting facility that exists to support the financial operations of the Department. STARS is the U.S. Marshals Service (USMS) headquarters financial management system and FMS is the USMS field offices' financial management system. CATS is an integrated system providing services to the asset forfeiture community and serving as a subsidiary system for the financial accounting and reporting of the seized and forfeited inventory.

Among the issues affecting data validation and verification of the Fund and the Seized Asset Deposit Fund (SADF) is the 1998 disclaimer opinion on the financial statements. Three reportable conditions and two material weaknesses were identified, which affect inventory and financial data. Several actions have been taken to correct these conditions and weaknesses. First, the Asset Forfeiture Management Staff (AFMS) created a specialized unit to monitor the general quality of the data in CATS, to review data integrity, and improve inventory data.

Second, new SADF subobject classifications have been activated in the appropriate financial systems to permit more precise identification of financial transactions affecting the SADF. It is hoped that this fine-tuning will permit easier reconciliation of the SADF general ledger balance with SADF activity reported in CATS.

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Third, the Department's Justice Management Division issued new policies and procedures to correct accrual accounting problems associated with posting of accounts payable and delivered orders in FMIS. Fund agencies who work with FMIS received training and began utilizing the new procedure during 1999. To further assure improvement in this area, AFMS has implemented a twice yearly review of Fund agencies accounts payable and delivered orders.

It is expected that the resolution of the audit issues will provide adequate supporting documentation for the performance measures. FMIS is the system of record for the Fund and SADF. FMIS information comes directly from STARS and FMS and indirectly from CATS. As enhancements or refinements are made in these systems, they will strengthen the data supporting the activities of the Fund and SADF.

E. Base Program Description

Identifying, seizing, and forfeiting illegal assets plays an increasingly important role in the Federal Government's efforts to stop crime and punish criminals. While even the highest individual criminals within a crime corporation are replaced quickly and easily, the removal of bank accounts, real property and other assets of the enterprise can disrupt operations severely. This, in turn, can create further opportunities to penetrate and compromise these illicit syndicates. However, not until 1985 was there a suitable funding source to cover the direct expenses associated with an aggressive asset forfeiture program, such as storage, security, maintenance, liens, mortgages, auctions, and advertising. The Comprehensive Forfeiture Act of 1984, part of the Comprehensive Crime Control Act of 1984, (P.L. 98-473, Title II, Chapter III), remedied this problem by creating the Justice Assets Forfeiture Fund.

Once the Fund was created, the Department placed greater emphasis on the identification, location, seizure and forfeiture of assets as a standard aspect of major investigations. The Department also obtained authority to share forfeited assets with state and local law enforcement agencies and foreign governments that assisted in the law enforcement effort leading to the forfeiture. Today, hundreds of joint investigations involving thousands of state and local law enforcement officials are occurring across the country. Also, there are a greater number of cases involving assets in foreign countries.

After seizure, the Federal investigative agencies have a critical role in getting the legal forfeiture process started by: (1) providing personal notice to the owner, and advertising the seizure to the public; (2) handling claims for the property from owners, lienholders, and state and local agencies with an "equitable share" in the property; and, (3) if the forfeiture is uncontested, issuing a "Declaration of Forfeiture", closing out the case file, and notifying interested parties of the outcome. If the asset under seizure is real property or valued in excess of $500,000, or if a claimant files a claim and posts a cost bond, then the case is referred to the appropriate U.S. Attorney's Office for judicial forfeiture proceedings. Following a forfeiture determination, whether judicial or administrative, there are often petitions from innocent owners that need to be investigated and answered. Finally, if the forfeited property

is not transferred to a federal, state or local agency for official use, or destroyed, it must be marketed and sold. Only then can revenues be deposited in the Fund.

Depending on the type of property involved, the strength of the market, the need to address petitions, and other factors, the entire forfeiture and disposal process may take 12 to 30 months. During this process, the property must be properly maintained to protect its value and efficiently disposed of after forfeiture to ensure the maximum return to the taxpayer. The Fund is used to pay the expenses incurred during completion of the forfeiture action. Later, any receipts from the disposal of the property are used to replenish the Fund. Under current law, proceeds from all forfeitures under any law enforced and administered by the Department of Justice are generally deposited in the Fund, including proceeds from the sale of assets seized by the U.S. Postal Service, the U.S. Park Police, the U.S. Department of Agriculture-Inspector General and Food and Drug Administration's Office of Criminal Investigations if the assets are forfeited judicially. There are also statutory exclusions for certain fish and wildlife statutes, the proceeds from administrative forfeitures by the non-Justice agencies, and the net proceeds from forfeitures under the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA). Once property is sold, the proceeds are deposited into the Fund and are available for distribution. Costs incurred by the Fund in managing the asset, paying off lienholders, and achieving the forfeiture are deducted.[1] In appropriate cases, payment of restitution to victims of the crime has priority for distribution of any remaining proceeds. If proceeds still remain, any equitable interest, earned by direct participation in the case, is distributed to the appropriate state and local law enforcement agencies. Often, in lieu of sale of property, the property is placed into official use by a participating state or local law enforcement agency or by a federal agency.

For several years, the federal agencies involved in the forfeiture program worked together to build a unified federal forfeiture program, with consistent policies and procedures applicable to all agencies. The U.S. Customs Service was the only significant forfeiture agency operating under independent authority. However, in 1993, Congress enacted a major division in the federal forfeiture program by creation of the Treasury Forfeiture Fund to replace the Customs Forfeiture Fund. Beginning in 1994, three Treasury law enforcement agencies formerly participating in the Department of Justice forfeiture program joined the Customs Service in forming an independent Treasury forfeiture program. All Treasury agencies now deposit assets they seize with a Treasury property custodian pending forfeiture, after which forfeited proceeds are deposited into the Treasury Fund. In those instances where the seizure resulted from a joint operation involving an agency participating in the Justice Fund, a sharing of the proceeds with the Justice Fund will occur. The reverse is also true. Efforts to coordinate the practices and policies of both forfeiture programs and Funds continue in order to ensure the vitality and integrity of this important law enforcement tool.

[1] Costs that may be deducted include seizure, storage, security, disposition, innocent third party interests, awards for informants based on the forfeiture, litigations expenses, contract support personnel, U.S. Marshals Service administrative support costs, state and local officer overtime and associated costs, and other costs invested in the case producing the forfeiture. For many low value assets, these costs exceed the proceeds of sale. Not only are there no net proceeds from which to pay restitution or equitable shares, but the Fund incurs a loss on these assets.

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F. Performance Indicator Tables

DECISION UNIT/PROGRAM: *The decision unit should be supported by the following goals from the Department of Justice's Strategic Plan FY 1997-2002*

Department of Justice Core Function: Investigations and prosecution of criminal offenses

Strategic Goal: To provide funds to federal agencies engaged in the asset forfeiture program, in a manner designed to support use of the asset forfeiture sanction against the financial infrastructure of criminal organizations, to eliminate the burden of forfeiture-related costs as a disincentive to use of the asset forfeiture powers, to facilitate the efficient execution of forfeiture program responsibilities, and to enhance program accountability by ensuring the availability of current and accurate information on the status of all assets seized for forfeiture.

Annual Performance Goal: Same as above

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actual	2000 Plan	2001 Plan
Input	1 Fund receipts (less BCCI)	FMIS	410,000,000	440,746,386	429,349,000	598,303,649	494,000,000	490,986,000
	2 Assets in inventory, end-of-year (Less BCCI)	CATS	30,000	28,799	31,704	28,977	29,000	28,000
	3 Value of assets in inventory, end-of-year (Less BCCI)	CATS	1,358,743,302	861,478,302	2,407,680,000	726,529,136	727,000,000	705,000,000
Output/ Activity	4 Net deposits to Fund (less BCCI)	FMIS	410,000,000	448,894,735	413,516,153	614,136,496	513,012,000	490,986,000
	5 Program operation expenses incurred (excluding equitable sharing and state and local overtime)	FMIS	158,488,000	86,378,000	186,520,000	203,859,201	216,000,000	196,800,000
	6 Ratio of program operation expenses to deposits	FMIS	38.7%	19.2%	45.1%	33.2%	42.1%	40.1%
	7 Net case deposits	FMIS	373,100,000	405,115,618	378,516,153	416,135,808	478,012,000	455,986,000
	8 Case support costs	FMIS	125,988,000	86,715,070	141,702,000	143,629,808	162,500,000	137,800,000
	9 Ratio of case support costs to net case deposits	FMIS	33.8%	21.4%	37.4%	34.5%	34.0%	30.2%
	10 Net case income	FMIS	247,112,000	318,400,548	236,814,153	272,506,000	315,512,000	318,186,000
	11 Net income	FMIS	251,512,000	362,516,735	226,996,153	410,277,295	297,012,000	294,186,000
	12 Allocations (excluding super surplus)	FMIS	409,238,000	429,403,600	417,914,000	477,228,949	687,072,000	485,838,000
Intermediate Outcome								
End Outcome	13 Percent of net income available for federal law enforcement	FMIS	9.7%	48.1%	8.2%	33.4%	-50.9%	9.6%
Productivity/ Efficiency								

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Definitions of Terms or Explanations for Indicators and Data Sources:

Case support costs - Expenses incurred in support of specific asset forfeiture actions. Included are costs incurred for asset management and disposal, third party payments, case related expenses, special contract services, contracts to identify assets, and awards for information based on the amount of the forfeiture.

Fund receipts - regular receipts, excluding BCCI interest income.

Net case deposits - Derived from net deposits by subtracting income from investments, transfers in from the Treasury Forfeiture Fund and other agencies, and adding back refunds to the Treasury Forfeiture Fund, Postal Inspection Service, and other agencies.

Net case income - Derived by subtracting case support costs from net case deposits.

Net deposits - The total of income and refunds from all sources for the current year. Excludes BCCI interest income.

Net Income - This represents the results of the year's operations. It is derived by subtracting all program operations expenses from net deposits.

Program operation expenses - All costs incurred in support of the federal asset forfeiture program. It includes case support costs plus ADP equipment, training and printing, and other program management. Excludes equitable sharing and joint law enforcement operations.

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Issues Affecting FY 1999 Program Performance:

In reference to End Outcome, Item 13, as a result of forfeitures associated with cases such as Nasser-David, Duboc, and Bicycle Club in 1999, accruals have been increased by $100 million. These accruals will increase obligations in 2000 and, possibly to a lesser extent, in 2001, depending on how quickly the equitable sharing payments are executed.

Further on Item 13, the percent of net income available to federal law enforcement is calculated as 1 - percent of the net income available to state/local/tribal governments under Core Function 2, Item 8.

Issues Affecting Selection of FY 2000 and 2001 Plans

See first paragraph under 1999 issues.

DECISION UNIT/PROGRAM: *The decision unit should be supported by the following goals from the Department of Justice's Strategic Plan FY 1997-2002*

Department of Justice Core Function: Assistance to Tribal, State and Local Governments

Strategic Goal: To provide funds to state and local law enforcement agencies for the purpose of encouraging cooperation in development and execution of criminal investigations

Annual Performance Goal: Same as above

PERFORMANCE INDICATOR INFORMATION				Performance Report and Performance Plans					
				Performance Report		Performance Plans			
Type of Indicator		Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actual	2000 Plan	2001 Plan
Input	1	Fund receipts (less BCCI)	FMIS	410,000,000.00	440,746,386	429,349,000	598,303,649	494,000,000	490,986,000
Output/ Activity	2	Equitable sharing payments	FMIS	196,000,000.00	171,116,021	177,719,000	239,995,715	414,172,000	232,138,000
	3	Ratio of equitable sharing payments to net case income	FMIS	79.3%	53.7%	75.0%	88.1%	131.3%	73.0%
	4	Number of state and local law enforcement agencies who receive equitable sharing	CATS	N/A	2,570	2,610	2,610	2,680	2,600
	5	Amounts provided for joint law enforcement operations (excluding Weed and Seed Program)	FMIS	22,000,000	7,850,757	21,675,000	24,374,033	24,900,000	24,900,000
	6	Amounts provided for joint law enforcement operations (including Weed and Seed)	FMIS	31,000,000	16,850,757	30,675,000	33,374,033	33,900,000	33,900,000
	7	Number of Weed and Seed sites that received AFF monies for joint law enforcement operations	EOWS	101	101	170	170	170	170
Intermediate Outcome									
End Outcome	8	Percent of net income available to state/local/tribal governments	FMIS	90.3%	51.9%	91.8%	66.6%	150.9%	90.4%
Productivity/ Efficiency									

Definitions of Terms or Explanations for Indicators and Data Sources:

Case support costs - Expenses incurred in support of specific asset forfeiture actions. Included are costs incurred for asset management and disposal, third party payments, case related expenses, special contract services, contracts to identify assets, and awards for information based on the amount of the forfeiture.

Fund receipts - regular receipts, excluding BCCI interest income.

Net case deposits - Derived from net deposits by subtracting income from investments, transfers in from the Treasury Forfeiture Fund and other agencies, and adding back refunds to the Treasury Forfeiture Fund, Postal Inspection Service, and other agencies.

Net case income - Derived by subtracting case support costs from net case deposits.

Net deposits - The total of income and refunds from all sources for the current year. Excludes BCCI interest income.

Net Income - This represents the results of the year's operations. It is derived by subtracting all program operations expenses from net deposits.

Issues Affecting FY 1999 Program Performance:
Under Item 4, Enacted Plan, a projection of agencies receiving equitable sharing is not available.

In reference to Item 8, as a result of forfeitures associated with cases such as Nasser-David, Duboc, and Bicycle Club in 1999, accruals have been increased by $100 million. These accruals will increase obligations in 2000 and possibly to a lesser extent in 2001, depending on how quickly the equitable sharing payments are executed. Further, the percent of net income available to state/local/tribal governments is calculated as equitable sharing payments/net income. The remaining percentage is distributed for federal law enforcement purposes (see Core Function 1, Item 13).

Issues Affecting Selection of FY 2000 and 2001 Plans: See second paragraph under 1999 issues.

Department of Justice
Assets Forfeiture Fund
Justification of Proposed Changes in Appropriation Language
Fiscal Year 2001

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Assets Forfeiture Fund

For expenses authorized by 28 U.S.C. 524 (c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

(28 U.S.C. § 524; Department of Justice and Related Agencies Appropriations Act, 2000, P.L. 106-113.)

Explanation of Changes: No substantive changes.

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Department of Justice
Assets Forfeiture Fund
Crosswalk of 2000 Changes
Fiscal Year 2001
(Dollars in Thousands)

Activity/Program: Assets Forfeiture Fund	2000 President's Budget Request	Changes in the Estimates	Approved Reprogramming	2000 Appropriation Anticipated
Permanent, Indefinite Authority				
1. Program Operations	409,910	276,371	0	686,281
2. Prior Year Balances	0	0	0	0
Appropriated, Definite Authority				
3. Investigative Expenses	23,000	0	0	23,000
Total Budget Authority	432,910	276,371	0	709,281[2]

Changes in the Estimates: Permanent, Indefinite Authority

It appears that the Attorney General's 1997 call for efforts to reinvigorate the use of asset forfeiture, as well as the major program success in recent U.S. Supreme Court decisions, have generally reversed the recent decline in program activity. As a result of forfeiture receipts in 1999 of $609.7 million, an increase of $160.8 million from 1998 levels, liabilities for equitable sharing expenses were incurred and accrued and thereby constitute a major share of the increase in program operations. The remainder of the change in estimates is attributable to modest increases in program operations other than equitable sharing. Start-up expenses for 2001 will be increased by $14.2 million to meet USMS S&E costs of administrative support personnel associated with the forfeiture program. No funding will be provided for the personnel costs associated with Deputy U.S. Marshals.

The 2001 budget recommends that the salaries of USMS administrative personnel responsible for the Program's property custodial functions be reimbursable from the Assets Forfeiture Fund.[3] The property management function is critical to program success. Without a sound property management program, seized assets would fall into disrepair, lose value, and be more difficult for the Government to dispose of in a timely manner. This budget shifts costs from discretionary spending to mandatory spending beginning in 2001. Annual funding for this purpose is not expected to exceed $14.2 million. No salary costs of Deputy U.S. Marshals will be funded.

During 2000, the Department of Justice also intends to undertake a formal review of the costs and operational effectiveness of its management and disposal of assets seized for forfeiture. The purpose of the study is to

[2] Includes anticipated obligation of $22,209,000 in prior year super surplus amounts.

[3] See Section D.1.a. of the Attorney General's Guidelines on Seized and Forfeited Property, dated July 1990.

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(1) determine how best to coordinate, organize and deliver this program in the Department, (2) establish a standard profile of property management functions that reflects different demands of different types of property, (3) assess the strengths and weaknesses of Department performance of these functions, (4) compare Departmental practices to industry best practices, where appropriate, (5) associate Departmental costs with the functions and assets types, and (6) identify opportunities for lowering Departmental costs while improving Departmental performance. The Treasury Department will be invited to participate in this contract review so that the majority of federal forfeiture activity is covered and improvements to common practices are facilitated.

Department of Justice
Assets Forfeiture Fund
Summary of Requirements, Expenses and Financing
Fiscal Year 2001

(Dollars in Thousands)

Appropriation adjustments:	Annual, Definite	Permanent, Indefinite	Total
2000 Presidents Budget Request [4]	23,000	409,910	432,910
2000 Change in the Estimates	0	276,371	276,371
2000 Appropriation Anticipated	23,000	686,281	709,281
2001 Expense Changes	0	-223,443	-223,443
2001 Request	23,000	462,838	485,838

Obligations by Type of Expense	2000 Appropriation Anticipated	2001 Estimate Amount	Increase/ Decrease (-) Amount
Program Operations Expenses: (indefinite authority)			
Program Operation Expenses	664,072	462,838	-201,234
Super Surplus Amounts Obligated:			
1991-1993 Super Surplus Amounts Obligated	4,293	0	-4,293
1996 Super Surplus Amounts Obligated	8	0	-8
1997 Super Surplus Amounts Obligated	2,000	0	-2,000
1998 Super Surplus Amounts Obligated	15,908	0	-15,908
Investigative Expenses: (definite authority)			
Investigative Expenses	23,000	23,000	0
Total Gross Obligations	709,281	485,838	-223,443
Financing			
Unobligated Balance of Receipts, Start-of-Year	356,281	150,000	-206,281
Collections/Deposits/Receipts	503,000	490,986	-12,014
Total Resources Available	859,281	640,986	-218,295
Less:			
Unobligated Balance of Receipts, End-of-Year, including:			
BCCI Balances Subject to Court Order	0	0	0
Unobligated Balances Reserved for Other Purposes	-20,006	-20,006	0
Unobligated Balances Available for Start-up Expenses	-109,994	-115,142	-5,148
Pending Sharings and Interest Reserves	-20,000	-20,000	0
Total, Unobligated Balances, End-of-Year	-150,000	-155,148	-5,148
Total, Gross Obligations	709,281	485,838	-223,443

[4] Includes $2 million in prior year unobligated balances that were rescinded in 1999.

Department of Justice, Assets Forfeiture Fund
Summary of Requirements by Financing, Fiscal Year 2001
(Dollars in Thousands)

	1999 As Enacted	1999 Actual	2000 Estimate	2001 Estimate	Increase/ Decrease (-)
Financing					
Unobligated Balance of Receipts, Start-of-Year Available for Start-Up Expenses	82,374	82,374	53,851	109,994	56,143
Committed to Other Purposes:					
BCCI Balances Subject to Court Order[5]	23,306	23,306	19,012	0	-19,012
U.S. v. McNamara Unobligated Balance	20,304	20,304	20,006	20,006	0
Government of Colombia International Sharing	19,147	19,147	19,147	0	-19,147
Super Surplus Balances Unobligated	107,305	105,305	14,366	0	-14,366
Temporarily not available due to recission	0	2,000	7,843	0	-7,843
Pending Sharings and Interest Reserves	0	0	119,787	20,000	-99,787
USMS recoveries	0	24,342	0	0	0
Remaining unobligated balance	0	0	102,269	0	-102,269
Total: Committed to Other Purposes	170,062	194,404	302,430	40,006	-262,424
Unappropriated Balance of Receipts, Start-of-Year	252,436	276,778	356,281	150,000	-206,281
Collections/Deposits/Receipts/Recoveries:					
Regular Receipts	429,349	598,808	494,000	490,986	-3,014
Recovery of Prior Year Obligations	0	37,058	0	0	0
U.S. v. McNamara Interest Earned[6]	812	0	0	0	0
BCCI Interest Earned	3,839	11,422	9,000		-9,000
Collections/Deposits/Receipts[7]	434,000	647,288	503,000	490,986	-12,014
Total Resources Available	686,436	924,066	859,281	640,986	-218,295
Less BCCI Distributions (refunds)	[0]	[-15,833]	[-28,012]	[0]	[28,012]
Less: Unappropriated Balance of Receipts, End-of-Year					
Start-Up Expenses For Following Year[8]	-91,809	-53,851	-109,994	-115,142	-5,148

[5] Forfeited BCCI funds and interest are subject to claims. As claims are approved, BCCI funds are disbursed by Court Order. These actions are posted as refunds, i.e., reductions to gross receipts, rather than as an appropriation transfer or a payment. In summary, the Fund is used as the "Bank" for the BCCI monies to ensure proper audit trail and accountability for transactions.

[6] There is no requirement to track McNamara balances separately. Fund interest earned on McNamara balances are therefore not tracked separately but are accounted for under normal receipts.

[7] Budgeted receipt levels for 2000 and 2001 are less than total receipts listed in MAX. Receipt totals shown in MAX double-count investment interest, and, thus, are overstated by $50 million and $41 million, respectively.

[8] Start-up expenses reflect the amounts available to meet recurring expenses that cannot await new receipts. For 2001, this includes $56.9 million for categories such as Asset Management Contracts, Lien Payments, ADP Support, etc., $24.9 million for state and local law enforcement overtime and related operational costs in joint law enforcement efforts; $5 million for the non-personnel costs of the USMS seized assets management program; $9 million for ongoing Weed and Seed projects; and $14.2 million for USMS S&E costs of administrative personnel associated with the forfeiture program. No funding will be provided for the personnel costs associated with Deputy U.S. Marshals. If projected receipts

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Prior Surplus Balances Carried Forward	0	-14,366	0	0	0
Temporarily not available due to recission[9]	-2,000	-7,843	0	0	0
BCCI Balances not Available for Program Expenses	-27,145	-19,012	0	0	0
US. v. McNamara Unobligated Balance	-21,116	-20,006	-20,006	-20,006	0
Government of Colombia International Sharing[10]	-19,147	-19,147	0	0	0
Remaining unobligated balance	0	-102,269	0	0	0
Pending Sharings and Interest Reserves	0	-119,787	-20,000	-20,000	0
Unappropriated Balance of Receipts, End-of-Year	-161,217	-356,281	-150,000	-155,148	-5,148
Total Final Obligations	525,219	567,785	709,281	485,838	-223,443

do not materialize, some reduction in discretionary spending may be necessary.

[9] Includes the recission of $2,000,000 resulting from P.L. 106-51 and $5,843,000 pursuant to H.R. 1664. All monies become available for use in 2000.

[10] With the recertification of Colombia as a cooperating nation in international narcotics control and, therefore, eligible for equitable sharing, we expect to disburse the sharing in 2000.

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Department of Justice
Assets Forfeiture Fund
Summary of Resources by Program
Fiscal Year 2001
(Dollars in thousands)

Obligations by Type of Expense	1999 As Enacted	1999 Actual	2000 Appropriation Anticipated	2001 Base	2001 Estimate	Increase/ Decrease
Mandatory Expenses: (indefinite authority)						
Case Support Expenses:						
Asset Management and Disposal	34,123	35,904	44,000	40,000	40,000	0
Other Asset Specific Expenses	39,713	39,416	45,500	41,000	41,000	0
Special Contract Services	48,153	43,756	47,000	37,800	37,800	0
Contracts to Identify Assets	5,613	5,916	8,000	5,000	5,000	0
Awards for Information Leading to a Forfeiture	14,100	14,200	18,000	14,000	14,000	0
Program Support Expenses:						
Automated Data Processing	25,074	26,145	34,000	30,000	30,000	0
Training and Printing	9,022	7,237	10,000	9,000	9,000	0
Other Program Management[11]	9,767	4,845	8,000	19,000	19,000	0
Other Authorized Expenses:						
Storage, Protection & Destruction of Controlled Substances	955	933	1,500	1,000	1,000	0
Equitable Sharing Payments[12]	179,719	239,996	414,172	232,138	232,138	0
Joint Federal/State and Local Law Enforcement Operations	30,675	33,374	33,900	33,900	33,900	0
Subtotal: Mandatory Expenses	396,914	451,722	664,072	462,838	462,838	0
Investigative Expenses: (definite authority)						
Awards for Information	16,000	13,802	14,000	14,000	14,000	0
Purchase of Evidence	5,000	5,340	6,000	6,000	6,000	0
Equipping of conveyances	2,000	1,928	3,000	3,000	3,000	0
Subtotal: Investigative Expenses	23,000	21,070	23,000	23,000	23,000	0
Super Surplus Amounts Obligated[13]	105,305	94,993	22,209	0	0	0
Total Gross Obligations	525,219	567,785	709,281	485,838	485,838	0

[11] Personnel costs for AFMS personnel are funded through the Working Capital Fund and not from direct resources. Also, USMS non-personnel costs of $5 million are reflected under Asset Management and Disposal.

[12] As a result of forfeitures associated with cases such as Nasser-David, Duboc, and Bicycle Club in 1999, accruals have been increased by $100 million. This amount is reflected in the carryover totals for future expensing.

[13] PL 105-277 rescinded $2 million in 1999; the funds become available in 2000.

Department of Justice
Assets Forfeiture Fund
Receipts and Program Narrative
Fiscal Year 2001

For 2001, the Department estimates that receipts to the Fund will be about $490,986,000, a decrease of $12,014,000 to the estimate for 2000. Receipts in 2001 do not include non-recurring deposits such as the 1999 Nasser-David case which cause high fluctuations at irregular intervals. Receipts include estimates of $360,085,600 in forfeited cash, $90,021,400 in proceeds from the sale of property, $40,000,000 in interest income generated through the investment of seized and forfeited cash and unobligated amounts deposited to the Fund throughout the year, and $879,000 in other miscellaneous income. Factors considered in arriving at the total 2001 net income estimate include:

(1) Based upon the direction of the Attorney General to Department operating components to re-vitalize their forfeiture efforts, the Fund is anticipating a moderate but continuing increase in forfeiture activity. By 2001, we expect receipts to continue to reflect the results of longer term investigations initiated in 1998. While 2001 expenses are less than 2000, we are not projecting less forfeiture activity; rather we are projecting the continuation of forfeiture activity that is recurring in nature.

(2) A current debate in Congress over reform of the asset forfeiture laws, particularly those authorizing civil forfeiture, may have an effect on future program operations. A civil forfeiture reform bill has been passed in the House. A Senate reform bill was introduced in December 1999. Certain reforms are viewed as very hostile to civil forfeiture.

(3) The increased emphasis on money laundering and international forfeitures could generate substantial additional receipts annually. Billions of dollars in illegal proceeds have been secreted overseas. If progress is made in piercing the international banking veil, more of these funds will be subject to repatriation and forfeiture. As demonstrated by the $89 million in Nasser-David funds deposited in 1999, repatriation of foreign assets holds potential as a significant source of the Fund receipts. The Department has made significant progress in recent years in explaining and convincing foreign governments that such cooperation is in their best interest. Over 100 countries have signed and ratified the Vienna Convention which provides, inter alia, for forfeiture assistance in drug and drug-related (i.e., money laundering) cases. Already, countries are allowing the "extradition" of assets for forfeiture by United States laws. The Department generally shares a significant part of any repatriated funds with its international partners. These cases are very difficult to negotiate and often take years to come to fruition. However, several major cases are under development and could be brought to closure in the next three years.

Indefinite authority

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
1.	Management and Disposal of Seized Assets	$44,000,000	$40,000,000	-$ 4,000,000

As seizures are projected to increase, an accompanying increase in the costs of asset management and disposal is projected for recurring activity. The primary purpose of the Department of Justice AFMS Fund is to ensure an adequate and appropriate source of funding for the management and disposal of property seized for forfeiture, as well as forfeited assets, which would otherwise be paid by seizing agencies out of operating budgets funded by taxpayer dollars. The Fund puts criminals' money to work for the taxpayer. Growth in costs in recent years is reflective of higher rates charged for services and the movement to more comprehensive management and maintenance services. Also requiring funding is the assessment, containment, removal and destruction of (1) hazardous materials seized for forfeiture, and (2) hazardous waste contaminating property seized for forfeiture. The number of clandestine lab cleanups has risen dramatically. DEA anticipates that the number of clandestine labs seized will continue to increase due to DEA's Methamphetamine Initiative, as well as DEA's continued assistance to state and local law enforcement agencies. The USMS and DEA will continue to utilize the Fund for disposal of toxic and hazardous substances when necessary for forfeiture or the disposition of forfeited property. The Fund has been instrumental in funding the development of an environmentally-conscious method for disposal of hazardous materials. These costs include the expenses of packaging, transporting and destroying precursor chemicals and other hazardous materials seized at clandestine lab sites by certified hazardous waste disposal firms. The Department of Justice is also using the Army Corps of Engineers, on a reimbursable basis, to provide site surveys and assessments of environmental damage on seized properties with suspected hazardous waste contamination. The Corps also provides estimated costs for the clean up of such properties, which facilitates more informed decisions on the forfeiture or release of such property. This category also finances an estimated $5 million in non-personnel costs of the USMS seized assets program.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
2.	Other Asset Specific Expenses	$45,500,000	$41,000,000	-$ 4,500,000

This category includes payments of amounts to satisfy third-party interests, including lienholders and other innocent parties, pursuant to 28 U.S.C. § 524(c)(1)(D); payments in connection with the remission and mitigation of forfeitures, pursuant to 28 U.S.C. § 524(c)(1)(E); and direct expenses incurred in perfecting the forfeiture. Normally, payments of liens are deducted directly from sales proceeds, using procedures customary in real estate

settlements. However, in some cases, forfeited cash and proceeds from the sale of forfeited property are first deposited to the Fund, and then disbursements are made to innocent lienholders. Also included in this expense category are expenses associated with the prosecution of a forfeiture case or execution of a forfeiture judgment, such as advertising, travel and subsistence, court and deposition reporting, courtroom exhibit services, and expert witness costs. In appropriate cases, the services of foreign counsel may be necessary. In this area, the costs of advertising are a major expense. Under current law, the Department must advertise each seizure three consecutive weeks in a newspaper of general circulation in the area of the seizure. In addition, we must also incur the cost of providing personal notice, by certified mail or other means, to all individuals or entities we can identify as having a potential legal interest in the property. If a claim and cost bond is filed, and the forfeiture process is converted from an administrative process to a judicial process, the entire notice and advertising process is repeated--doubling the cost. This expense is directly related to the volume of seizures and the volume of claim and cost bonds. An increase in advertising costs is projected for 2001 for recurring activity. It is essential that these expenses be met in order that the asset title conveys properly, while ensuring due process rights of citizens.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
3.	Equitable Sharing Payments	$414,172,000	$232,138,000	-$182,034,000

The amount of equitable sharing obligations in 2000 were increased by 1999 accruals estimated at $100,000,000 for non-recurring deposits. These accruals will increase obligations in 2000 and, possibly to a lesser extent, in 2001, depending on how quickly the equitable sharing payments are executed. Equitable sharing payments represent the transfer of portions of federally forfeited cash and proceeds from the sale of forfeited property, to state and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. Most task force cases, for example, result in property forfeitures whose proceeds are shared among the participating agencies. A substantial number of cases by the FBI and DEA include participation by state and local law enforcement agencies. The FBI estimates that approximately 60 percent of its cases, involving about 40 percent of asset value, involve state and local agencies. For DEA, about 70 percent of its cases, involving about 50 percent of asset value, involve sharing. As more joint task forces were formed between federal, state and local agencies, the percentage of net proceeds shared increased over the years. Under Department policy, equitable shares are to be paid from the net proceeds of a case after recovering costs invested in the case from the Fund. In 1997, guidance was issued reminding agencies of their obligation to record costs properly so that they may be deducted before computing equitable shares. As cost recovery improves, the rate of sharing should decline.

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	FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
4. Special Contract Services	$47,000,000	$37,800,000	-$9,200,000

The Department of Justice asset forfeiture program is making extensive use of contract personnel to manage the massive paper flow associated with forfeiture, including data entry, data analysis, word processing, file control, file review, quality control, case file preparation and other process support functions. These workers have become an integral part of the asset forfeiture program. Without this contract support, it would be impossible to maintain automated data bases, process the tens of thousands of equitable sharing requests, and maintain the tens of thousands of forfeiture case files. For all practical purposes, without this support the forfeiture program would grind to a halt, income to the Fund would reduce to a trickle, expenses for maintenance and storage would increase, and the market value of property languishing in inventory would be adversely affected. The decrease for 2001 reflects the return to more normal forfeiture activity.

	FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
ADP Equipment	$34,000,000	$30,000,000	-$ 4,000,000

CATS was initiated in 1990 and fully implemented in 1997. From an automation viewpoint, 1997 was a major milestone for the asset forfeiture program. CATS began to provide nationwide telecommunications and processing capabilities that tie together all agencies involved in the Department of Justice asset forfeiture program. Legacy agency data bases were converted to CATS, operating procedures updated, and system users re-trained. For the first time, on a full-year basis in 1997, the Department of Justice prepared complete reports on all asset forfeiture activity on a contemporaneous basis; investigative and prosecutive agencies had available the actual results of their efforts; and office, agency and Department managers were able to assess the efficiency of the forfeiture program and estimate future program results in a more informed manner.

CATS ties several hundred locations together into a national telecommunications network, provides modern technology to perform many tasks formerly done manually and makes automated tasks more efficient, eliminates redundant entry of information, provides consistency from the agencies performing the same functions, provides current information to field personnel on the status and results of cases, integrates limited financial analysis capabilities into the inventory management process, provides a rational process for the estimation of program income and expenses, provides a formal basis for the assessment of staffing requirements, and provides the capability for agency and Department managers to review and assess program activity dynamically.

Funds requested for 2001 will provide for: (1) recurring costs of operation and maintenance of the CATS telecommunications network; (2) recurring costs of system and equipment maintenance; (3) recurring costs of user training; (4) recurring costs of the user support facility (e.g., a "help" line); (5) data center charges in support of CATS; and (6) software development directed at meeting

new requirements. Plans for 2000 include efforts to transition CATS telecommunications support and services from the Treasury Communications System to the Department of Justice Communications Network and the U.S. Marshals Network. In addition, plans are being developed to transition individual agency CATS users to their respective agency telecommunications systems.

The Department's FMIS performs most accounting functions for the Assets Forfeiture Fund and the associated Seized Asset Deposit Fund. The USMS accounting system has accounted for most deposit and disbursement transactions, feeding summary information to FMIS on a monthly basis. In 1998, the USMS installed a new accounting system. Discussions are ongoing with the USMS and the Department to ensure that accounting data is integrated into CATS on a daily basis to produce more informative financial statements that reflect the full economic activity of the asset forfeiture program, as well as improve the process of investing Fund balances.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
6.	Training and Printing	$ 10,000,000	$ 9,000,000	-$1,000,000

Training on forfeiture and forfeiture-related subjects peaked in 1998 because of the constant evolution and development of asset forfeiture law and policy and the addition of new staff. Emphasis on the training of agents and attorneys will continue in 2000 and 2001 as part of the Attorney General's call for reinvigoration of the Department's use of the forfeiture sanction in all appropriate cases. Because of the availability of Fund monies, forfeiture training has been integrated into topical training activities, such as money laundering, financial investigations, FIRREA, Organized Crime Drug Enforcement Task Forces, and international cases. This outreach is extremely important because relatively few positions are dedicated solely to the forfeiture program. If the full value of this sanction is to be realized, the Department must reach the thousands of agents and attorneys and teach them to integrate asset seizure and forfeiture into their normal patterns of case development. This can only be done through an effective and aggressive training program.

The Criminal Division and the U.S. Attorneys will continue to sponsor approximately 6-10 training conferences per year, including basic and advanced seminars for forfeiture attorneys, training courses for all support personnel, and specialized criminal and civil forfeiture courses for select Assistant U.S. Attorneys, etc. This plan includes funding for money laundering conferences, support for conferences by other Federal, state, and local law enforcement agencies, and international conferences. Printing costs reflect the continuing need to provide current legal advice and support. Expenses include updating and distributing the forfeiture manual and printing numerous pamphlets directly relating to forfeiture issues, policies, and procedures.

	FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
7. Other Program Management Expenses	$ 8,000,000	$19,000,000	$11,000,000

This category includes several types of expenses that are important to the overall management of the asset forfeiture program: management analysis, performance assessment, problem analysis, requirements analyses, policy development, and other special projects designed to improve program performance. This funding will provide travel and per diem funds for temporary duty assignments needed to correct program deficiencies. In addition, funding is provided for the USMS, when it learns that the seizure of a business is imminent, to obtain the necessary professional services for the valuation of business inventory, assessment of assets and liabilities of the business, or performance of other related services to facilitate informed decisions on the management and disposal of the seized business. Other activities funded under this heading include the annual audit of financial statements of the Assets Forfeiture Fund and the Seized Asset Deposit Fund by an independent accounting firm, and special assessments and reviews. This category also finances the costs of the AFMS, Justice Management Division. Beginning in 2001, expenses will be increased by $14.2 million to meet USMS costs of administrative personnel associated with the forfeiture program. No funding will be provided for the S&E costs associated with Deputy U.S. Marshals.

	FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
8. Contracts to Identify Assets	$8,000,000	$5,000,000	-$ 3,000,000

Investigative agencies use these funds for subscription services to nationwide public records data systems, and for acquisition of specialized assistance, such as reconstruction of seized financial records. Demand for these services will increase as more agents graduate from the training programs and attempt to use the asset forfeiture sanction in their cases; however, it is anticipated that costs will be controlled because of volume economies. Resources requested for 2001 will be used to identify assets during the investigative stage of the case, where such research will enhance effective use of the asset forfeiture sanction. If the government can improve upon the identification of ill-gotten assets, the insidious nature of the criminal wrongdoing can be better demonstrated and reinforced before the jury. Such evidence stands to result in stiffer penalties for hard-core criminals who have dodged such penalties in the past by successfully concealing such assets, only to be released to finance further criminal activities with such assets. It is just this kind of "criminal financing" that the forfeiture laws are intended to derail.

	FY2000 Estimate	FY 2001 Estimate	Increase/Decrease
9. Storage, Protection, and Destruction of Controlled Substances	$1,500,000	$1,000,000	-$ 500,000

This is an uncontrollable asset-specific expense consisting of the costs of warehousing and guarding controlled substances, and the removal, transportation, and destruction of these

substances. This funding is also used to purchase safes for the storage of controlled substances.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
10.	Joint Federal/State and Local Law Enforcement Operations	$33,900,000	$33,900,000	$ 0

Public Law 102-393, referred to as the 1993 Treasury Appropriations Act, amended Title 28 U.S.C. § 524(c), enacted new authority for the Fund to pay for "overtime, travel, fuel, training, equipment, and other similar costs of state or local law enforcement officers that are incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund." Such cooperative efforts have significant potential to benefit Federal, state, and local law enforcement efforts. The Department has implemented a policy for the allocation of resources for this new authority, and, during 1994, $10.4 million under this authority was provided to the Administration's Weed and Seed program. In 1999, resources totaling $24.4 million were applied to state and local law enforcement expenses, and an additional $9.0 million was set aside for continued Weed and Seed projects. In 2000 and 2001, providing receipts materialize as projected, a total of $33.9 million is proposed for these activities. Such expenditures are fully consistent with the Attorney General's top program priorities, including those efforts to reduce violent crime, the insidious expansion of organized crime, etc.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
11.	Awards For Information Leading to a Forfeiture	$18,000,000	$14,000,000	-$ 4,000,000

Section 114 of Public Law 104-208, dated September 30, 1996, amended the Justice Fund statute to treat payments of awards based on the amount of the forfeiture the same as other costs of a forfeiture. Historically, this authority represented less than 10 percent of award payments. We estimate approximately $15 million in such awards in 2001.

INVESTIGATIVE EXPENSES

Definite, appropriated (discretionary) authority

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
1.	Awards for Information and Purchase of Evidence	$20,000,000	$20,000,000	$ 0

Awards payable from the Fund directly support law enforcement efforts by encouraging the cooperation and assistance of informants. The Fund may also be used to purchase evidence of

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violations of drug laws, Racketeering Influenced and Corrupt Organizations (RICO), and criminal money laundering laws. Payment of awards to sources of information creates tremendous motivation for individuals to assist the government in the investigation of criminal activity and the seizure of assets. Many cases would be impossible to bring to trial without the information from cooperating individuals. Even when the government has reason to believe criminal activity is occurring, an inside informant can facilitate the cost-effective deployment of investigative resources to obtain the greatest results. These expense categories are used in support of the Attorney General's highest priority programs, and represent resources that become increasingly precious as law enforcement budgets are curtailed to meet deficit reductions goals. It is imperative that investigative authority of the Fund remain at a viable level.

		FY 2000 Estimate	FY 2001 Estimate	Increase/Decrease
2.	Equipping of Conveyances	$3,000,000	$3,000,000	$ 0

This category provides funding to equip conveyances for law enforcement functions, but not to acquire them. This funding is used for emergency and communications equipment, voice privacy and surveillance equipment, armoring, and engine upgrades and avionic equipment for aircraft. Further, the funding is utilized for special projects such as Operation SNOWCAP, and other drug enforcement activities. In 1995, funding was used to equip various aircraft for the U.S. Marshals Service air fleet needs, and to equip vehicles for investigative agencies to provide highly sophisticated investigative ability. By the end of 1996, Fund resources were used to equip hundreds of new and/or forfeited vehicles to make them suitable for surveillance and other law enforcement purposes. Fund resources have also been used to equip specialized surveillance vehicles, the cost of which can easily exceed $50,000 per vehicle.

Given the great expense involved, it is only through Fund resources that many of these surveillance vehicles are available to the field districts that need them. DEA uses surveillance vans as stationary and mobile platforms to conduct surveillance and gather intelligence, the cornerstone of cases against most major drug violators. In addition, evidence obtained through the use of such surveillance often provides the audio and video documentation necessary for conviction.

These funds are also used in support of the Attorney General's expressed highest priority, including, but not limited to, suppression of illegal immigration. Through 1999 over $6 million has been allocated to the Immigration and Naturalization Service (INS) to equip law enforcement cars that might not otherwise have been placed in service. Funds continue to used for the equipping and rehabilitation of helicopters used for enhanced border patrol activities. There is significant benefit to law enforcement to meet unforeseen equipping emergencies through these resources. It is essential that investigative authority of the Fund not deteriorate further to avoid loss of this valuable support.

Department of Justice
Assets Forfeiture Fund
Priority Rankings
Fiscal Year 2001

BASE PROGRAM

Expense Category	Ranking
Permanent, Indefinite Mandatory Expenses	1
Appropriated, Definite Investigative Expenses	2

Department of Justice
Assets Forfeiture Fund
Summary of Requirements by Object Class
Fiscal Year 2001

Object Classes	1999 Actual Amount	2000 Estimate Amount	2001 Request Amount	Increase/Decrease Amount
11.8 Special Personal Services Payments [14]	4,528	4,677	3,300	-1,377
12.1 Personnel Benefits	868	1,084	743	-342
21.0 Travel and Transportation	13,479	16,839	10,582	-5,456
22.0 Transportation of Things	2,029	2,535	1,509	- 626
23.1 Rental Payments to GSA	9,514	11,885	8,037	-3,848
23.2 Rental Payments to Others	759	948	619	-129
23.3 Communications, Utilities and Misc. charges	11,862	14,818	9,834	-4,384
24.0 Printing and Reproduction	5,905	7,377	5,049	-2,327
25.1 Advisory and Assistance	12,308	15,375	9,606	-5,769
25.2 Other Services	480,970	601,824	414,131	-189,693
25.3 Purchases from Government	3,358	4,182	3,180	-1,002
25.4 Operations & Maintenance of Facilities	4,860	6,070	4,355	-1,716
25.6 Medical Care	4	5	3	-2
25.7 Operations & Maintenance of Equipment	7,259	9,067	6,207	-2,860
26.0 Supplies and Material	505	631	479	-152
31.0 Equipment	9,482	11,845	8,110	-3,735
41.0 Miscellaneous Contribution	3	4	3	-1
42.0 Payments for Property Damage	29	36	31	-5
43.0 Interest	63	79	60	-19
Total Obligations	567,785	709,281	485,838	-223,443
Relation of Obligations to Total Requirements:				
Unobligated balance, start of year	-276,778	-356,281	-150,000	
Recovery of prior year obligations	-37,058	0	0	
Unobligated balance, end of year	356,281	150,000	155,148	
Total requirements	610,230	503,000	490,986	
Relation of Obligations to Outlays:				
Total obligations	567,785	709,281	485,838	
Obligated balance, start of year	261,056	294,076	486,357	
Obligated balance, end of year	-294,076	-486,357	-547,195	
Adjustments in expired accounts	-37,058	0	0	
Outlays	497,707	517,000	425,000	

[14] Reflects personnel compensation for AFMS, as well as a portion of personnel costs associated with a super surplus allocation provided to Information Resources Management, Justice Management Division.

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
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Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Summary Statement and Performance Plan
Fiscal Year 2001

The Department of Justice requests $2,000,000 in budget authority for 2001 to administer the Radiation Exposure Compensation Program. This funding level is the same as received in 1999 and 2000.

Bills to amend the Radiation Exposure Compensation Act have been introduced by Senator Hatch, Senator Bingaman, Representative Udall, Representative Skeen and Representative Mink. With the exception of the Mink proposal, these bills are very expansive and, if enacted, would increase the Program's workload. The stated request assumes that no statutory changes will be implemented in 2001.

Program regulations were revised by the Department of Justice on April 21, 1999. These changes, which are intended to bring the Program in line with current scientific and medical knowledge, apply to the statutorily-defined categories of claimants: downwinders, onsite participants and miners. Receipts and the resultant workload, which increased moderately in 1999, are projected to peak in 2000 and decline in 2001.

Radiation Exposure Compensation Program Mission and Goals, and Relationship to the Department of Justice Strategic Plan

The Radiation Exposure Compensation Program's 2001 request and estimates directly support the following goals in the Department of Justice Strategic Plan: to represent the United States in all civil matters and to meet or exceed the expectations of our customers.

Radiation Exposure Compensation Program Mission

The Radiation Exposure Compensation Program fairly and expeditiously adjudicates claims, fully consistent with the Radiation Exposure Compensation Act and regulations; educates the public about the Act; and develops strategies for improving the Program.

The Radiation Exposure Compensation Act offers an apology and monetary compensation ranging from $50,000 to $100,000 to individuals exposed to radiation released during above-ground nuclear weapons tests and underground uranium mining. Payments to affected individuals come from the Radiation Exposure Compensation Trust Fund authorized by the Act. The Attorney General is responsible for the disbursement of the Trust Fund and has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program. Since its inception in April 1992, the Program has adjudicated more than 7,500 claims and appeals and approved compensation exceeding $241 million.

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Radiation Exposure Compensation Program Long-Range Goals and Strategies

The primary strategies employed by the Civil Division's Radiation Exposure Compensation Program to achieve its long-term goals are listed following each goal. All goals depicted below correspond to the goals set forth in the Department of Justice Strategic Plan.

Represent the United States in all civil matters.

- Protect the U.S. Treasury against unwarranted monetary claims and assure appropriate payments for meritorious claims.
- Administer, improve and, where appropriate, expand programs to fairly resolve classes of claims such as the Radiation Exposure Compensation Program.

Meet or exceed the expectations of our customers.

- Provide information to the public and to stakeholders in an open, timely and complete manner.

Radiation Exposure Compensation Program 2001 Performance Plan

The Civil Division's Radiation Exposure Compensation Program proposes a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These 2001 goals will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA).

Represent the United States in all civil matters.

Meet or exceed the expectations of our customers.

- Develop a web-page to reach greater numbers of individuals through Internet access.
- Maintain timely processing of claims by sending 95 percent of claimants an acknowledgment letter within 5 days of receiving a claim, and by sending 95 percent of claimants whose claims require additional information, a request for that information within 40 days of sending the acknowledgment letter.

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Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Justification of Proposed Changes in Appropriation Language

Administrative Expenses

For neccessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000. (Department of Justice Appropriations Act, 2000 (P.L. 106-113).)

Explanation of changes

No substantive changes proposed.

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Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 Enacted			Reprogrammings			1999 Availability		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Radiation Exposure Compensation									
Administrative Expenses	..	...	$2,000	...	...	...	...	...	$2,000

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Reprogrammings			2000 Appropriation Enacted		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Radiation Exposure Compensation									
Administrative Expenses	...	...	$2,000	...	...	...	...	...	$2,000

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base	Perm Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	$2,000
2001 Base	...	...	2,000
Program Changes	...	...	...
2001 Estimate	...	...	2,000

Estimates by budget activity	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Radiation Exposure Compensation Adminstrative Expenses:	...	...	$2,000	...	...	$550[1]	...	...	$2,000	...	...	$2,000	...	...	$2,000	...	...	...

The Fund is used to compensate individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. In 1992, the Civil Division of the Department of Justice was appropriated funds to implement the program. Beginning in 1993, funding was scored against the Defense functional classification and made available to the Civil Division of the Department of Justice under Object Class 25.3.

[1] The President's Budget Appendix materials do not reflect year-end billings; additional obligations will be reflected as adjustments to expired accounts in 2000.

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Radiation Exposure Compensation Administrative Expenses			
2000 Appropriation Enacted	...	...	$2,000
2001 Estimate	...	...	$2,000
Increase/Decrease	...	...	...

The Civil Division administers the Radiation Exposure Compensation Program, ensuring that all claims are adjudicated fairly and expeditiously, fully consistent with the Radiation Exposure Compensation Act of 1990 (RECA). Through December 1999, the Program has adjudicated 7,553 claims and appeals and approved compensation totaling $241,492,606. It strives to educate the public about the Act and to develop strategies to improve the Program.

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Proposed Statutory Changes

Senator Hatch, Senator Bingaman, Representative Udall, Representative Skeen and Representative Mink have introduced separate bills to amend RECA. With the exception of the Mink proposal, all of the proposed amendments would significantly alter the Program, resulting in substantial increases in receipts, awards and payments. The current statute sets out several factors determining payment eligibility, including: (1) who can apply, (2) payment amount, (3) compensable diseases, (4) affected time period and (5) geographic location. The major legislative proposals would broaden each of these categories, expanding the Program's workload. Because the legislative and implementation timetable for the proposed RECA amendments is uncertain, the workload estimates contained herein assume that no statutory changes will be in place in 2001.

Regulatory Changes

On April 21, 1999, the Department of Justice adopted revised Program regulations. These changes, which are intended to bring the Program in line with current scientific and medical knowledge, apply to the statutorily-defined categories of claimants: downwinders, onsite participants and miners. The major regulatory changes (1) allow claimants to submit affidavits in support of a claim to

establish smoking and alcohol consumption histories; (2) allow biopsies to prove compensable respiratory disease; (3) consider any former smoker who ceased smoking 15 years before diagnosis of certain compensable diseases to be a non-smoker; (4) expand the definition of primary cancers of the lung to include in situ lung cancers; and (5) define pulmonary impairment standards that are consistent with the recommendations of the American Thoracic Society. Over 3,200 notifications have been sent to previously denied claimants, advocacy groups and attorneys whose practices include RECA claimants. Several staff members traveled to many of the affected communities in the summer of 1999 to provide information about the regulatory changes. These efforts have resulted in increased filings, particularly from miners.

2001 Resource Requirements

The Civil Division's request will cover costs under the current RECA statute and regulations. The current budget authority of $2,000,000 will be sufficient to cover costs associated with claims processing through 2001.

Program Performance

The Radiation Exposure Compensation Program provides a service directly to the public. Since the Program's inception, management has set performance goals which measure the government's responsiveness in claims processing, while maximizing claimants' opportunities to complete their claims, fulfill criteria and receive compensation.

In the Civil Division's 1999 Performance Plan, the RECA Program set the following performance goal: Send 100 percent of the previously denied claimants notification of changes to the Program within 75 days of the effective date (April 21). This objective was achieved, with over 3,200 notifications sent by April 15. The Program also tracks how promptly applicants are notified that a claim has been received, as well as, if additional information is required to resolve the claim. In 1999, 96 percent of claimants were sent an acknowledgment letter within five days of receipt of their claims and 93 percent of claimants whose claims required additional information were notified within forty days of the dispatch of the acknowledgment letter.

A goal of the 2001 Performance Plan is to develop a web-page to reach greater numbers of individuals through Internet access. The chart which follows shows the Program's performance results and plans; successful performance will be measured by the indicators displayed in the chart.

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PERFORMANCE MEASUREMENT TABLE

Department of Justice — Civil Division — Radiation Exposure Compensation Program

STRATEGIC GOALS:
- **Represent the United States in all civil matters.**
- **Meet or exceed the expectations of our customers.**

2001 PERFORMANCE PLAN:
- **Develop a web-page to reach greater numbers of individuals through Internet access.**

INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Est.	2001 Est.
Input	1. Number of claims and appeals pending beginning of year	CASES	298	299	320	316	352	513
	*2. Number of claims and appeals received during year	CASES	479	383	398	405	539	365
Output/ Activity	*3. Number of claims and appeals approved during year	CASES	204	153	199	227	228	205
	*4. Number of claims and appeals denied during year	CASES	290	213	250	142	150	174
Productivity/ Efficiency	5. Percent of "Acknowledgment" letters sent within 5 days	CASES	95%	99%	95%	96%	95%	95%
	6. Percent of "Request" letters sent within 40 days	CASES	95%	96%	95%	93%	95%	95%
	7. Develop an Internet web-page	NA	...	...	...	...	...	by 9/30
Outcome	*8. Compensation approved (in millions)	CASES	$15.3	$10.8	$14.7	$17.5	$18.3	$16.6

A. Definitions of Terms or Explanations for Indicators:

- **All Indicators:** The data source for all indicators is CASES, the Civil Division's fully automated case management system.
- **All Indicators:** The numbers in the "1998 Enacted Plan" column are as reported in the 1999 Congressional budget submission.
- **All Indicators:** The numbers in the "1999 Enacted Plan" column are as reported in the 2000 Congressional budget submission.
- **Indicators 1, 2, 3 and 4:** Counts for these indicators were based on an analysis of historical trends and the impact of: revised regulations, improved access to claimant records and the effect of recent appeal decisions.
- **Indicator 5**: An "Acknowledgment" letter notifies claimants that a claim has been received, apprises them of their claim number and informs them of when they can expect to receive a decision.
- **Indicator 6**: A "Request" letter notifies claimants of deficiencies in a claim, and informs them of the information needed to fulfill eligibility criteria and receive compensation.

* Designates an indicator covered by a requested increase (to the Trust Fund appropriation).

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B. Factors Affecting FY 1998 and FY 1999 Program Performance:

- **Indicators 3, 4 and 8:** With respect to 1998 performance, the "1998 Enacted Plan" assumed that the regulatory changes would be implemented during 1998, resulting in increases in workload trends and compensation approved; actual implementation was April 1999. With respect to 1999 performance, underlying the "1999 Enacted Plan" estimates was an overall approval rate of 44 percent; the actual approval rate in 1999 was 62 percent.

C. Factors Affecting Selection of FY 2000 and 2001 Estimates:

- **Indicators 2, 3, 4 and 8**: The estimates assume that the impact of the regulatory changes will peak in 2000. A Trust Fund appropriation of $13.7 million has been requested for making payments in 2001.
- **Indicators 5, 6 and 7**: The Radiation Exposure Compensation Program will continue to strive for the optimum in service to claimants.

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Civil Division
Radiation Exposure Compensation
Administrative Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Wys	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
Other objects								
21.0 Travel and transportation of persons			..	...		...		...
22.0 Transportation of things			..	...		...		...
23.3 Communications, utilities, and miscellaneous charges			...	...		...		...
24.0 Printing and reproduction			...	...		...		...
25.1 Advisory & assistance services		..	...	...		...		...
25.2 Other services		..	...	...		...		...
25.3 Purchases of goods & svcs from Gov't accounts		$550[1]		$2,000		$2,000		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		...		...
Total Obligations	...	550	...	2,000	...	2,000	...	...
Relation of Obligations to Outlays:								
Total obligations		550		2,000		2,000		
Obligated balance, start of year		796		65		...		
Obligated balance, end of year		(65)		...		...		
Adjustments in expired accounts		(8)		...		...		
Outlays		1,273		2,065		2,000		

[1] The President's Budget Appendix materials do not reflect year-end billings; additional obligations will be reflected as adjustments to expired accounts in 2000.

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Department of Justice
Radiation Exposure Compensation
Trust Fund
Summary Statement and Performance Plan
Fiscal Year 2001

For 2001, the Department of Justice requests a Radiation Exposure Compensation Trust Fund appropriation of $13,727,000 to make payments for claims expected to be approved. Bills to amend the Radiation Exposure Compensation Act (RECA) have been introduced by Senator Hatch, Senator Bingaman, Representative Udall, Representative Skeen and Representative Mink. With the exception of the Mink proposal, these bills are very expansive and, if enacted, would require substantial funding. Since the legislative and implementation timetable for the proposed RECA amendments is uncertain, this request does not seek additional funding to provide for statutory changes; the workload and payment estimates contained herein assume that no statutory changes will be in place in 2001.

Radiation Exposure Compensation Program Mission and Goals, and Relationship to the Department of Justice Strategic Plan

The Radiation Exposure Compensation Program's 2001 request and estimates support the following goals in the Department of Justice Strategic Plan: to represent the United States in all civil matters and to meet or exceed the expectations of our customers.

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Radiation Exposure Compensation Program Mission

The Radiation Exposure Compensation Program fairly and expeditiously adjudicates claims, fully consistent with the Radiation Exposure Compensation Act and regulations; educates the public about the Act; and develops strategies for improving the Program.

The Radiation Exposure Compensation Trust Fund was established to permit the payment of claims from individuals exposed to radiation as a result of atmospheric nuclear tests and underground uranium mining and who developed specified diseases. The statute provides for payments to claimants, based on the type of exposure: $50,000 to individuals who lived downwind of the Nevada Test Site, $75,000 to persons who participated onsite in atmospheric nuclear tests and $100,000 to individuals employed as underground uranium miners. Through December 1999, 3,262 awards, valued at over $241 million have been approved.

Radiation Exposure Compensation Program Long-Range Goals and Strategies

The primary strategies employed by the Civil Division's Radiation Exposure Compensation Program to achieve its long-term goals are listed following each goal. All goals depicted below correspond to the goals set forth in the Department of Justice Strategic Plan.

Represent the United States in all civil matters.

- Protect the U.S. Treasury against unwarranted monetary claims and assure appropriate payments for meritorious claims.
- Administer, improve and, where appropriate, expand programs to fairly resolve classes of claims such as the Radiation Exposure Compensation Program.

Meet or exceed the expectations of our customers.

- Provide information to the public and to stakeholders in an open, timely and complete manner.

Radiation Exposure Compensation Program 2001 Performance Plan

The Civil Division's Radiation Exposure Compensation Program proposes a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These 2001 goals will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA).

Represent the United States in all civil matters.

Meet or exceed the expectations of our customers.

- Develop a web-page to reach greater numbers of individuals through Internet access.
- Maintain timely processing of claims by sending 95 percent of claimants an acknowledgment letter within 5 days of receiving a claim, and by sending 95 percent of claimants whose claims require additional information a request for that information within 40 days of sending the acknowledgment letter.

Radiation Exposure Compensation Program 2000 and 2001 Estimates

At the start of 2000, the Trust Fund had a balance of $8.4 million. The 2000 appropriation of $3.2 million, along with projected interest, provides nearly $11.8 million available to make payments in 2000. With about 225 approvals projected, valued at about $18.3 million, the Trust Fund will be exhausted during 2000. Payments for as many as 120 awards may be deferred until 2001. In 2001, a total of 205 new approvals valued at $16.6 million are projected. An appropriation of $13.7 million is requested for 2001.

1394

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Justification of Proposed Changes in Appropriation Language

Payment to Radiation Exposure Compensation Trust Fund

For payments to the Radiation Exposure Compensation Trust Fund, [$3,200,000] $13,727,000. (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

Explanation of changes:

No substantive changes proposed.

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 Enacted			Reprogrammings			Unobligated Balances Brought Forward			Interest and Prior Year Adjustments			1999 Availability		
	Perm Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Radiation Exposure Compensation Trust Fund	...	...	...	...	...	...	...	...	$20,994	...	...	$1,276	...	...	$22,270

1396

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriation Actions On 2000 Request			2000 Appropriation Enacted		
Activity/Program	Perm Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Radiation Exposure Compensation Trust Fund	...	...	$21,714	...	...	($18,514)	...	...	$3,200

Congressional Appropriation Actions On 2000 Request. Congress did not approve $18,514,000 of the President's 2000 budget request.

1897

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Compensation Trust Fund
Summary of Requirements
(Dollars in thousands

Adjustments to Base	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	$3,200
2001 Base	...	...	...
Program Changes (See Program Narrative for Details)	...	...	13,727
2001 Estimate	...	...	13,727

Estimates by budget activity	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Radiation Exposure Compensation Trust Fund:	...	...	$22,270	...	...	$13,839[1]	...	...	$3,200	...	...	...	...	...	$13,727	...	...	$13,727

The Trust Fund balance at the start of 1999 was approximately $20,994,000; interest and prior years' adjustments added $1,276,000. Payments in 1999 totaled $13,839,000, leaving about $8,431,000 at the start of 2000. The 2000 appropriation added $3,200,000 and $137,000 in interest is projected. Estimated payments of $11,768,000 will deplete the Trust Fund in 2000. An appropriation of $13,727,000 is requested for 2001.

[1] Differs from MAXX due to a rounding error.

Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Radiation Exposure Compensation Trust Fund			
2000 Appropriation Enacted	...	...	$3,200
2001 Estimate	...	...	$13,727

The Radiation Exposure Compensation Act of 1990 (RECA) offers an apology and monetary compensation for specific diseases to underground uranium miners, persons who participated onsite in atmospheric nuclear tests or individuals downwind of the Nevada Test Site. It created the Radiation Exposure Compensation Trust Fund, which is administered by the Civil Division. From April 1992 when the first claims were received through December 1999 a total of 7,121 claims have been filed and 3,262 awards, valued at $241,492,606 have been approved.

There is growing interest in amending the program in ways that will substantially expand its scope. Bills to amend RECA have been introduced by Senator Hatch, Senator Bingaman, Representative Udall, Representative Skeen and Representative Mink. With the exception of the Mink proposal, these bills are very expansive and, if enacted, would require substantial funding. Because the legislative and implementation timetable for the proposed RECA amendments is uncertain, this request does not seek additional funding for statutory changes; the workload and payment estimates that follow do not include projections for statutory changes.

1999

Workload Estimates

Trust Fund requirements are driven by the number of claims approved and the distribution of claims across the three types of claimants. Approvals depend upon a variety of factors including: the number and distribution of new filings, the extent to which the pool of applicants meets the eligibility criteria and the pace at which applications are processed. Because most of these factors are outside the control of the Program, it is difficult to predict accurately the number of approvals that will be made in a given year. Accordingly, the analysis which follows is based on assumptions which are subject to change over time.

Filings. In 1999, there was an increase in the total number of new claims filed, reversing a downward trend which has been in effect since the beginning of the Program. Filings on behalf of miners led the upturn, increasing by 23 percent from 1998. This growth was likely spurred by new Program regulations adopted by the Department of Justice, effective April 1999. These changes, which are

intended to bring the Program in line with current scientific and medical knowledge, apply to the statutorily-defined categories of claimants: downwinders, onsite participants and miners.

> The major regulatory changes (1) allow claimants to submit affidavits in support of a claim to establish smoking and alcohol consumption histories; (2) allow biopsies to prove compensable respiratory disease; (3) consider any former smoker who ceased smoking 15 years before diagnosis of certain compensable diseases to be a non-smoker; (4) expand the definition of primary cancers of the lung to include in situ lung cancers; and (5) define pulmonary impairment standards that are consistent with the recommendations of the American Thoracic Society.

Over 3,200 notifications about the regulatory changes have been sent to previously denied claimants, advocacy groups and attorneys whose practices include RECA claimants. New filings in 2000 may increase by about 33 percent over 1999, assuming that there will continue to be a significant response to the outreach activities that have been conducted in the wake of the regulatory changes. Thereafter, new filings are expected to decline.

Qualifications. Another reversal in long-term trends occurred with respect to approvals. For six years, the number of approvals had dropped. However, between 1998 and 1999, the number of approvals increased nearly 50 percent, from 153 to 227. While only 42 percent of 1998 adjudications resulted in awards, nearly 62 percent resulted in awards in 1999. This higher approval rate pre-dated implementation of the regulatory changes and was evident in all three categories of claimants. One explanation is that far more comprehensive data on miner work histories is available now, compared with earlier years of the Program. Social Security, NIOSH, the Colorado Plateau Study and private firms' work history data bases are now accessible by the Program. In prior years, the burden of documenting work history, and the required "working level months" (WLMs), fell primarily on the claimant. With access to these additional sources, the Program can augment the claimant's submission if the required WLMs are not fully documented.

1400

Another factor contributing to the increase in approvals was a decision on an internal appeal relating to onsite participants. The decision expanded the geographic area of eligibility to include the entire Nevada Test Site installation, not just the immediate area around the actual test site.

The regulatory changes contributed somewhat to the increase in approvals in 1999. As more and more of the new filings are reviewed and processed in 2000, it is reasonable to expect that the number of claims approved in 2000 will be about 228 — on par with 1999 approvals. However, it is unlikely that this level of approvals will be sustained over the long term. Accordingly for 2001, total approvals are projected to decline by about 10 percent, to 205.

Claims Processed. Between 1998 and 1999, the number of claims adjudicated remained stable. While we expect a modest increase in productivity, no sharp change in the number of claims adjudicated is expected through 2001.

The following chart provides detailed workload estimates for the RECA Program for 1996-2001.

Radiation Exposure Compensation Program
Claims and Appeals

	1996 Actuals	1997 Actuals	1998 Actuals	1999 Actuals	2000 Estimate	2001 Estimate
Downwinders						
Pending, Beginning of Year	89	80	85	86	81	128
Receipts	202	187	157	141	175	116
Approved	92	103	82	96	82	71
Denied	119	79	74	50	46	52
Onsite Participants						
Pending, Beginning of Year	71	71	48	42	52	85
Received	100	70	54	53	77	39
Approved	16	18	12	17	16	14
Denied	84	75	48	26	28	30
Uranium Miners						
Pending, Beginning of Year	367	240	166	188	219	300
Received	297	181	172	211	287	210
Approved	174	74	59	114	130	120
Denied	250	181	91	66	76	92
Total						
Pending, Beginning of Year	527	391	299	316	352	513
Received	599	438	383	405	539	365
Approved	282	195	153	227	228	205
Denied	453	335	213	142	150	174
Value of All Approvals ($000)	$23,073	$13,649	$10,818	$17,470	$18,300	$16,600
Payments ($000)	**$21,133**	**$15,882**	**$12,339**	**$13,839**	**$11,768**	**$13,889**

Award and Payment Estimates

The statute sets the compensation amount for each category: downwinders receive $50,000, onsite participants receive $75,000 and miners receive $100,000. The value of total awards in a given year is based on the number of awards approved in each category. The award total drives the payment total, however, in a given year, payments differ from total awards due to the timing of the actual payments. On average, two months elapse from approval of an award, to claimant's acceptance, to payment of the award.

The table which follows depicts the estimated Trust Fund payments and balances through 2001. In 1999, a total of 227 awards, valued at nearly $17.5 million, were approved and payments in 1999 totaled $13.8 million. At the start of 2000, the Trust Fund had a balance of $8.4 million. The 2000 appropriation of $3.2 million, along with projected interest of $137,000, provides nearly $11.8 million available to make payments in 2000. Of the $11.8 million available, over $3 million is needed just to make payments on claims approved, but not paid, in 1999. The remaining $8.7 million falls substantially shy of the estimated $18.3 million in claims that may be approved in 2000.

Radiation Exposure Compensation Trust Fund
(Dollars in Thousands)

	1998 Actuals	1999 Actuals	2000 Estimate	2001 Estimate
Starting Balance	$28,952	$20,994	$8,431	0
+ New Appropriation	4,381	0	3,200	13,727
+ Prior Years' Adjustment	...	1,017	...	...
+ Interest Earnings	0	259	137	162
- Payments	12,339	13,839	11,768	13,889
Ending Balance	20,994	8,431	0	0

In 2001, a total of 205 approvals, valued at $16.6 million, are projected. The $13.7 million requested for 2001, together with expected interest will be used to make payments for the unpaid awards from 2000 as well as a portion of the 2001 approvals. The value of the average RECA award is expected to climb significantly from 1998 due to the predominance of miner awards. In 1998, the average award was under $71,000; in 1999, the average climbed to $77,000. In 2000 and 2001, the average award is expected to exceed $80,000 — an all-time Program high.

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Program Performance

In the Civil Division's 1999 Performance Plan, the RECA Program set the following performance goal: Send 100 percent of the previously denied claimants notification of changes to the Program within 75 days of the effective date (April 21). This objective has been achieved, with over 3,200 notifications sent by April 15. A 2001 Performance Plan goal is to develop a web-page to reach greater numbers of individuals through Internet access.

Civil Division
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

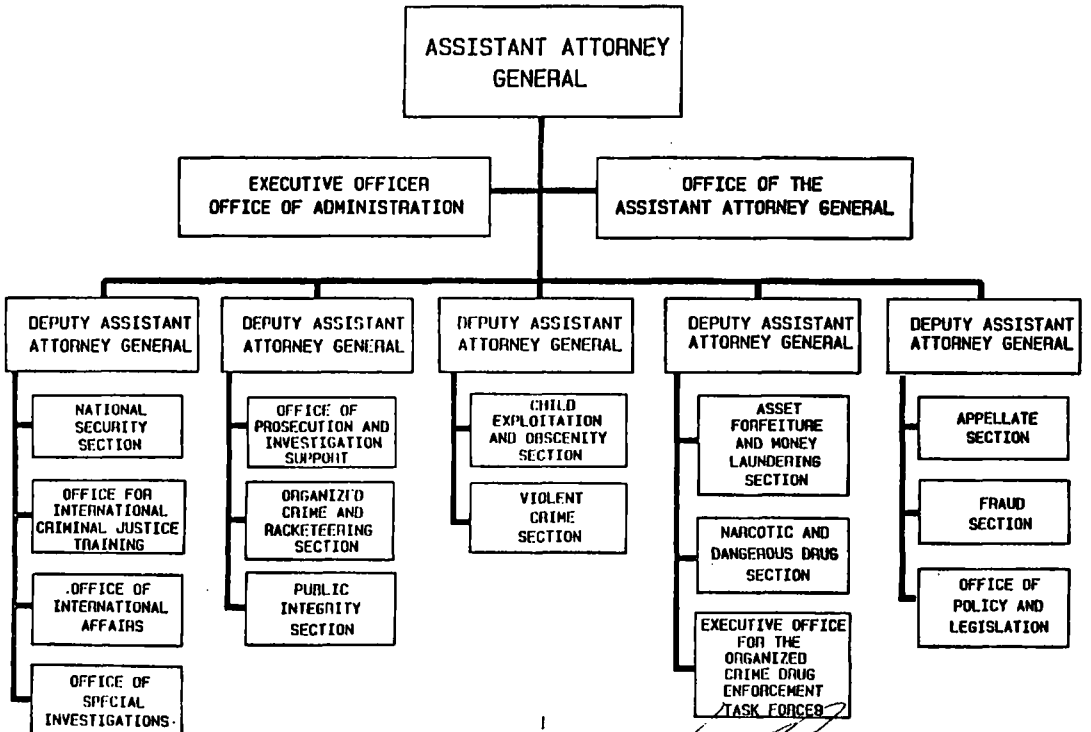
Object Class	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Estimate Wys.	2001 Estimate Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Full-time permanent	..	..	...	...	...	...	...	...
11.3 Other than full-time permanent	..	..	...	...	...	...	...	...
11.5 Other personnel compensation	..	..	...	...	...	...	...	...
11.8 Special personal services payments	...	...	...	...	...	...	...	...
Total	.	.	...	...	...	...	...	...
Reimbursable workyears:								
Other than permanent	[..]		[...]		[...]		[...]	
Other objects:								
12.0 Personnel benefits		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.3 Communications, utilities, and miscellaneous charges		...		...		...		...
24.0 Printing and reproduction		...		...		...		...
25.2 Other services		...		...		...		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		...		...
41.0 Grants, Subsidies and Contributions	...	$13,839	...	$11,768	...	$13,889	...	$2,121
Total obligations	...	13,839[1]	...	11,768[1]	...	13,889	...	2,121
Unobligated balance, start of year		(20,994)		(8,431)		...		
Unobligated balance, end of year		8,431		...		...		
Interest earned		(259)		(137)		(162)		
Recovery of prior year balances		(1,017)		...		...		
Total requirements		...		3,200		13,727		
Relation of Obligation to Outlays:								
Total obligations		13,839		11,768		13,889		
Obligated balance, start of year		455		1,285		1,563		
Obligated balance, end of year		(1,285)		(1,563)		(5,988)		
Outlays		13,009		11,490		9,464		

[1] Diffe n MAXX due to a rounding error.

Department of Justice
Interagency Crime and Drug Enforcement
Estimates for Fiscal Year 2001
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CRIMINAL DIVISION



Approved: _____ Date: 12/12/94

JANET RENO

Interagency Crime and Drug Enforcement
Organized Crime Drug Enforcement Task Force Program
Summary Statement and Performance Plan
Fiscal Year 2001

The Organized Crime Drug Enforcement Task Force program (OCDETF) program is requesting a total of 3,030 permanent positions, 2,988 workyears, and $328,898,000 in its Interagency Crime and Drug Enforcement appropriation. This request represents an increase of $12,112,000 (4%) over the FY 2000 anticipated appropriation of 3,030 positions, 2,988 workyears and $316,786,000.

A. Component Mission and Goals, Relationship to Department (DOJ) Strategic Plan (1997-2002).

The OCDETF program's FY 2001 request/performance plan directly supports the overall drug law enforcement priorities, general goals and strategic approaches that are included in the DOJ Strategic Plan (1997-2002). In addition, it incorporates information on performance measurement that should lead to better accountability regarding actual results obtained.

The DOJ Strategic Plan, under the functional areas: Investigation and Prosecution of Criminal Offenses and Management, establishes the connection between strategic goals and those shorter-term objectives set for the OCDETF program for FY 2001.

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1. OCDETF Mission

OCDETF was created in 1982 to mount a comprehensive attack against high-level drug trafficking and related criminal enterprises, including large-scale money laundering organizations, in order to destroy and dismantle these criminal enterprises. The OCDETF program constitutes a nationwide structure which combines member agencies' resources and expertise in concentrated, long-term operations to mount an intensive and coordinated campaign against international and domestic drug trafficking organizations.

2. OCDETF Program Goals and Objectives

The goal of the OCDETF program is to dismantle or disrupt the operations of those organizations.

To **disrupt** is to cause significant interference in the conduct of business by the targeted criminal organization. Disruption occurs when the normal and effective operation of a specific enterprise is significantly impacted as a result of an affirmative law enforcement action. Indicators of disruption include changes in organization leadership, trafficking patterns, drug production methods, and violence within and between organizations.

To **dismantle** is to put the criminal organization out of existence or break it up to the extent that reconstruction of the same criminal organization is impossible.

Pursuing this goal has resulted in a greater number of quality cases against high-level drug traffickers, which in turn, has had an appreciable impact on illegal drug trafficking.

Program Objectives

The objectives of the OCDETF program are to:

a. Target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related criminal enterprises such as large-scale money laundering organizations, and includes providing intelligence to assist in targeting and investigating these organizations and individuals;

b. Promote a coordinated drug enforcement effort across district, regional, and national boundaries and encourage the maximum cooperation and coordination among all Federal, State, and local drug and drug related law enforcement agencies, and the United States Attorney offices; and

c. Make full use of financial investigative techniques, including tax law enforcement, enforcement of Titles 18 and 31 currency and money laundering statutes and the related asset forfeiture provisions in order to identify, prosecute and convict high-level traffickers and dismantle money laundering operations, and to enable the government to seize and forfeit assets and profits derived from high-level drug trafficking.

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These objectives are accomplished by fostering improved interagency coordination and cooperation in the investigation and prosecution of major drug trafficking and related cases and by supplementing Federal resources for the investigation and prosecution of major drug trafficking and related organizations.

3. **Relationship to DOJ Strategic Plan (1997-2002)**

Law Enforcement Outcomes

Measuring the effect of law enforcement efforts on countering narcotics trafficking organizations presents a unique challenge because it is difficult to isolate the particular effects of Federal law enforcement activity from other factors. However, we know that the enforcement of drug laws is a primary way to reduce the availability of illegal drugs and stem the tide of drug trafficking and its attendant criminal activities. The Department, through the Drug Control Strategic Plan working groups, will identify the appropriate measures that we can use to evaluate our efforts.

Target Levels

In a number of areas, the Department of Justice does not establish numerical targets. The Attorney General has emphasized that the judgement and actions of Department personnel must never be perceived as being influenced by "bounty hunting" — i.e., striving to reach a targeted goal or activity level for its own sake, without regard to the activity's larger purpose. **The Department will maintain its policy of not projecting targeted levels of performance for certain indicator types (such as arrests, indictments, convictions and asset seizures). The Department will, however, report prior-year actuals for these types of indicators because they provide valuable context to the nature and level of enforcement activity.**

The discussion of major OCDETF case examples reflected within the "FY 2001 Performance Plan -- Highlights of 1999 Mission Critical Results Section" of the budget clearly demonstrates the success achieved in meeting the OCDETF goal to disrupt and dismantle drug trafficking organizations.

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Department Goals and Strategies

Relevant excerpts from the September 1997 DOJ Strategic Plan (1997-2002) that relate to the OCDETF program goals and objectives include the following:

Core Function 1 - Investigation and Prosecution of Criminal Offenses

Goal 1.1: Reduce violent crime, including organized crime and drug gang-related violence.

Violent drug trafficking organizations have become aggressively active across broad sections of the country. Organized gangs involved in violent crime as well as drug trafficking are a high priority for OCDETF. With the escalation of drug-related violence, OCDETF has focused on criminal organizations which use or threaten to use harmful means to conduct their criminal drug related activities.

OCDETF continues to achieve successes against these offenders. In 1999, more than 26 percent of OCDETF investigations initiated targeted organizations suspected of being involved in violent activities.

Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

Overall, the OCDETF strategy has been to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, seeking their extradition or deportation, and by divesting them of their profits through forfeiture of organizational and individual assets. The OCDETF program has attacked organized drug trafficking from the top, instituting in-depth investigations leading to the prosecution and conviction of the highest level drug traffickers. The program's member agencies, acting in concert with numerous State and local agencies, have dismantled major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

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Goal 1.5: **Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the nation's justice system.**

The OCDETF program's synchronizing of multiple investigations against common target organizations, its effective use of attorneys at the early stages of investigations, its use of financial investigations to reach otherwise invulnerable targets and its unprecedented success in fostering collaboration among Federal, State, and local law enforcement agencies from all jurisdictions has led to the success of the program's efforts to disrupt and dismantle drug trafficking organizations.

Core Function 7 - Management

The OCDETF program's objectives cannot be achieved without a management approach and commitment to those management goals identified in the DOJ Strategic Plan.

Goal 7.1: **Strengthen oversight and integrity programs, ensure consistent accountability, and emphasize our core mission responsibilities.**

Goal 7.2: **Meet or exceed the expectations of our customers.**

Goal 7.3: **Achieve excellence in management practices.**

Goal 7.4: **Make effective use of information technology.**

Goal 7.5: **Ensure a motivated and diverse workforce that is well-trained and empowered to do its job.**

The OCDETF program continues to monitor and evaluate its effectiveness and efficiency and where appropriate, implement streamlining initiatives to enhance our performance. The following actions represent our continuing effort to strengthen the OCDETF program.

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- **OCDETF Budget Formulation Rationale and Process:** The DOJ Drug Strategic Plan provides a comprehensive framework to initiate discussions about the Department's drug enforcement goals and how OCDETF program resources could support those goals. The Deputy Attorney General met with the agency heads to announce the FY 2001 formulation process, reiterate his support for the OCDETF program, and acknowledge the benefits derived from their participation. Subsequently, the OCDETF Executive Office held working meetings with both Justice and Treasury to coordinate the development of their OCDETF requests.

- **Enhancement of the OCDETF-HIDTA Relationship**: OCDETF program representatives have played a critical role in furtherance of the Department's objective of strengthening the level of coordination and integration of these two programs. All of these efforts have led to a greater understanding of the nature of the relationship between the two programs and the benefit of increasing the mutual participation. It has also directly resulted in the growth of HIDTA-generated OCDETF cases.

- **OCDETF Assistance to Development of District Drug Strategies:** Over the next six months, the OCDETF Executive Office will be providing its assistance to all the United States Attorney offices to support them in developing updated district drug strategies -- which are part of the Attorney General's District Initiative and part of the DOJ Drug Control Strategic Plan.

- **OCDETF Regional Annual Reports:** The OCDETF Advisory Councils will be submitting Regional Annual Reports to the Attorney General that address drug enforcement threats, strategies for effectively targeting and attacking these drug threats, resource requirements to support those strategies, and the results of OCDETF investigations in terms of impact against major drug trafficking organizations.

- **Enhanced Role of the Regional and District Coordination Committees:** A Working Group will be established to strengthen the role of the Regional and District Coordination Groups in screening, monitoring, and evaluating OCDETF cases.

- **The OCDETF Management Information System (MIS):** The OCDETF Executive Office continues to pursue changes that will reduce the paperwork burden placed upon U.S. Attorney's offices and investigative agencies in reporting OCDETF case data.

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B. **Highlights of Mission-Critical Results. (Statistics reported are derived from the OCDETF Management Information System and the United States Attorney's Case Management System)**

Overview

From its inception, the OCDETF program has focused resources and expertise against high-level drug organizations. Since 1982, more than 11,703 OCDETF investigations have been initiated resulting in more than 33,736 indictments, charging more than 106,036 defendants; over 71,844 members of trafficking organizations have been convicted, and more than 64,841 individuals have been sentenced to prison terms.

Growth

The OCDETF program continues to be strengthened by its agencies' commitment to work together to achieve success through coordinated drug enforcement efforts. This commitment is indicative of the agencies' belief that Federal, State , and local partnerships are the most effective means of combating drug-related crime.

In FY 1999, the OCDETF program had a number of successful convictions against major drug trafficking and money laundering organizations. Overall there was a 29% increase in the number of convictions over those achieved in FY 1998. The following statistics are an indication of the results of OCDETF investigations.

- In FY 1999, 3,332 OCDETF indictments were charged against 9,345 defendants. This represents a 36% increase over the FY 1998 level. The number of defendants indicted increased by 42% for the same time period.
- In FY 1999, a conviction rate of 89 percent was achieved against the 6,395 defendants convicted; and 92% of those convicted were sentenced to prison terms.
- In FY 1999, 51.3 percent of the OCDETF defendants received more than five years of imprisonment, as compared to 33.4 percent for non-OCDETF defendants. This reflects a continuation of the trend from fiscal year 1992 to 1999, where 52.5 percent of OCDETF defendants received five years or more imprisonment, as compared to 38.0 percent for non-OCDETF defendants.

Case Quality

The quality of investigations has remained high. The OCDETF model works in every district in the country, integrating investigators from a variety of agencies with their singular expertise, including state and local departments, and involving an Assistant United States Attorney from the beginning of the OCDETF case. OCDETF cases target organizations responsible for the importation and distribution of all classes and categories of drugs and target major drug trafficking networks operating in virtually every region of the globe. OCDETF investigations initiated in FY 1999 ranged from those coordinated by the Special Operations Division which target the national priority organizations identified by DEA, FBI and Customs, e.g. the Cali Cartels and Mexican Mafia, to street corner gangs which bring homicides, shootings, and fear to our cities' neighborhoods.

OCDETF investigations continue to focus on multi-defendant, high-level organizations and the investigations are often international in nature. In an analysis of the OCDETF Investigation Initiation forms submitted during the first 6 months of FY 1999, the significance of recent investigations was reflected. The analysis indicates that 30% of the investigations targeted Mexican drug trafficking organizations or organizations connected to them; 11.2% of the investigations targeted Colombian drug trafficking organizations or related organizations; and 8.9% targeted Caribbean-based organizations or related groups.

OCDETF/HIDTA Case Activity

OCDETF and HIDTA managers continue to work toward ensuring that the two programs are collaborative and mutually supportive. As a result there has been a steady increase in OCDETF cases generated by HIDTA-funded task forces. In FY 1996 there were 55 indictments in OCDETF cases resulting from HIDTA initiatives; by FY 1999 there were 401 such indictments and 1,092 defendants charged.

OCDETF Case Complexity and Significance

Case filing statistics should not be viewed in isolation, but should be seen in combination with other statistical information when assessing the success of the Department's drug enforcement efforts. The Department will evaluate the significance of drug trafficking organizations and its members based upon the following criteria:

- Level and importance of defendant within an organization, as well as the number of defendants at all levels within an organization, reflecting the impact that successful prosecution has on the structure of the organization as a whole;

- Sophistication of techniques necessary to conduct the investigation (court-authorized electronic surveillance, undercover operations, and use of financial analyses);
- Agent and attorney resources contributed to the case by Federal, State, and local law enforcement agencies;
- Gravity of charges filed against defendants -- in terms of Continuing Criminal Enterprises, RICO charges, conspiracy, etc.; and
- Length of sentences resulting from defendants' convictions.

Inter-Agency Participation in OCDETF Program

Effective and comprehensive attacks on major drug trafficking organizations are often beyond the capacity of a single agency. Agencies working together can accomplish things that the same agencies working separately cannot. A multifaceted attack on these organizations requires many kinds of expertise, combined into a comprehensive and orchestrated investigation.

Consistent with the cooperative multi-agency approach of the OCDETF program, 95 percent of all investigations reflected the involvement of three or more agencies.

Historically, agency commitments (at the time of investigations initiated) have involved:

Number of Agencies	Percentage of OCDETF Investigations
Three (or more) agencies	95 percent
Four (or more) agencies	83 percent
Five (or more) agencies	64 percent
Six (or more) agencies	44 percent
Seven (or more) agencies	28 percent
Eight (or more) agencies	16 percent

Investigative Techniques of OCDETF Program

Clearly, OCDETF makes extensive use of a wide variety of investigative methods, some of which require considerable sophistication and persistence to exploit properly. Undercover techniques have been used in 56.1 percent of OCDETF cases, investigative grand juries in 53.5 percent, financial analysis in 22.8 percent and pen register records in 25.7 percent. Also, confidential informants were used in investigations that resulted in 60.7 percent of OCDETF indictments, and immunity was used in investigations that resulted in 16.5 percent of OCDETF indictments. It is also apparent that it is typical to employ several investigative techniques during the course of any particular investigation.

The increasing diversity and sophistication displayed by asset-rich criminal enterprises and the utilization of advancing technology associated with OCDETF targeted organizations requires a greater emphasis on financial analyses, and the use of court-authorized electronic surveillance, in order to make the strongest case possible against organizational leaders.

- OCDETF electronic surveillance requests continue to represent a high percentage of total drug-related requests in 1999. Of the 1,342 drug-related electronic surveillance applications (originals and extensions) processed in 1999, 818 or 61.0% were for OCDETF investigations. This reflects a projected increase in OCDETF-related Title IIIs of about 18% over 1998.

- Another strong indication of the level of complexity of an OCDETF investigation as well as significance of the individual suspects within a trafficking organization is the use of financial investigative tools, reflected primarily by the participation of IRS criminal investigative agents. Historically, IRS/CID has been involved in 58% of all OCDETF cases. IRS/CID, because of its limited criminal investigative resources, limits its involvement in OCDETF investigations to those cases that target the highest level of individuals within an organization and that necessitate the use of money laundering, tax evasion, or net worth investigative procedures to build the strongest possible case prosecution. Many United States Attorneys report that IRS participation is one of the most critical aspects of an OCDETF case.

OCDETF Convictions and Sentencing

The OCDETF conviction rate has been consistently high (between 84 and 89% over the last seven years), even though OCDETF cases represent the highest level and most difficult to reach members of major drug trafficking organizations. During 1999, the OCDETF program achieved a conviction rate of 89%.

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When we compare the OCDETF sentencing data to all non-OCDETF drug sentencing, we find that the percentage of OCDETF defendants who receive sentences greater than five years is significantly higher than non-OCDETF drug defendants.

	1999		1992-1999 (Average)	
	OCDETF	non-OCDETF	OCDETF	non-OCDETF
5+ years	49.4%	32.9%	50.4%	37.4%
life	1.9%	.5%	2.1%	.6%

OCDETF Case Highlights and Accomplishments

The country's most significant, high profile cases have typically been OCDETF cases and FY 1999 was no different. Recent OCDETF case activities illustrate the continued force and strength of our efforts to dismantle large drug organizations.

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- The 2,000-mile border with Mexico has been particularly plagued by transnational drug trafficking, violent crime, and contraband smuggling. By successfully prosecuting major drug trafficking cases along the Southwest Border, the Department targets the hierarchy and infrastructure of the major cocaine, heroin, methamphetamine, and marijuana trafficking organizations along that border. The Organized Crime Drug Enforcement Task Force (OCDETF) program, the Special Operations Division (SOD) and the HIDTA program continued to work closely together against the most significant drug trafficking organizations threatening this area as well as other areas of the United States.

  - On August 17, 1999, more than 60 individuals in at least 11 cities were arrested in ***Operation Southwest Express***, an OCDETF and HIDTA operation coordinated through the Special Operations Division (SOD), designed to dismantle a U.S. transportation and distribution network believed to be supplied by a Mexican drug trafficking organization based in Ciudad Juarez, Mexico. The distributors transported the drugs by railway, tractor trailer, and vehicles with hidden compartments, often times concealed in bundles of used clothing. Members of the organization also collected drug proceeds and transported the proceeds in bulk money shipments back to Mexico. Federal prosecutors from 10 United States Attorneys' offices and five federal law enforcement agencies, working in cooperation with more than 20 state

and local agencies, brought drug conspiracy, drug distribution and money laundering charges against 100 individuals believed to be connected to the transportation and distribution network.

- ***Operation Rio Blanco***, a multi-district OCDETF investigation, was also a successful SOD operation, in which 55 individuals were arrested and more than 3,000 kilograms of cocaine and over $15 million in U.S. currency were seized. The principal targets included high-ranking associates of the Arellano Felix organization in Mexico responsible for smuggling substantial quantities of cocaine into the United States.

- ***Operation Impunity*** resulted in the arrest of 93 individuals believed to be connected to the foreign and United States transportation and distribution network of the Amado Carrillo-Fuentes Mexican drug trafficking cartel. The impact of this operation is significant. Since this nationwide effort began, it has resulted in the seizure of considerable amounts of cocaine, marijuana and heroin. More than $19 million in U.S. currency has been confiscated. This Operation was a coordinated effort, utilizing the resources of many agencies including DEA, Customs, the FBI, INS, the Border Patrol, the U.S. Marshals Service, the IRS, federal prosecutors, and countless state and local law enforcement personnel.

- With the escalation of drug-related violence, the OCDETF program has also focused on criminal organizations which use or threaten to use violence to conduct or facilitate their criminal drug related activities. OCDETF continued to achieve significant successes against these offenders. The following is an example of a case brought in the Southern District of California under this initiative:

  - On January 6, 1999, as a result of an OCDETF investigation initiated by a Safe Streets Task Force, three members of the Logan Heights street gang pleaded guilty and were sentenced to 200 months, 215 months, and 238 months, respectively. Based on the evidence presented, a San Diego grand jury returned an indictment against ten gang members for violence related to their involvement with the *Arellano Felix Organization*. This Organization is one of the most vicious, ruthless criminal organizations involved in drug importation and distribution in the United States and used Logan Heights gang members to murder rival drug traffickers, protect drug shipments, and conduct other violent enforcement activity all in furtherance of this criminal enterprise. Charged as an overt act in the indictment was the May 1993 murder of Cardinal Juan Posados Ocampo at the Guadalajara Airport. Two of the remaining seven defendants are in custody in Mexico, four others are still fugitives, and another is deceased.

- Another violent crime investigation resulted in a dramatic decrease in the number of shootings and the murder rate in New Orleans. On September 20, 1999, five members of the drug trafficking organization known as the Seventh Ward Soldiers were each sentenced to life in prison, plus additional time of 5 -20 years, following their jury convictions for marketing crack cocaine and murdering and shooting other drug dealers and witnesses. Police records indicate that since these gang members were taken into custody, the community they previously terrorized has experienced a 42 percent decrease in the number of shootings and a 42.8 percent decrease in the murder rate.

- The financial side of the drug trafficking organization's infrastructure is also targeted by OCDETF investigations through anti-money laundering investigations.

  - On June 18, 1999, in the Southern District of Florida, Eli Tisona, a former Israeli jet-setter, was sentenced to 235 months in prison and fined $50,000 for conspiracy and money laundering. In one of the nation's largest drug money laundering cases, Tisona was convicted on 146 counts of disguising more than $45 million in Colombian drug cash profits through a family jewelry business. Among the charges were filing false bank statements and making illegal overseas wire transfers. Tisona owned a fish farm in the Colombian drug capital of Cali and was considered one of Israel's biggest mobsters. His daughter, Kineret Kashti, her husband, Yehuda, and a third co-defendant were charged n the same case, but they jumped bond and fled to Israel in December 1997.

- The success of OCDETF as a program that supports multi-jurisdictional, coordinated investigations targeting international organizations that use sophisticated mechanisms to distribute drugs is exemplified by the following case summaries;

  - On January 14, 1999, Richard R. Pena pled guilty to a 14 count indictment charging him with leading a violent criminal enterprise that brought large amounts of cocaine and marijuana into the New Orleans area and was responsible for eight drug-related murders. Pena will receive a life sentence without the possibility of release and a $4 million fine. Pena's criminal enterprise began in 1990, with drugs supplied by sources in Miami, Houston, and Mexico. In 1995 DEA, FBI, and the Customs Service investigations were combined under an OCEDTF investigation, Operation "N.O. Rap, Inc." In April 1997, Pena and other defendants were arrested. To date, the operation has resulted in 30 convictions.

- On April 26, 1999, Juan Bautista Alomia-Torres was sentenced to life in prison following a jury conviction in the Western District of North Carolina. Alomia-Torres was prosecuted for his role as the leader of a Colombian drug organization, known as "The Line", that smuggled between three and four hundred kilograms of cocaine into Charlotte, North Carolina, from 1989 to 1997. The organization used ports in Charleston, Wilmington, Houston, New York, Tampa, New Orleans, and Baltimore to import cocaine. It employed a fleet of vehicles rigged with hidden compartments to transport drugs and money. Six -co-defendants have been sentenced and are serving terms ranging from 4 to 13 years. Three others await sentencing, and four are fugitives.

C. FY 2001 Performance Goals and Indicators.

The OCDETF program is proposing a FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, within the OCDETF program's three major objectives, as shown below. These FY 2001 goals will establish a baseline upon which future performance may be tracked and reported, as required by the Government Performance and Results Act (GPRA).

1. Target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related criminal enterprises such as large-scale money laundering organizations, and includes providing intelligence to assist in targeting and in investigating these organizations and individuals.

Through the OCDETF program, the Department will increase its focus on major drug trafficking organizations operating within the United States. OCDETF investigations are categorized as "umbrella" activities which include multiple agency cases, agency investigative matters, United States Attorney matters and indictments as defined by the agencies and the United States Attorneys offices.

The Department's counterdrug efforts are particularly focused on the Southern Frontier (Southwest Border and in the Caribbean Basin) because of the significant threat posed by the Colombian and the Mexican drug trafficking organizations. The OCDETF program will continue to play a significant role in support of these and other drug enforcement-related initiatives.

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OCDETF will collect and monitor the following information in order to report on its counterdrug efforts:

- Number of new OCDETF investigations initiated;
- Number of OCDETF drug cases and drug defendants charged by U.S. Attorneys;
- Number of OCDETF drug defendants convicted;
- Distribution of OCDETF prison sentences;
- Number of federal OCDETF drug prosecutions (cases and defendants) involving violent crime; and
- Distribution of sentences for OCDETF federal drug prosecutions (cases and defendants) involving violent crime.

Under development is a "Performance Measurement Report" that would be completed at the end of each investigation. This report will require data on whether the objectives of the investigation are met, and most importantly, the extent to which the goal of dismantling and/or disrupting drug trafficking and related organizations has been reached.

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2. **Promote a coordinated drug enforcement effort across district, regional, and national boundaries and encourage the maximum cooperation and coordination among all Federal, State, and local drug and drug related law enforcement agencies, and the United States Attorney's offices.**

In FY 2001, the Department will continue to strengthen the OCDETF program by promoting a coordinated drug enforcement effort among the OCDETF regions, all Federal drug and drug-related law enforcement agencies, and the United States Attorney's offices, as well as the State and local law enforcement and prosecution agencies. In addition, significant focus will be directed to:

- Work with the Advisory Councils and the participating agencies at the headquarters level to maintain effective communication and coordination among OCDETF agencies, to ensure their success in disrupting the operations and dismantling the infrastructure of large-scale, well-organized drug traffickers;

- Further the relationship between the OCDETF program and the High Intensity Drug Trafficking Area (HIDTA) program.

- Raise law enforcement agencies' awareness of the benefits of applying investigative and prosecutorial resources against the most dangerous drug traffickers -- those that direct the organization's operations, and especially those who engage in acts of extreme violence to enforce their directives and protect their interests; and

- Continue to pursue innovative multi-agency strategies and initiatives that enhance law enforcement efforts against major drug trafficking organizations.

3. **Make full use of financial investigative techniques, including tax law enforcement, enforcement of Titles 18 and 31 currency and money laundering statutes and the related asset forfeiture provisions in order to identify and convict high-level traffickers and dismantle money laundering operations, and to enable the government to seize and forfeit assets and profits derived from high-level drug trafficking.**

Department Money Laundering Efforts

Financial crimes pose a grave national security threat because they threaten the integrity of the financial system while fueling numerous other types of criminal activity. Attacking drug-related money laundering is an essential element of the Department's efforts to undermine drug trafficking organizations as they annually launder billions of dollars. Thwarted by tougher anti-money laundering measures in the United States, traffickers are increasingly attempting to smuggle cash out of the United States into foreign countries.

OCDETF will track the following information in order to report on its anti-money laundering results:

- Number of OCDETF investigations/operations targeting money laundering operations; and

- Number of OCDETF drug money laundering prosecutions (cases and defendants).

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Enhancing Asset Forfeiture Efforts

The primary goal of asset forfeiture is to take the profits of crime away from drug traffickers and destroy their economic base of operation. Asset forfeiture can be a useful tool to deprive criminals of their ill-gotten gains, thus reducing crime and enhancing public safety. In addition, strategic use of the asset forfeiture weapon can aid in obtaining detailed investigative information about the hierarchies and financial associations within criminal organizations.

OCDETF will track the following information in order to report on its asset forfeiture results:

- Percent of OCDETF cases in which assets were seized for forfeiture;
- Percent of OCDETF cases that included criminal forfeiture counts or pursued administrative or civil forfeiture; and
- Percent of OCDETF cases that resulted in an order(s) or declaration(s) of forfeiture.

Financial investigative techniques play a major role in OCDETF investigations as reflected below:

- Money laundering violations were cited in 63.6% of the investigations initiated in 1999;
- Tax violations were anticipated in 20.4% of the investigations initiated in 1999;
- Financial backing activities were expected in 9.1% of investigations initiated in 1999; and
- In 1999, IRS participated in 44.1% of OCDETF investigations initiated.

In FY 2001, OCDETF agencies will strategically use asset forfeiture to help disrupt and dismantle criminal organizations and prevent criminals from keeping their illegally acquired benefits.

D. Data Validation and Verification Issues

Data Collection and Storage Process:

The OCDETF Management Information System (MIS) consists of three (3) major forms supplemented by special reports: the Investigation Initiation Form is used to explain each investigation considered for Task Force approval; the Indictment/Information Form is used to record each indictment returned in Task Force cases; and the Disposition and Sentencing Report is used to verify all charges in Task Force cases and to record their outcome. These forms are prepared at the Field level and submitted to the OCDETF Executive Office for inputting into the OCDETF MIS.

The OCDETF Management Information System (MIS) is designed to meet the management needs of the OCDETF Executive Committee, Washington Agency Representatives Group, the United States Attorneys, other participating agency officials, and the regions. In addition, the information system provides the data necessary to evaluate OCDETF program performance used in reports to the Attorney General, the President, the Congress, and the public.

Results of the OCDETF program's efforts are revealed through data collected at three key points in the course of case maturation. At case initiation, OCDETF Coordinators review agency-submitted investigations to compare them with OCDETF Guidelines criteria and determine their suitability. If the decision is made to accept a case, projections are made concerning which investigative and prosecutorial methods will be pursued and what resources can be allocated for these purposes. Unique to the process of case initiation is the review by the Coordination Group with its multi-agency resources and by the inclusion of prosecutorial expertise.

When indictments and informations are returned, another set of data is collected. At this point, the pooled investigative efforts of the agencies have begun to bear fruit. Certain of these data arrays re-use the categories which projected case investigation needs, but they now capture occurrences: investigative methods used compared to those projected. More significant are the quantified indicators of investigative productivity, such as numbers of indictments or informations returned and numbers of defendants indicted. To these are added such potentially useful information as how many indictments were associated with each investigative method, with various types of criminal activities, with each of several drugs, with each participating agency, etc.

At disposition and sentencing, a final set of data is collected that includes numbers of defendants convicted and not convicted, numbers who pleaded guilty or were found guilty, and the kinds and duration of sentences imposed.

Data Validation and Verification:

The OCDETF Program currently collects data from agents and attorneys working on investigations within each district through regional coordinators. This data is verified by the District Coordination Group, the Regional Coordination Group, and the OCDETF Executive Office. A Quality Control Assurance Plan is under development to ensure the accuracy and completeness of the data being input into the OCDETF MIS.

The Executive Office for United States Attorneys (EOUSA) and the U.S. Attorneys collect a number of statistics on OCDETF indictments, convictions and sentencings through the MIS in each U.S. Attorneys Office. This information is used to supplement and verify data collected through the OCDETF MIS.

Since the data currently collected does not provide managers and policy level executives with the information needed to fully evaluate results, new reporting requirements are being implemented and the data collection system is being redesigned. The new data captured will provide managers and policy makers with more results oriented information.

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Annual Report to the Attorney General/Development and Coordination of District Level Drug Strategic Plans

The OCDETF Program Guidelines direct that each OCDETF Regional Advisory Council, which consists of the United States Attorneys and senior officials of each OCDETF investigative agency within the region, submit an annual report to the Attorney General and Deputy Attorney General advising them of drug enforcement issues within their region.

In order to prepare the OCDETF regional reports, each United States Attorney must report, on a continuing basis, the nature of the drug threat in their district and the strategy that has been developed to deal with these threats. This requirement was developed concurrently with the Department of Justice's efforts to develop a Drug Control Strategic Plan and its Semiannual Report to Congress on progress toward the goals specified in that plan.

It was determined that the United States Attorneys were the key to successfully developing strategic drug enforcement plans at the local level and assessing the impact of our efforts on their communities as well as the Nation. As the chief Federal law

enforcement officers of their districts, the United States Attorneys work with Federal, state, and local law enforcement to establish and coordinate local law enforcement strategies and priorities, to include drugs, violence, and related criminal activities. The United States Attorneys are also responsible for coordinating the collaborative efforts of nine Federal law enforcement agencies working in conjunction with state, tribal, and local law enforcement agencies under the OCDETF program to target the highest level traffickers within a community as well as drug trafficking organizations that operate nationally and internationally.

A strategic planning contractor is being utilized to facilitate, support, and assist the Department, the United States Attorneys, and Federal law enforcement agencies in developing drug strategic plans for their districts, establishing a district structure/process for maintaining the viability and usefulness of these plans, and ensuring consistency and uniformity in outlining these plans, establishing performance indicators, and reporting results.

The contractor will assist the United States Attorneys and other Department components in developing the 94 District Drug Strategies and Performance Plans, preparing nine regional OCDETF reports to the Attorney General that incorporate the district strategies and performance plans for each region, and integrating these district strategies and regional reports into the DOJ Drug Control Strategic Plan and Semi-annual Report to Congress.

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Customer Service Plan

To further demonstrate that OCDETF helps foster interagency partnerships, the OCDETF program will incorporate its clients' views (headquarters agencies and the nine regions) into its Performance Measurement Plan. Strengthening the effectiveness and working relationship between the OCDETF program and HIDTA will also be a key element of this plan.

The Executive Office, in conjunction with the Washington Agency Representatives Group, will develop customer service plans and standards to ensure that we meet or exceed the expectations of OCDETF customers. This will be accomplished by obtaining feedback through the use of formal surveys and periodic site visits.

Data Limitations/Planned Upgrades:

Conversion of AS/400 Application to Oracle

The OCDETF Executive Office is transitioning from its current AS/400 application to Oracle. A contractor is working exclusively with the OCDETF staff to review our requirements and design and develop a new Oracle based application. Oracle has become the de-facto standard database for the Department of Justice. The new Oracle based application will provide the same functionality as the existing application but with the following improvements:

- Develop a Web interface to provide standard reports for the U.S. Attorneys offices. This would allow U.S. Attorney personnel to run OCDETF reports from their own workstations;
- Develop a Web based interface for remote data entry. This would allow U.S. Attorney personnel to enter data directly into the OCDETF MIS; and
- Develop a report distribution system designed to distribute nonsensitive reports to Member Agency Representatives using Internet e-mail capabilities;

E. Resources

Strategic Goal	1999			2000			2001		
	Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE
Goal I	$304,732	3,015	2,960	$316,786	3,030	2,988	$328,898	3,030	2,988

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY OCDETF GENERAL GOAL

OCDETF General Goal: 1. Target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related criminal enterprises such as large-scale money laundering organizations and includes providing intelligence to assist in targeting and investigating these organizations and individuals. This goal supports the following goals from the Department of Justice's Strategic Plan FY 1997-2002.

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses.

Strategic Goals: Goal 1.1: Reduce violent crime including organized crime and drug and gang related violence.
Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.
Goal 1.5: Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's Justice System.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Agent FTE	OCDETF EO	2,055	2,055	2,055	2,055	2,188
	2. Attorney FTE	OCDETF EO	477	477	477	477	477
Output/ Activity	3. Investigations: 1/	OCDETF MIS					
	Open investigations beginning of year		3,619	...	4,432	...	...
	New investigations initiated		1,356	...	1,484	...	...
	Investigations closed during the year		543	...	987	...	...
	Open investigations end of year		4,432	...	4,929	...	...
	4. Number and % of OCDETF indictments involving Title III's	OCDETF MIS	# 847 % 23.1	...	# 989 % 25.5	...	...
	5. Number and % of Total Narcotics Title III's and extensions which were OCDETF	CRM/OEO	696 55.0	...	818 61.0	...	...
	6. Indictments/Informations	EOUSA/ LIONS	2,447	...	3,332	...	...
	7. Defendants Indicted	EOUSA/ LIONS	6,603	...	9,345	...	...
	8. Number of Federal OCDETF drug prosecutions involving violent crime:	EOUSA/ LIONS					
	Cases filed		196	...	62	...	...
	Defendants filed		338	...	123	...	...

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PERFORMANCE INDICATOR INFORMATION

			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
End Outcome	9 Defendant Dispositions	EOUSA/ LIONS					
	Total Defendants Guilty		4,946	...	6,395	...	...
	Conviction Rate		87.9%	...	88.9%	...	...
	10. Sentencing	EOUSA/ LIONS					
	Defendants Sentenced to Prison		4,463	...	5,865	...	...
	Percentage Sentenced to Prison		90.2%	...	91.7%	...	...
	11. Prison Terms Imposed	EOUSA/ LIONS	# %	# %	# %	# %	# %
	- less than 24 months		709 15.9	... ...	970 16.6	... ...	... ...
	- 25 to 48 months		380 8.5	... ...	583 9.6	... ...	... ...
	- 49 to 59 months		962 21.6	... ...	1,320 22.5	... ...	... ...
	- 60 + months		2,334 52.3	... ...	2,899 49.4	... ...	... ...
	- Life Sentences		78 1.7	... ...	113 1.9	... ...	... ...
	12. Distribution of Sentencing for OCDETF drug prosecutions involving violent crime	EOUSA/ LIONS	# %	# %	# %	# %	# %
	- less than 60 months		144 47	... ...	54 40	... ...	... ...
	- greater than 60 months		150 49	... ...	69 51	... ...	... ...
	- Life		13 4	... ...	13 9	... ...	... ...

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Strategic Goals: Goal 1.1: Reduce violent crime including organized crime and drug and gang related violence.
Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.
Goal 1.5: Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's Justice System.

PERFORMANCE INDICATOR INFORMATION							
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
End Outcome	13. Performance Measurement Report (PMR) - Future Indicators: Number of targeted organizations dismantled. Number of targeted organizations disrupted	OCDETF MIS					
Productivity/ Efficiency	None						

A. Data Validation and Verification: (Reference narrative discussion provided on pages 18-22.)

B. FY 1999 Performance Report:

The OCDETF program continues to be strengthened by its agencies' commitment to work together to achieve success through coordinated drug enforcement

efforts. This commitment is indicative of the agencies' belief that Federal, State , and local partnerships are the most effective means of combating drug-related crime.

In FY 1999, the OCDETF program had a number of successful convictions against major drug trafficking and money laundering organizations. Overall there was a 29% increase in the number of convictions over those achieved in FY 1998.

The following statistics are an indication of the results of OCDETF investigations.

In FY 1999, 3,332 OCDETF indictments were charged against 9,345 defendants. This represents a 36% increase over the FY 1998 level. The number of defendants indicted increased by 42% for the same time period.

In FY 1999, a conviction rate of 89 percent was achieved against the 6,395 defendants convicted; and 92% of those convicted were sentenced to prison terms.

In FY 1999, 51.3 percent of the OCDETF defendants received more than five years of imprisonment -- as compared to 33.4 percent for non-OCDETF defendants. This reflects a continuation of the trend from fiscal year 1992 to 1999, where 52.5 percent of OCDETF defendants received five years or more imprisonment, as compared to 38 0 percent for non-OCDETF defendants.

However, with a current inventory of over 4,900 open cases, significant dedication of agent and attorney resources will be required to bring these cases to closure. It should be emphasized that OCDETF cases average from 18 months to 24 months in duration. As a result, it is anticipated that the number of new OCDETF investigations will decline unless additional resources are approved for the OCDETF program.

Reference should also be made to those external factors discussed in the Department of Justice Strategic Plan. The factors include: demographics, emergencies and other unpredictable events; changing statutory responsibilities; changing technology; the effectiveness and capacity of our law enforcement partners at the Federal, State and local levels; the strength and vitality of our social economic and political institutions; cultural attitudes and practices; and developments overseas.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

It should be noted that issues identified herein would also affect the expected performance for OCDETF General Goals 2 and 3.

As part of OCDETF's continuing efforts to more accurately reflect its role and success in the Department's total drug enforcement efforts, the OCDETF Executive Office is working with the investigative agencies and the United States Attorneys to develop additional performance measures that will be included in OCDETF's future GPRA exhibits.Under development is a proposed "Performance Measurement Report" that would be completed at the end of each investigation. This report will require data on whether the objectives of the investigation are met and the extent to which the organization has been dismantled and/or disrupted.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY OCDETF GENERAL GOAL

OCDETF General Goal: 2. Promote a coordinated drug enforcement effort across district, regional, and national boundaries and encourage the maximum cooperation and coordination among all Federal, State, and local drug and drug related law enforcement agencies and the United States Attorney offices.

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses.
Strategic Goal: Goal 1.5: Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's Justice System.

PERFORMANCE INDICATOR INFORMATION			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Number of Regional Advisory Council Meetings	OCDETF REGIONS	9	15	13	15	15
	2. Number of Regional/District Coordination Group Meetings.	OCDETF REGIONS	741	721	767	767	767
	3. Number of State/local agencies Participating	OCDETF EO	679	700	811	750	750
	4. Number of State/local officers assigned to investigations	OCDETF EO	6,165	5,900	8,375	7,200	7,200
Output/ Activity	5. Case Reviews/Site Visits Conducted by Regional Coordination Groups.	OCDETF REGIONS	120	83	136	136	136
	6. Multiagency involvement at case initiation	OCDETF MIS					
	- Three or more agencies		96 percent	...	95 percent	...	...
	- Four or more agencies		84 percent	...	81 percent	...	...
	- Five or more agencies		63 percent	...	60 percent	...	...
	- Six or more agencies		42 percent	...	40 percent	...	...
	- Seven or more agencies		25 percent	...	23 percent	...	...
	- Eight or more agencies		15 percent	...	13 percent	...	...
	7. Participation of State/local investigators or prosecutors in investigations initiated.*	OCDETF MIS	1,046 (77.1%)	...	1,150 (77.4%)	...	...

OCDETF General Goal: 2. Promote a coordinated drug enforcement effort across district, regional, and national boundaries and encourage the maximum cooperation and coordination among all Federal, State, and local drug and drug related law enforcement agencies and the United States Attorney offices.

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses.
Strategic Goal: Goal 1.5: Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's Justice System.

PERFORMANCE INDICATOR INFORMATION

			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Outcome	8. Participation of State/local investigators or prosecutors in investigations resulting in charges.*	OCDETF MIS	2,810 (76.6%)	...	2,908 (75.0%)	...	...
	9. Number of district and regional OCDETF committees which include HIDTA representatives.	OCDETF MIS	21 districts 2 Regions	... ...	N/A	... ...	... ...
	9. Number of OCDETF initiations derived from the HIDTA Task Forces.	OCDETF MIS	98	...	N/A	...	...
	10. Number of OCDETF indictments derived from HIDTA Task Forces.	OCDETF MIS	214	...	401	...	...
	11. Number of OCDETF defendants charged derived from HIDTA Task Forces.	OCDETF MIS	632	...	1,092	...	...
	12. Number of OCDETF convictions derived from HIDTA Task Forces.	OCDETF MIS	338	...	470	...	...
Productivity/ Efficiency	None						

* Represents number of individual cases in which State/local/county investigators and prosecutors participated in relation to the number of OCDETF investigations initiated and investigations resulting in charges.

A. Data Validation and Verification: (Reference narrative discussion provided on pages 18-22.).

B. FY 1999 Performance Report:

From the Program's inception, State and local law enforcement elements have worked closely with the Task Forces. The OCDETF Guidelines promote joint involvement of State/local authorities in the investigation, apprehension, and prosecution of major drug traffickers and their organizations.

Several elements of the OCDETF program facilitate State/local participation. Annual funding has been available to the OCDETF program to reimburse States and localities for overtime and expenses incurred by their personnel while participating in OCDETF cases. This funding was distributed among the OCDETF regions based on a variety of factors including demonstrated need and caseload. To receive funding, State/local governments must enter into an agreement with an OCDETF Region. Agreement requests are submitted from the district to the OCDETF Coordination Group for approval. Once an agreement is approved, State/local governments then submit Reimbursement Requests for payment after the expenses have been incurred. The OCDETF Executive Office serves as the coordination and policy office, and coordinates and manages the funding on a nationwide basis and processes all State/local Agreements and Reimbursement Requests for obligation and payment. Funding of $7.0 million in 1999 allowed regional Coordination Groups to execute 1,835 agreements with State/local governments nationwide involving the participation of 8,375 State/local officers. Although these local agencies continue to pay the salaries of their investigators who work on OCDETF cases, they are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

State/local participation is further facilitated, when appropriate to a case, by the deputation of State/local law enforcement officials. Upon deputation, State/local officers adhere to the requirements of the Federal Rules of Criminal Procedure as well as the policies and procedures of the sponsoring Federal agency.

The cross-designation of attorneys and the sharing of forfeited assets further enhances the OCDETF Program approach to intergovernmental cooperation. Cross-designation of attorneys makes it possible for designated Federal attorneys to participate in State court prosecutions or for State attorneys to participate in Federal prosecution. Sharing of forfeited assets provides a bonus to participating State/local agencies in the form of vehicles, aircraft, boats, weapons, and cash.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

See Goal 1 discussion.

Since FY 1995, funding for this program has been derived from the Department of Justice Assets Forfeiture Fund (AFF). This places program funding in competition with other law enforcement priorities for continually scarce resources in the Fund. Absent a stable and permanent source of base funding for this important activity, continued participation by State and local law enforcement agencies cannot be guaranteed.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY OCDETF GENERAL GOAL

OCDETF General Goal: 3. Make full use of financial investigative techniques, including tax law enforcement, enforcement of Title 18 and 31 Currency and Money Laundering statutes and the related asset provisions in order to identify and convict high-level traffickers and dismantle money laundering operations, and to enable the government to seize and forfeit assets and profits derived from high-level drug trafficking.

Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses.

Strategic Goals: Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.
Goal 1.5: Coordinate and integrate DOJ law enforcement activities whenever possible and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's Justice System.

PERFORMANCE INDICATOR INFORMATION							
				Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Number of OCDETF investigations targeting drug money laundering operations	OCDETF MIS	8E	...	N/A	...	...
Output/ Activity	2. Number of OCDETF drug money laundering prosecutions	AFMLS/ OCDETF					
	Cases		209	...	N/A	...	...
	Defendants		545	...	N/A	...	...
End Outcome	3. Percent of OCDETF drug cases in which assets were seized for forfeiture.*	CATS	N/A	...	N/A	TBD	TBD
	4. Percent of OCDETF drug cases that included criminal forfeiture counts or pursued administrative or civil forfeiture.**	CATS	N/A	...	N/A	TBD	TBD
	5. Percent of OCDETF drug cases that resulted in an order(s) or declaration(s) of forfeiture.***	CATS	N/A	...	N/A	TBD	TBD
Productivity	None						

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A. Data Validation and Verification: (Reference narrative discussion provided on pages 18-22.)

- This indicator will reflect the percentage of drug investigations that utilized asset forfeiture as a tool to disrupt and dismantle drug traffickers by seizing assets for forfeiture. The indicator will be based on the number of drug cases that were closed during the year. (In the future, these numbers will be reported by OCDETF and non-OCDETF cases.)

•• The process for forfeiting seized assets can be accomplished through a judicial and/or non-judicial process. Judicial forfeitures include the criminal and civil remedies. For the non-judicial process, forfeitures are pursued administratively (outside the judicial system). (In the future, these numbers will be reported by OCDETF and non-OCDETF cases.)

••• To forfeit seized property, an order(s) or declaration(s) of forfeiture is required. The forfeiture process is often complex and time consuming. (In the future, these numbers will be reported by OCDETF and non-OCDETF cases.)

B. FY 1999 Performance Report:

See discussion under OCDETF Goal 1

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

See discussion under OCDETF Goal 1

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Justification of Proposed Changes In Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Interagency Crime and Drug Enforcement

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking,[$316,792,000] *$328,898,000*, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 605 of this Act.
(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

Explanation of changes

No substantive changes proposed.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Law Enforcement:												
Drug Enforcement Administration	975	962	$97,384	...	...	...	...	...	...	975	962	$97,384
Federal Bureau of Investigation	830	830	96,663	...	...	...	...	...	...	830	830	96,663
Immigration and Naturalization Service	102	102	10,719	...	...	...	...	...	...	102	102	10,719
U.S. Marshals Service	13	13	1,421	...	...	...	...	...	...	13	13	1,421
Subtotal	1,920	1,907	206,187	...	...	...	...	...	...	1,920	1,907	206,187
2. Drug Intelligence:												
Drug Enforcement Administration	25	25	2,228	...	...	...	...	...	...	25	25	2,228
Federal Bureau of Investigation	151	151	12,166	...	...	...	...	...	...	151	151	12,166
Subtotal	176	176	14,394	...	...	...	...	...	...	176	176	14,394
3. Prosecution:												
U.S. Attorneys	887	847	79,832	...	...	...	...	...	...	887	847	79,832
Criminal Division	6	6	759	...	...	...	...	...	...	6	6	759
Tax Division	14	12	1,293	...	...	...	...	...	...	14	12	1,293
Subtotal	907	865	81,884	...	...	...	...	...	...	907	865	81,884
4. Administrative Support:												
Executive Office	12	12	1,549	...	...	...	...	...	718	12	12	2,267
TOTAL	3,015	2,960	304,014	...	...	...	...	...	718	3,015	2,960	304,732

Unobligated Balance Brought Forward. A total of $718,000 in prior year unobligated balances were brought foward to cover costs of upgrading the OCDETF Management Information System (MIS) and to assist in the development of the Department of Justice Drug Strategy.

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Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			Government-wide .38% Rescission			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount							Pos.	WY	Amount
1. Law Enforcement:															
Drug Enforcement Administration	975	975	$101,667	...	...	4	...	...	...	...	...	...	975	975	$101,671
Federal Bureau of Investigation	830	830	100,406	...	...	-4,495	...	...	...	...	...	...	830	830	95,911
Immigration and Naturalization Service	102	102	11,240	15	15	4,060	...	...	...	...	...	...	117	117	15,300
U.S. Marshals Service	13	13	1,942	...	...	-42	...	...	...	...	...	...	13	13	1,900
Subtotal	1,920	1,920	215,255	15	15	-473	...	...	...	...	...	...	1,935	1,935	214,782
2. Drug Intelligence:															
Drug Enforcement Administration	25	25	2,329	...	...	...	...	...	...	...	...	...	25	25	2,329
Federal Bureau of Investigation	151	151	12,633	...	...	...	...	...	...	...	...	...	151	151	12,633
Subtotal	176	176	14,962	...	...	...	...	...	...	...	...	...	176	176	14,962
3. Prosecution															
U.S. Attorneys	887	847	83,277		...	23	...	...	...	...	...	...	887	847	83,300
Criminal Division	6	6	790		...	...	...	...	...	...	...	...	6	6	790
Tax Division	14	12	894	...	...	450	...	...	...	...	...	...	14	12	1,344
Subtotal	907	865	84,961	...	...	473	...	...	...	...	...	...	907	865	85,434
4. Administrative Support															
Executive Office	12	12	1,614	...	...	...	...	...	...	...	...	-6	12	12	1,608
TOTAL	3,015	2,973	316,792	15	15	...	...	...	...	...	...	-6	3,030	2,988	316,786

Congressional Appropriations Action on 2000 Request Congress specified the level of reimbursement to participating agencies, necessitating the adjustments shown.

Government-wide .38% Rescission The adjustment to the Administrative Support function reflects the impact of the mandated .38% reduction to all domestic discretionary spending.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perm.* Pos.	Work-* years	Amount
2000 Appropriation Enacted	3,030	2,988	$316,792
Government-wide .38% rescission pursuant to H.R. 3425	...	...	-6
Adjustment-to-base Increases	...	...	12,112
2001 Base	3,030	2,988	328,898
Program changes (See Program Narrative for Details)	...	...	...
2001 Estimate	3,030	2,988	328,898

Estimates by budget activity	2000 Availability Pos.	WY	Amount	2001 Base Pos.	WY	Amount	2001 Estimate Pos.	WY	Amount	Increase/Decrease Pos.	WY	Amount
1. Law Enforcement	1,935	1,935	$214,782	1,935	1,935	$222,955	1,935	1,935	$222,955	...	...	...
2. Drug Intelligence	176	176	14,962	176	176	15,495	176	176	15,495	...	...	...
3. Prosecution	907	865	85,434	907	865	88,776	907	865	88,776	...	...	...
4. Administrative Support	12	12	1,608	12	12	1,672	12	12	1,672	...	...	...
Total.	3,030	2,988	316,786	3,030	2,988	328,898	3,030	2,988	328,898	...	...	...

*The positions and workyears reflected throughout the exhibits are reimbursable for the participating agencies.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Resources by Program
(Dollars in thousands)

Estimate by Program	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Law Enforcement:																		
Drug Enforcement Administration	975	962	$97,384	975	962	$97,384	975	975	$101,671	975	975	$105,764	975	975	$105,764	...	...	...
Federal Bureau of Investigation	830	830	96,663	830	830	96,663	830	830	95,911	830	830	99,399	830	830	99,399	...	...	...
Immigration and Naturalization Service	102	102	10,719	102	102	10,719	117	117	15,300	117	117	15,808	117	117	15,808	...	...	...
United States Marshals Service	13	13	1,421	13	13	1,421	13	13	1,900	13	13	1,984	13	13	1,984	...	...	...
Subtotal	1,920	1,907	206,187	1,920	1,907	206,187	1,935	1,935	214,782	1,935	1,935	222,955	1,935	1,935	222,955	...	...	...
Drug Intelligence																		
Drug Enforcement Administration	25	25	2,228	25	25	2,228	25	25	2,329	25	25	2,426	25	25	2,426	...	...	...
Federal Bureau of Investigation	151	151	12,166	151	151	12,166	151	151	12,633	151	151	13,069	151	151	13,069	...	...	...
Subtotal	176	176	14,394	176	176	14,394	176	176	14,962	176	176	15,495	176	176	15,495	...	...	...
Prosecution:																		
United States Attorneys	887	847	79,832	887	847	79,832	887	847	83,300	887	847	86,582	887	847	86,582	...	...	...
Criminal Division	6	6	759	6	6	759	6	6	790	6	6	814	6	6	814	...	...	...
Tax Division	14	12	1,293	14	12	1,293	14	12	1,344	14	12	1,380	14	12	1,380	...	...	...
Subtotal	907	865	81,884	907	865	81,884	907	865	85,434	907	865	88,776	907	865	88,776	...	...	...
Administrative Support																		
Executive Office	12	12	1,549	12	12	2,267	12	12	1,608	12	12	1,672	12	12	1,672	...	...	...
Total	3,015	2,960	304,014	3,015	2,960	304,732	3,030	2,988	316,786	3,030	2,988	328,898	3,030	2,988	328,898	...	...	...
Reimbursable WY		[2,960]			[2,960]			[2,988]			[2,988]			[2,988]			...	
Total Workyears		2,960			2,960			2,988			2,988			2,988			...	
Overtime:																		
LEAP		382			382			382			385			385			...	
Overtime		26			26			26			28			28			...	
Other		38			38			38			38			38			...	
Total compensable workyears		3,406			3,406			3,434			3,439			3,439			...	

1999 Actual The 1999 actual column reflects obligations of $295 million from FY 1999 appropriated funds plus $9 million in prior year deobligations returned at the end of the year.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Justification of Program and Performance
(Dollars in thousands)

ACTIVITY: LAW ENFORCEMENT

	Perm. Pos.	FTE	AMOUNT
2000 Availability	1,935	1,935	$214,782
2001 Base	1,935	1,935	222,955
2001 Estimate	1,935	1,935	222,955
Increase/Decrease	...	...	...

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BASE PROGRAM DESCRIPTION:

The Law Enforcement activity has a base of 1,935 positions, 1,935 FTE, and $222,955,000.

OCDETF investigations focus on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking.

The coordination of investigative and prosecutorial activities and the sharing of information are at the heart of the OCDETF approach. OCDETF principles reflect a recognition of the drug trafficking problem as one demanding a national and international approach and a realization that localized programs alone will not suffice because most drug trafficking cases represent only one piece of a much larger puzzle. In an environment in which large-scale drug trafficking networks can involve multi-national suppliers, sophisticated money launderers, and multiple domestic distribution organizations, an approach based on coordinated activity and shared information is imperative.

Experience has made it clear that major drug trafficking organizations routinely violate many different statutes in multiple jurisdictions. The ability to bring to bear expertise from agencies with a wide variety of skills and missions and to operate effectively across jurisdictional boundaries is a key element in the effectiveness of the OCDETF approach. This approach of cooperation and shared information has been nurtured in the context of a concerted effort to develop a consensual or cooperative relationship among participating agencies.

The criteria for selection of OCDETF cases are designed to assure that each case is of a type and magnitude that will derive maximum benefit from utilization of the OCDETF approach and merits commitment of interagency resources. Cases that would benefit from the application of resources and expertise of more than one investigative agency and that involve major drug trafficking organizations likely or known to be involved in other criminal or violent activities are prime candidates for consideration as OCDETF cases. The effectiveness of OCDETF case management is materially enhanced by involvement of an Assistant U.S. Attorney (AUSA) at the early stages of the investigation.

1. Headquarters and Field Organization

The Attorney General has delegated policy and administrative management and oversight for the OCDETF program to the Assistant Attorney General for the Criminal Division. In cooperation with headquarters representatives from the participating agencies (known as the Washington Agency Representatives Group), the Criminal Division monitors OCDETF activities nationwide and resolves any program and policy issues that arise, and provides source information to the Attorney General and the Deputy Attorney General. The OCDETF Executive Office, located in the Criminal Division, supports headquarters and field OCDETF activities by acting as a clearinghouse for OCDETF issues and information, by collecting and maintaining OCDETF statistics submitted by the regions, and by preparing and managing OCDETF funding.

During 1997, the OCDETF program implemented a regional restructuring plan that reduced the number of regions from 13 to 9. The new OCDETF regions, which were formally established on October 1, 1997, are designed to respond more effectively to current and emerging drug trafficking patterns, to cluster districts with common problems, and to enhance communications and coordination within and among the regions. Within each OCDETF region, the United States Attorneys and Special Agents-in-Charge address drug trafficking issues and formulate coordinated and aggressive regional and national strategies for strengthening the Federal, State, and local law enforcement response. The new regional structure better enables OCDETF to support drug enforcement initiatives that impact OCDETF investigations, such as the increasing number of HIDTA initiatives, the Southwest Border Initiative, and both the National Methamphetamine and Marijuana Strategy. The OCDETF regional

restructuring is consistent with the National Drug Control Strategy and Department Strategic Plan, as it provides an opportunity to focus greater attention, expertise, and resources against those criminal organizations that are responsible for the greatest volume of drugs and violence in our country.

A principle component of the OCDETF restructuring is the activation of Advisory Councils, made up of the United States Attorneys and senior agency officials within each region. These Advisory Councils assumed primary responsibility for the successful implementation of the restructuring, monitoring drug enforcement activities and the availability or resources for investigations and prosecutions, and taking appropriate and coordinated action within their region. Each Advisory Council is assisted in its endeavors by a regional coordination group consisting of one Assistant United States Attorney and one representative from each OCDETF investigative agency, assigned full-time to the OCDETF coordination activities.

2. State and Local Participation

From the program's inception, State and local law enforcement elements have worked closely with OCDETF. The OCDETF Guidelines promote the coordinated involvement of State and local authorities in investigating, apprehending, and prosecuting major drug traffickers and their organizations. State and local participation significantly expands the available resources and broadens the choice of venue for prosecution.

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Since its inception, OCDETF has entered into approximately 13,000 agreements with State and local governments nationwide involving more than 35,000 State and local officers. Although these local agencies continue to pay the salaries of their investigators who work on OCDETF cases, they are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

In 1999, $7.0 million in funding for this program is being provided through the Department of Justice Assets Forfeiture Fund (AFF). In addition, the Treasury Department is providing approximately $1 million from its Asset Forfeiture Fund for State and local overtime requirements on OCDETF cases in which one of the three Treasury bureaus serves as the sponsoring agency.

3. Member Agencies

According to the OCDETF Guidelines, one of the program's main objectives is "...to promote a coordinated drug enforcement effort in each region, and to encourage maximum cooperation among all drug enforcement agencies..." Throughout its years of operation, the OCDETF program has pursued this objective.

Many of the OCDETF investigations are so complex and labor intensive that they could not have been conducted without cooperation among participating agencies. Most, if not all, of these investigations require a mix of skills, experience, and jurisdiction possessed by no single agency. Each of the Federal OCDETF members brings its own special skills and methods to the program. Use of the OCDETF model can help bridge the gaps in enforcement between those efforts that are uniquely Federal and those that are successfully undertaken by State and local authorities. In this way, all levels of drug trafficking -- from the international suppliers through the transportation and financial service providers, to the wholesalers, to the street corner retailers -- can be targeted by law enforcement.

a. The Department of Justice

Participating DOJ agencies funded through this appropriation include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the U.S. Attorneys' offices, and the U.S. Marshals Service. Support for the program is also provided by the Department's Tax and Criminal Divisions. The effective use of the expertise of these components is an indispensable tool in the OCDETF program.

DEA is among the agencies most actively involved in every aspect of the OCDETF program. Throughout the history of the OCDETF program, DEA has been among the perennial leaders in number of cases brought to the OCDETF. DEA is the only Federal agency in OCDETF which has narcotics law enforcement as its sole responsibility. DEA's vast experience in this field, its knowledge of international drug distribution chains, and close working relationships with State and local authorities have made DEA essential to OCDETF. DEA has long recognized that varied forms of expertise and cooperative efforts are required to combat the complexity of the drug trade.

The FBI is one of the charter members of OCDETF and shares with the Drug Enforcement Administration the distinction of having drug enforcement authorities under Title 21 of the United States Code. The FBI brings to OCDETF its extensive experience in the investigation of traditional organized crime, white collar crime and financial

crimes. The FBI quickly adapted its ability to gather and analyze intelligence data and deploy and manage sophisticated electronic surveillance and undercover techniques to its drug investigations under the OCDETF program. The FBI continues to focus its OCDETF resources on the totality of the drug organization. Consistent with the OCDETF philosophy, the FBI strives for the arrest of drug organization leaders, the dismantling of their organizations, and the seizure and forfeiture of their ill-gotten gains.

During the first three years, INS was available to OCDETF Coordination Groups as needed. Because of its strong commitment to curtailing alien involvement in narcotics trafficking, the Attorney General decided to include INS's Investigations Division as a full member of the OCDETF program in 1986. (However, INS did not receive OCDETF funding for its participation until 1990.) Enactment of the Anti-Drug Abuse Act of 1986 and the Immigration Reform and Control Act of 1986 further enhanced INS's success in locating, apprehending, investigating, and removing criminal alien drug traffickers from the United States. This combination of actions strengthened INS's ability to pursue extraterritorial prosecutions and extraditions of drug traffickers.

Because of its unique role in Federal law enforcement, USMS designates an agency Coordinator in each of the OCDETF regions to ensure and coordinate appropriate USMS resources and support for OCDETF cases. In support of these investigations and prosecutions, the USMS Coordinators are responsible for ensuring the availability of the following services related to OCDETF cases:

- protection against attempts at jury tampering, assaults on Federal prosecutors, prison escapes, and civil disruption in the courtroom;
- movement of defendants into and out of the courtroom, and transportation of prisoners to and from detention centers;
- handling of subpoenas, summonses, and other court orders;
- physical security and protection of witnesses through the Federal Witness Protection program;

- identification, seizure and management of the "fruits of crime," personal and physical property, real estate, cash that criminals acquire as a result of their participation in illegal activities through the National Asset Seizure and Forfeiture Program; and

- apprehension of Federal fugitives.

b. The Department of Transportation

The Department of Transportation participates in the OCDETF program through the United States Coast Guard (USCG). USCG is primarily an interdictive agency. Because OCDETF is comprised of primarily investigative and prosecutorial agencies, USCG has found itself in a unique position, assuming a variety of functions that support the work of OCDETF. The USCG Coordinator in each of the coastal OCDETF regions is the maritime expert for OCDETF and provides valuable intelligence and guidance on cases with maritime connections and implications. Second, USCG Coordinators act as valued liaisons, not only with the Coast Guard itself, but also with the military services and the National Narcotics Border Interdiction System.

c. The Department of the Treasury

Participating Department of the Treasury agencies include the Bureau of Alcohol, Tobacco and Firearms (ATF); the Internal Revenue Service (IRS); and the U.S. Customs Service (USCS). Beginning in 1998, Treasury agency participation in the OCDETF program was funded through a separate appropriation in the Department of the Treasury.

Like the other OCDETF agencies, ATF plays a special role in the program. As increasing numbers of drug violators use firearms and explosives, they make drug enforcement much more hazardous. The introduction of these hazardous weapons has provided a special access to use the ATF expertise in firearm legislation to enhance prosecution efforts against drug traffickers. The use of deadly weapons may give rise to charges which are sometimes more easily proven than drug violations. As the agency responsible for enforcing Federal firearms, explosives, and arson laws, ATF comes into frequent contact with drug violators. ATF's jurisdiction and expertise make it a well-suited partner to other agencies participating in the war against illegal drugs. In OCDETF, ATF special agents focus on major drug traffickers who have also violated laws that it enforces. To be prepared when the need arises, ATF monitors all investigations through its Coordinators.

IRS has been an active participant in OCDETF from the beginning. As OCDETF's financial experts, IRS's criminal investigators are called upon to analyze the documentary evidence collected in almost all cases. Other OCDETF members recognize IRS's unique ability to identify "professionals" who profit from involvement in narcotics trafficking. Historically, these individuals were not often targeted by drug enforcement agencies because there were no means of obtaining firm informational or evidentiary links between them and narcotics. Often, the only viable means of attack against this class of criminal has been through financial investigations where the paper trail of money earned from the sale of narcotics has been tracked to its ultimate beneficiaries.

One of USCS's missions is to disrupt the movement of narcotics into the United States. Among the tools at USCS's disposal are automated systems which permit the pre-arrival review of a carrier's manifest, centralized examination stations for the presentation of pre-selected merchandise for inspection, and a processing system that targets certain high-risk commercial containers for intensive enforcement examination.

USCS participation in OCDETF also provides access to its data base of financial information, collected pursuant to the Bank Secrecy Act, for identifying and targeting suspected money launderers. Also, through its Financial Intelligence Branch, USCS has the ability to provide OCDETF investigators with a documented audit whenever currency is recycled through U.S. banks. In addition, cash flow analysis of transactions supplies investigators with a relatively simple trail through the infrastructure of drug organizations. This trail helps to identify those principals and members of these groups who tend to keep their distance from daily operations and who are extremely difficult to identify through traditional methods.

ACTIVITY: DRUG INTELLIGENCE

	Perm. Pos.	FTE	AMOUNT
2000 Availability	176	176	$14,962
2001 Base	176	176	15,495
2001 Estimate	176	176	15,495
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Drug Intelligence activity has a base of 176 positions, 176 FTE, and $15,495,000.

In 1993, Congress first funded the Regional Drug Intelligence Squads (RDIS) through the OCDETF appropriation. The mission of the RDIS is to establish multi-agency squads first in High Intensity Drug Trafficking Areas, and as soon as possible in all OCDETF core cities. These squads gather, analyze, and disseminate raw and processed data for strategic, tactical and operational intelligence support of drug trafficking investigations. They also provide the regional intelligence linkage to the National Drug Intelligence Center (NDIC) and to respective agency headquarters.

Participants in the RDIS program include State and local law enforcement agencies, the host agency Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Customs Service, Internal Revenue Service, Immigration and Naturalization Service, Bureau of Alcohol, Tobacco and Firearms, the United States Marshals Service, the Department of Defense, and the National Guard Bureau. Squads have been established in the following cities: Los Angeles, New York City, Washington, D.C., Houston, Miami, Phoenix, Chicago and Atlanta.

The Department of Justice, the Office of National Drug Control Policy, and the Central Intelligence Agency have coordinated an interagency effort (including the Departments of Treasury, State, Defense and Transportation) to review the U.S. drug intelligence architecture. Recommendations are pending.

ACTIVITY: PROSECUTION

	Perm. Pos.	FTE	AMOUNT
2000 Availability	907	865	$85,434
2001 Base	907	865	88,776
2001 Estimate	907	865	88,776
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Prosecution activity has a base of 907 positions, 865 FTE, and $88,776,000.

This funding is used to reimburse the Department of Justice U.S. Attorneys, Criminal Division, and Tax Division for their investigative support and prosecutorial efforts on OCDETF cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

A fundamental purpose of the prosecution effort is: (1) to apply limited Federal resources against those targets where successful prosecution can have the greatest and most lasting effect on the nation's drug abuse problem and (2) to build upon lessons learned from previous experience to enhance prosecutive effectiveness.

The prosecution activity employs several tactics that are particularly well-suited for use against priority targets. Among them are proven devices, such as reliance upon criminal enterprise charges, including Continuing Criminal Enterprise (CCE) and Racketeering Influenced Criminal Organization (RICO); increased concentration of financial investigations; expanded use of electronic surveillance and undercover operations; and vigorous enforcement of asset forfeiture statutes. Utilization of these investigative/prosecutive tools, supplemented by the enhanced sentencing guidelines, has been instrumental to the success of the OCDETF effort.

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1. The United States Attorneys

   One of the foundations of OCDETF is early attorney involvement in the development of case strategy. OCDETF affords prosecutors the time they need to participate in the development of this strategy and to provide the necessary legal services and counsel that investigators require. Federal prosecutors are not expected to rush cases to completion, but rather to move deliberately toward successful and comprehensive conclusions. And while OCDETF attorneys carry a caseload of fewer cases, theirs are typically more intricate and long-term than those of their non-OCDETF counterparts.

   The assignment of experienced attorneys to OCDETF cases takes full advantage of their critical litigative counsel and skills to successfully prosecute the most serious drug trafficking offenders. Take, for example, the use of electronic surveillance or the mounting of undercover operations. For investigators and attorneys alike, these activities are especially time-consuming since they require extensive legal paperwork. A wiretap requires a detailed application for initial approval and repeated affidavits for

renewal. The preparation of the necessary documents has become a virtual art form, and OCDETF attorneys have proven themselves equal to the challenge. The number of attorneys experienced in handling these matters has increased, a significant development in an area where maintaining investigative momentum is crucial.

Another feature cited by the OCDETF attorneys themselves is the enhancement of their knowledge of matters relating to narcotics dealing. The courts now recognize these attorneys for their greater acumen in interpreting the narcotics environment. When applying for warrants for wiretaps, searches, or arrests, they can articulate more authoritatively the information contained in the supportive affidavits of the investigative agencies; for example, the probability of finding narcotics ledgers or financial books and records that will show the fruits of drug trafficking, even in locations where drugs themselves are not likely to be found. Similarly, they can better represent drug dealers' cryptic conversations when applying for extensions of ongoing court-authorized electronic surveillance or for new, supplementary surveillance. The development of such expertise in U.S. Attorneys offices is primarily attributable to the close working relationship among OCDETF attorneys and experts from the investigative agencies under the aegis of the OCDETF program.

2. Criminal Division

In addition to its role as the Department of Justice focal point for OCDETF policy guidance and oversight, and support of the OCDETF Executive Office, the Criminal Division also offers direct operational support to U.S. Attorneys offices and agencies working OCDETF cases. The Office of Enforcement Operations (OEO) assists agents and attorneys by providing guidance on the justification and the development of applications for electronic surveillance. In addition to review and analysis of electronic surveillance applications, OEO collects information on the results obtained through the use of this investigative tool. OEO also assists in screening and facilitating the entry of witnesses into the Federal Witness Protection program when their personal safety is endangered by criminal elements. A prosecutor seeking to arrange for the protection of a witness, e.g., providing guards, relocating the witness out of the danger area, securing a new identity for the witness, etc., must submit a request to the Criminal Division for review as to the qualification of the witness for the program and a determination as to the level of protection to be afforded to the witness.

Under certain conditions, the Division's Narcotics and Dangerous Drugs Section provides assistance or participates directly in prosecutions when requested to do so by the United States Attorneys' offices. With the increasing complexity and scope of OCDETF cases, senior attorneys are called upon with greater frequency to assist in the supervision and prosecution of OCDETF cases.

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3. Tax Division

The Tax Division provides nationwide review and coordination of all tax charges in OCDETF cases. An experienced Tax Division attorney is assigned as a liaison official to each of the OCDETF regions. These liaison attorneys work closely with each regional Assistant United States Attorney Coordinator and Internal Revenue Service Coordinator, as well as the Assistant United States Attorneys and Internal Revenue Service Special Agents assigned to investigation of tax crimes. Liaison attorneys provide advice, guidance and expertise in developing and handling the tax investigations. They communicate frequently with regional IRS Coordinators to remain apprised of new developments which might be of particular importance to the successful prosecution of the case. The Tax Division also trains new Assistant United States Attorneys and OCDETF investigators in tax matters, and maintains a clearinghouse of legal and investigative materials and information that is available to OCDETF personnel.

ACTIVITY: ADMINISTRATIVE SUPPORT

	Perm. Pos.	FTE	AMOUNT
2000 Availability	12	12	$1,608
2001 Base	12	12	1,672
2001 Estimate	12	12	1,672
Increase/Decrease	...	...	...

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BASE PROGRAM DESCRIPTION:

The Administrative Support activity has a base of 12 positions, 12 FTE, and $1,672,000.

The OCDETF Executive Office operates under the supervision of the Director, as a part of the Department of Justice Criminal Division. The Executive Office assists the OCDETF Executive Committee, the Washington Agency Representatives Group, the Regional Advisory Councils, and the Regional Coordination Groups in supporting the needs of the OCDETF program by performing the following management and administrative functions:

- Providing OCDETF staff support to the OCDETF Executive Committee, to the WARG representatives and other participating agency officials, and to the regional Advisory Councils and Coordination Groups, through the development of policies, practices, and procedures that serve the interests of the OCDETF program and its participants;

- Scheduling and staffing the meetings of the Washington Agency Representatives Group;

- Reviewing all OCDETF Investigation Initiation Forms to monitor drug categories, trafficking patterns, and agency participation, and to report unusual or emerging trafficking activities to the WARG and to the regions;

- Providing administrative services to the OCDETF Executive Committee, to the regions, and to members of the WARG, including:

  -- Collecting, analyzing and reporting on caseload and other statistical data for the regions;

  -- Producing periodic informational memoranda to keep headquarters and regional agency personnel apprised of events occurring throughout the program; and

  -- Producing reports and other analyses as directed by the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division.

- Assisting the United States Attorneys, the Advisory Councils, and the Coordination Groups in the management of the regions;

- Managing and disbursing the State/local overtime fund;

- Coordinating the development and presentation of the annual OCDETF budget for the Department of Justice and Treasury;

- Assisting the WARG in developing appropriate and informative program performance measures, and monitoring and reporting the results of these measures in compliance with the Government Performance and Results Act (GPRA) requirements;

- Developing and coordinating training for OCDETF personnel in consultation with the WARG and, when appropriate, with the Regional Coordination Groups; and

- Collecting and disseminating drug trafficking trend information and analyses, as well as reports on significant investigative and prosecutorial activities on OCDETF cases to appropriate field managers and Departmental Public Information Offices.

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Interagency Law Enforcement
Interagency Crime and Drug Enforcement

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. The Conference Report relating to the Department of Justice Appropriations Act, 2000 directs the Department of Justice to conduct a comprehensive review of the Organized Crime Drug Enforcement Program and provide a report to the Committees on Appropriations no later than January 15, 2000, with any recommendations for improvements. After consultation with Appropriations Committee staff, the deadline for the report has been extended until March 1, 2000. The Department is currently in the process of selecting an outside contractor to perform the study.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
2001 Priority Rankings

Base Program

Program	Ranking
Law Enforcement	1
Prosecution	2
Drug Intelligence	3
Administrative Support	4

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999 Authorized	2000 President's Request	2000 Total Authorized	2001 Program Increases	2001 Total Authorized
Attorneys (905)	499	499	499	...	499
Paralegal Specialists (950)	45	45	45	...	45
Investigative Assistants (1802)	1	1	1	...	1
Criminal Investigative series (1811)	1,482	1,482	1,496	...	1,496
Other Miscellaneous Occupations (001-099)	11	11	11	...	11
Social Science, Economics, and Kindred (100-199)	85	85	85	...	85
Gen Admin., Clerical, and Office Services (300-399)	886	886	887	...	887
Accounting and Budget (500-599)	6	6	6	...	6
Total	3,015	3,015	3,030	...	3,030
Washington	50	50	50	...	50
U S Field	2,965	2,965	2,980	...	2,980
Foreign Field	...	...	...	...	...
Total	3,015	3,015	3,030	...	3,030

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Agent/Attorney and Support Positions/Workyears
FY 2000 - 2001

Reimbursable Positions / Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Agent/Attys		Support		Total		Agent/Attys		Support		Total		Agent/Attys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Law Enforcement:																		
Drug Enforcement Administration	773	773	202	202	975	975	...	...	...	...	...	...	773	773	202	202	975	975
Federal Bureau of Investigation	534	534	296	296	830	830	...	...	...	...	...	...	534	534	296	296	830	830
Immigration & Naturalization Service	112	112	5	5	117	117	...	...	...	...	...	...	112	112	5	5	117	117
U.S. Marshals Service	13	13	...	...	13	13	...	...	...	...	...	...	13	13	...	...	13	13
Subtotal	1,432	1,432	503	503	1,935	1,935	...	...	...	...	...	...	1,432	1,432	503	503	1,935	1,935
Drug Intelligence:																		
Drug Enforcement Administration	6	6	19	19	25	25	...	...	...	...	...	...	6	6	19	19	25	25
Federal Bureau of Investigation	58	58	93	93	151	151	...	...	...	...	...	...	58	58	93	93	151	151
Subtotal	64	64	112	112	176	176	...	...	...	...	...	...	64	64	112	112	176	176
Prosecution:																		
U.S. Attorneys	484	463	403	384	887	847	...	...	...	...	...	...	484	463	403	384	887	847
Criminal Division	4	4	2	2	6	6	...	...	...	...	...	...	4	4	2	2	6	6
Tax Division	11	10	3	2	14	12	...	...	...	...	...	...	11	10	3	2	14	12
Subtotal	499	477	408	388	907	865	...	...	...	...	...	...	499	477	408	388	907	865
Administrative Support:																		
Executive Office	...	...	12	12	12	12	...	...	...	...	...	...	...	...	12	12	12	12
TOTAL	1,995	1,973	1,035	1,015	3,030	2,988	...	...	...	...	...	...	1,995	1,973	1,035	1,015	3,030	2,988

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Change
(Dollars in thousands)

	Pos.	years	Amount
2000 Appropriation Enacted	3,030	2,988	$316,792
Government-wide .38% rescission pursuant to H.R. 3425	...	...	-6
2000 Availability	3,030	2,988	316,786
Adjustments to Base:			
Increases:			
2001 pay raise	...	...	8,390
Annualization of 2000 pay raise	...	...	3,722
Total increases	...	...	12,112
2001 Base	6,060	5,976	328,898
Program Changes	...	...	...
2001 Estimate	6,060	5,976	328,898

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Justification of Adjustments to Base
(Dollars in thousands)

	Amount
Adjustment-to-Base increases:	
1. 2001 pay raise	$8,390

This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $8,390,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($7,117,000 for pay and $1,273,000 for benefits totaling $8,390,000).

2. Annualization of 2000 pay raise	3,722

This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective in January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $3,722,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($3,020,000 for compensation and $702,000 for benefits).

Total adjustment-to-base increases	12,112
Total, adjustment to base	12,112

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual Positions & Workyears	1999 Actual Amount	2000 Estimate Positions & Workyears	2000 Estimate Amount	2001 Request Positions & Workyears	2001 Request Amount	Increase/Decrease Positions & Workyears	Increase/Decrease Amount
GS-15, $84,638-110,028	9		10		10		...	
GS-14, $71,954-93,537	85		85		85		...	
GS-13, $60,890-79,155	812		825		825		...	
GS-12, $51,240-66,564	536		536		536		...	
GS-11, $42,724-55,541	91		91		91		...	
GS-9, $35,310-45,900	102		103		103		...	
GS-8, $31,968-41,557	37		37		37		...	
GS-7, $28,866-37,522	326		326		326		...	
GS-6, $25,976-33,768	293		293		293		...	
GS-5, $22,208-28,868	237		237		237		...	
GS-4, $20,829-27,080	3		3		3		...	
Ungraded positions	484		484		484		...	
Total, appropriated positions	3,015		3,030		3,030		...	
Average GS Salary		42,893		44,949		45,034		
Average Ungraded Salary		85,736		87,121		89,345		
Average GS Grade		11.62		11.89		12.02		

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11 1 Total workyears & personnel compensation	2,960	171,454	2,988	182,369	2,988	192,184	...	9,815
11 3 Other than full-time permanent	...	14	...	14	...	14	...	...
11.5 Total, Other personnel compensation	446	22,222	446	22,232	451	22,232	5	...
Overtime	*64*	*2,819*	*64*	*2,821*	*66*	*2,816*	*2*	*-5*
Law Enforcement Availability Pay	*382*	*19,403*	*382*	*19,411*	*385*	*19,416*	*3*	*5*
11 8 Special personal services payments	...	479		479	...	479	...	...
Total	3,406	194,169	3,434	205,094	3,439	214,909	...	9,815
12 0 Personnel benefits		49,407		51,246		53,543		2,297
21 0 Travel and transportation of persons		4,612		4,612		4,612		...
22 0 Transportation of things		603		603		603		...
23 1 GSA rent		18,924		18,924		18,924		...
23 2 Rental payments to others		2,975		2,975		2,975		...
23 3 Comm , util , & other misc charges		4,327		4,327		4,327		...
24 0 Printing and reproduction		264		264		264		...
25 2 Other services		21,653		21,661		21,661		...
26.0 Supplies and materials		3,017		3,017		3,017		...
31.0 Equipment		4,063		4,063		4,063		...
Total obligations		304,014		316,786		328,898		12,112
Unobligated balance, start of year		...		...		...		
Unobligated balance, end of year		...		...		...		
Total requirements		304,014		316,786		328,898		
Relation of obligations to outlays:								
Total obligations		304,014		316,786		328,898		
Obligated balance, start-of-year		117,410		104,326		107,012		
Obligated balance, end-of-year		-104,326		-107,012		-109,755		
Outlays		317,098		314,100		326,155		

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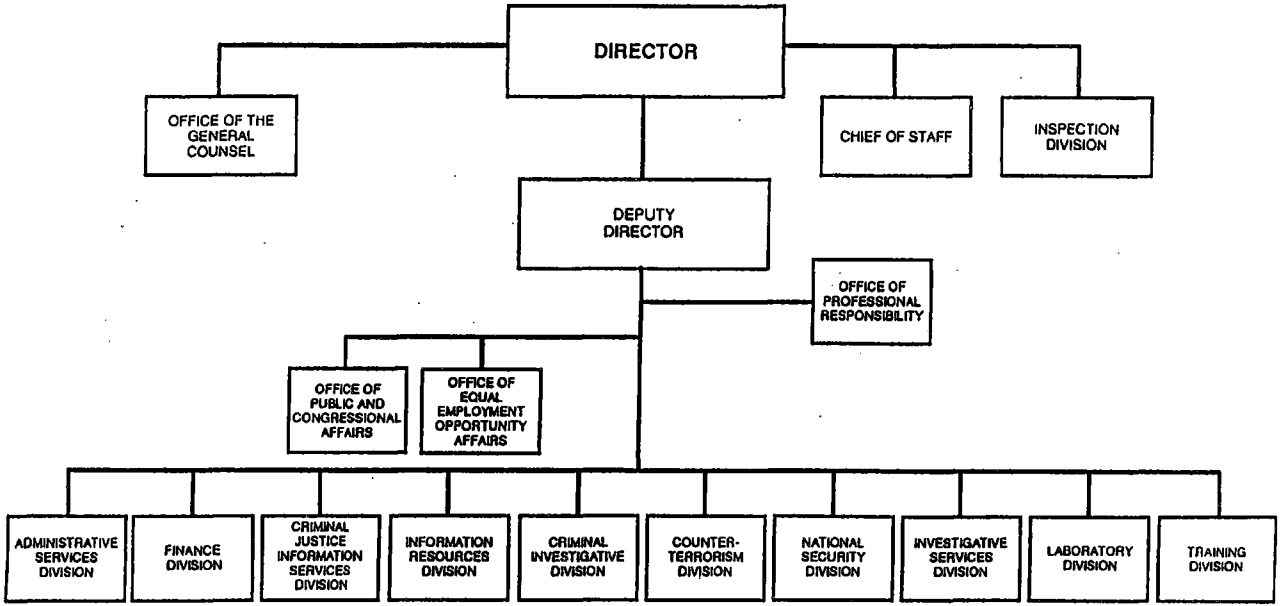
Department of Justice
Federal Bureau of Investigation
Salaries & Expenses
Estimates for Fiscal Year 2001
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Department of Justice
Federal Bureau of Investigation
Salaries & Expenses
Estimates for Fiscal Year 2001
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FEDERAL BUREAU OF INVESTIGATION



Approved by: _____ Date: 7/24/98
JANET RENO
Attorney General

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Federal Bureau of Investigation
Summary Statement and Performance Plan
Fiscal Year 2001

For 2001, the Federal Bureau of Investigation (FBI) is requesting a total of $3,280,749,000 in direct budget authority, 25,635 permanent positions (10,752 agent), and 24,646 direct workyears for its Salaries and Expenses and Construction appropriations. This request includes direct program increases totaling 65 new agent positions, 295 new support positions, and $165,692,000 to address new and increasing investigative responsibilities, and to provide necessary investigative assistance and infrastructure services as follows:

- **Salaries and Expenses:** Funding totaling $3,277,562,000 and 25,635 permanent positions (10,752 agent), and 24,646 direct workyears is requested for Salaries and Expenses for 2001. Program increases totaling 360 new positions (180 workyears) and $163,792,000 are proposed for Salaries and Expenses.

- **Construction:** Funding totaling $3,187,000 is proposed for construction projects. A program increase totaling $1,900,000 is requested to address environmental and safety concerns at the FBI Academy Firearms Range Modernization Project.

Reimbursable Resources. In addition to direct funded resources, the FBI proposes a total of 3,586 reimbursable positions (1,076 agent) and 3,453 reimbursable workyears for 2001. Pursuant to the Health Care Portability and Accountability Act of 1996 (P.L. 104-191), the 2001 budget request reflects 776 positions (445 agent), 752 workyears, and $88,000,000 for FBI health care fraud investigations, an overall program increase of 30 field agent and 18 field support positions (24 workyears), and $12,000,000 from the previous year. For user fee programs of the Criminal Justice Services program, including the National Instant Criminal Background Check System (NICS), a total of 1,434 positions and 1,325 workyears are requested. For 2001, the Administration proposes to implement user fees to fund the operations of the NICS. Under this proposal, NICS will require a total 642 positions and workyears in 2001. Under the Interagency Crime and Drug Enforcement program, the 2001 budget request proposes 981 total positions, (592 agent), 981 workyears, and $112,468,000 for FBI drug and gang-related task force operations and program activities. The remaining reimbursable positions and workyears are used to facilitate a number of activities, including name checks, pre-employment background investigations, and detail assignments to other agencies.

Summary Performance Plan

FBI Strategic Direction:

Through its Strategic Planning Process, the FBI has identified the following three general, functional areas, or tiers, that describe the variety of threats that it must address to realize the goal of enhanced national and individual security. These functional areas effectively define the FBI's strategic priorities. The intended result of identifying priorities is an alignment of management attention and resources in a manner which best supports the overall mission of the FBI. There is no implication that investigative priorities identified in the second and third tiers are not important to the FBI; indeed, the FBI takes great pride in its work in these areas. In a world of scarce resources, however, issues which have the potential for the gravest of consequences must receive priority. The FBI's goal must be to prevent horrific acts such as the Oklahoma City or World Trade Center bombings from occurring. While terrorist incidents or attacks using weapons of mass destruction are mercifully rare, the consequences are so dire that the FBI must have the capacity to respond in a competent and robust fashion. However, FBI management's decision to establish these strategic priorities included the recognition that the FBI must maintain capacity to execute all aspects of its mission, i.e., the FBI must continue conducting investigations in all three tiers. The FBI also recognizes that investigations within each tier are not of uniform significance; an individual case in any tier can command significant investigative effort by the FBI due to community impact or other factors.

- **Tier One: National and Economic Security**
  Foreign intelligence, terrorist, and criminal activities that directly threaten the national or economic security of the U.S.. These offenses fall almost exclusively within the jurisdiction of the FBI. Issues arising in this area are of such importance to U.S. national interests that they must receive priority attention. To succeed, we must develop and implement a proactive, nationally directed program.

- **Tier Two: Criminal Enterprises and Public Integrity**
  Crimes that affect the public safety or undermine the integrity of American society. These offenses fall within the traditional jurisdiction and core competency of the FBI. They are associated with criminal organizations that exploit social, economic, or political circumstances at a significant cost to the Nation. Success in this area depends on the FBI's ability to use lawful tools at its disposal to target, attack, and dismantle criminal organizations and related enterprises.

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- **Tier Three: Individuals and Property**
  Crimes that affect individuals and crimes against property. The FBI has traditionally prided itself on its ability to serve the interests of the American people by responding quickly and efficiently to serious criminal acts when they occur. The FBI's strategy should reflect the public's expectation that the FBI will respond to serious criminal acts that threaten the community and bring those responsible to justice. Investigative strategies recognize the generally primary role of state and local law enforcement. FBI resources will be deployed to the extent that local circumstances indicate a clear need for FBI expertise or manpower.

The stated priorities do not imply abandonment of FBI responsibility in personal and violent crimes, but rather acknowledging that, as a national organization, the FBI must first address those issues which are national in scope and those crimes which threaten the security of the Nation.

With this tiered framework, the FBI has significantly sharpened its focus on allocating available resources by establishing nine strategic goals and support/infrastructure strategies that concentrate on the most significant non-operational challenges to accomplishing its operational mission. In the implementation of these strategies, the FBI will be guided by its core values and will capitalize on its core competencies.

FBI Performance Measures/Results Focus: While developing the Strategic Plan and evaluating the FBI's capacity to achieve its strategic goals in early 1998, significant deficiencies were identified across the organization. These deficiencies, ranging from a lack of intelligence to inadequate training of the FBI workforce, have led to less than optimal performance (current FBI capacity and performance is below that needed to appropriately address the full depth and breadth of the criminal and intelligence threats facing the nation) in many FBI mission critical areas. During 1998 and early 1999, FBI program managers developed Program Plans to guide their respective programs and address mission critical deficiencies. Improving or completely eliminating these deficiencies is the current agenda for action and was the basis for the FBI's FY 2000 and FY 2001 budget requests. The initiatives detailed in this submission have been developed to specifically address the shortfalls identified in both operational and support strategies within the *FBI Strategic Plan* and operational Program Plans, and will ultimately enhance the safety and security of the Nation and its people.

The development of a relevant and comprehensive strategic plan was the critical first step in the FBI's strategy to build a results-oriented management focus across the organization. With a clear strategic direction in place for the organization, the FBI put in place the major elements of a comprehensive strategic management system discussed above. Because of the FBI's significant shift to preventing rather than merely reacting to crimes and foreign intelligence activities, many of the programs within the organization have

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dramatically altered their direction, goals, objectives and strategies. Program managers constructed program plans and program performance logic models that specifically relate planning elements to performance measurement levels in a way that provides for clear and consistent thinking about the relationship between planning and performance measurement and the resources and support activities required to effectively implement the program plan. The result? Performance measures effectively "tell the story" of the program by logically flowing from activities to outcomes. That is, resources fund activities that result in a stream of outputs intended to accomplish specific outcomes.

A complicated measure relevant to many FBI programs is deterrence. Deterrence is generally defined as the provision of a threat to successfully prevent an action or event. Deterrent performance measures relate the positive behavior of the FBI to the absence of an event which, it is believed, would have otherwise taken place. In essence, if the FBI strategy requires the prevention of terrorism in certain areas, a deterrent strategy will be one that identifies specific FBI activities that will be undertaken with the primary purpose of preventing or mitigating criminal activities which would support or cause terrorist acts. While "proving" deterrence is difficult, the standard of "best evidence" means that the FBI is entitled to make a plausible assertion that its activities, once put in place and successfully concluded, which are associated with an absence or reduction in targeted criminal activity, creates compelling evidence that the deterrent sought by the FBI was in fact successful. Traditional performance measures are still valid and included in this document, measures that capture the non-occurrence of an event, (i.e., deterrence and prevention) and capacity are still being developed. In those areas where specific outcomes have not been fully developed, this summary plan presents a narrative description of the types of outcome measures we anticipate developing for each of the strategic priorities as well as traditional workload and output measure charts.

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FBI Operations Strategy: The following pages detail the FBI's strategic goals in each of the three tiers, list the Department of Justice strategic goals that they support, and present performance charts that capture traditional workload and output performance measures for 1998 - 2001. Included at the end of this section is a narrative summary of 1999 FBI performance. The spirit of the Government Performance and Results Act (GPRA) seeks to not only capture the direct results of agency resources, but also the indirect results. Thus, the following accomplishment statistics contain Federal, state and international data for which the FBI contributed to the outcome. For example, an arrest made as a result of a Safe Street Task Force (SSTF) or other task force involvement would be counted as an FBI accomplishment.

Tier One: National and Economic Security

Tier One efforts support the following Department of Justice Goals:

- Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions.)
- Reduce white collar crime.

- **Tier One FBI Strategic Goal: Identify, prevent, and defeat intelligence operations conducted by any foreign power within the U.S. or against certain U.S. interests abroad that constitute a threat to U.S. National Security.**

Foreign intelligence operations directed against the United States reflect the complexity and fluidity of the new world order. While the national goals of many traditional rivals have changed, their capabilities and willingness to target traditional objectives, such as national defense information, plans and personnel, have not. Concomitantly, many of these rivals have increased their activities in other sectors affecting our national interests, such as in economic competitiveness, and now target U.S. interests in these areas. They join a formidable array of other foreign powers jockeying for economic or political preeminence, whose success in these areas is dependent upon effective intelligence operations directed against the United States. Knowledge about the intentions, methods of operation, and capabilities of many of these nontraditional threats must be developed, as should the precise application of existing policies and guidelines to these threats, particularly those foreign powers conducting activities in previously atypical targeting areas. Human source acquisitions against both traditional and nontraditional threats must be improved. In some areas, strategic analysis is needed to provide basic direction to field investigative programs. Such analysis requires more detailed and timely reporting on all foreign intelligence activities. Technical surveillance capabilities in some areas have not kept pace with current needs.

The single most important element of the FBI's Foreign Counterintelligence (FCI) program is effective human-source coverage of foreign powers that pose a national security threat. The FBI must improve the capacity to evaluate threats posed by the intelligence activities of foreign powers. This analytic capability should produce operational intelligence of broader scope and improved timeliness, as well as long-range, strategic FCI studies addressing the intelligence collection plans, methods, intentions, capabilities, and personnel of foreign powers. To meet the FCI program's collection and analysis requirements, the FBI will also have to develop, deploy and support new technologies.

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Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. This requires an information technology capacity for systematic intelligence collection and reporting, structured and complex analytical methods, and rapid widespread secure dissemination. This capability at the FBI could be improved beyond the Integrated Intelligence Information Application (IIIA), the analytic tool currently available to national security analysts. Agents and analysts need a wide range of automated tools available to conduct analyses of data and enable them to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- Conduct a 21st century baseline reassessment of the foreign intelligence threat to the U.S.
- Actively recruit assets with access to knowledge of foreign intelligence activities, as well as assets with access to diplomatic establishments, commercial establishments, media organizations, and foreign nationals living and working in the United States.
- Enhance strategic and tactical analysis through more comprehensive reporting, improved acquisition and integration of information, better dissemination of analytic products, improved training of analysts, and the acquisition of cutting-edge analytic tools.
- Sustain or expand the FBI's intelligence base based on potential country and issue threats and expand assets to neutralize existing and future foreign intelligence activities.
- Enhance liaison with domestic and foreign entities to secure and share information to assist the FBI in the conduct of its foreign counterintelligence investigations.
- Identify specific technical and translation needs during the conduct of FBI counterintelligence investigations and ensure the availability of technical and translation support.
- Provide comprehensive foreign counterintelligence training to Special Agents, analysts, and management.

Anticipated Outcome Measures: Counterintelligence threats can never be eliminated given that their origin and impetus lie primarily with sovereign states. They are planned, authorized and financed by government entities beyond our boundaries and the reach of our laws. Measures of success in these areas will gauge the FBI's capacity to detect potential hostile activities by foreign powers against the United States. In addition, the FBI will analyze its record at preventing and defeating these hostile activities in comparison to the

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best available estimates of the magnitude of hostile foreign intelligence operations.

[The performance chart for this goal is classified]

- **Tier One FBI Strategic Goal: Prevent, disrupt, and defeat terrorist operations before they occur.**

Terrorism, both international and domestic, poses arguably the most complex threat of any of the threats for which the FBI has a major responsibility. State-sponsored terrorism, though still of concern, is no longer the only terrorist problem. New perpetrators – loosely affiliated international radical extremists and ad hoc coalitions of foreigners motivated by perceived injustices, along with domestic groups and disgruntled individual American citizens – have attacked U.S. interests at home and abroad. They have chosen nontraditional targets and increasingly have employed nonconventional weapons. The dilemma, of course, is that new perpetrators, targets, and weapons exist in almost unlimited numbers, while law enforcement resources arrayed against them are finite.

To deal effectively with international and domestic terrorism, the FBI must concentrate on both *prevention and response*. To this end, the FBI has developed a 5-level strategy which focuses on building maximum feasible operational capability in order to identify, prevent and deter terrorist activities. Level One of the Counterterrorism (CT) strategy focuses on maximizing the FBI's capacity to respond to terrorist issues as they present themselves in FBI field offices. Level Two seeks to maximize the capacity of Headquarters to receive, react to and disseminate information pertaining to CT issues. Level Three is aimed at maximizing proactive capabilities to utilize FBI resources throughout the Bureau in support of CT programs and initiatives. Level Four uses the establishment and maintenance of sound and productive relationships with external counterparts in the intelligence and law enforcement communities, defense establishments, foreign governments and state and local governments to obtain maximum support. Finally, Level Five seeks to build capacity by using all the necessary assets and capabilities of the FBI and external components of the U.S. Government to support and initiate complex domestic and international investigations and operations designed to get ahead of the threat by penetrating and neutralizing terrorist organizations. Each of the successive capability levels require a slightly increased sophistication and maturity because the issues to be addressed by the FBI become more complex at each level. It is important that the FBI develop maximum capability in all five levels to ensure successful identification, neutralization and penetration of targeted terrorist organizations to both prevent and effectively respond to terrorist activities.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. This requires an information technology capacity for systematic intelligence collection and reporting, structured and complex analytical methods, and rapid widespread secure dissemination. This capability at the FBI could be improved beyond the Integrated Intelligence Information Application (IIIA), the analytic tool currently available to national security analysts. Agents and analysts need a wide range of automated tools available to conduct analyses of data and enable them to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes: The following issues must be addressed to improve the development of maximum feasible capability in the FBI's Counterterrorism Program.

- Development of an intelligence capability that can receive information on a timely basis, evaluate and exploit relevant information, and disseminate information appropriately.
- Development of a comprehensive training program for Special Agents, analysts, and management.
- Dramatic improvement in the capability to provide foreign language translators to important investigative operations.
- Improvement in interagency coordination and liaison, including personnel exchanges, shared access to relevant information, and enhanced participation in multi-jurisdictional and multi-organizational task forces.
- Improvement in the capability to provide comprehensive national program management.

Anticipated Outcome Measures: By developing maximum feasible capability at all five levels, the FBI will be able to achieve desired outcomes that will contribute to the identification, neutralization, and penetration of targeted terrorist organizations. The FBI's success in restraining all types of groups engaged in acts of terrorism will be measured by the ability to respond to terrorist threats before terrorist attacks occur. Also, all elements of crisis and consequence management at the Federal, state, and local levels throughout the country will have developed and implemented integrated terrorism response plans. The ultimate outcome measure will be the absence of major terrorist incidents as well as the FBI's ability to identify, locate, apprehend, and prosecute those responsible for terrorist acts when they do occur.

DECISION UNIT/PROGRAM: Counterterrorism
DOJ CORE FUNCTION 1: *Investigation and Prosecution of Criminal Offenses*
DOJ STRATEGIC GOAL 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens or institutions).
DOJ PERFORMANCE GOALS 1.3.1-1.3.3: Prevent, investigate, and prosecute terrorist acts and improve response capability to terrorist acts.

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TIER 1: National and Economic Security
STRATEGIC GOAL: Prevent, disrupt, and defeat terrorist operations before they occur.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total CT workyears	BFA	2,269	2,616	2,619	2,644	2,644
	2. Total CT budget authority ($000)		$254,031	$298,093	$298,664	$309,324	$327,939
Activities/ Outputs	Level One - Field Reactive						
	1. Number of Terrorist Investigations	MAR	9,046	†	10,151	†	†
	2. Terrorist Arrests	ISRAA	130	†	127	†	†
	3. Terrorist Convictions		130	†	103	†	†
	Level Two - Headquarters Reactive						
	1. Percentage of CT Executive level management who has received Crisis Management Training	CT Division	N/A	N/A	100%	100%	100%
	2. CT Training - Number of Classes		148	N/A	94	96	96
	3. CT Training - Number of Students		6,453	N/A	4,646	6,027	6,027
	Level Three - Headquarters/Field Proactive						
	1. Percentage of field offices whose IT program priorities reflect HQ's list of priority targets		N/A	N/A	72%	100%	100%

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			Performance Report			Performance Plans	
	Level Four - Interagency Reactive						
	1. Number of training sessions provided to targeted friendly foreign intelligence services		*	*	12	12	12
	2. FBI WMD Training - Number of Classes		5	N/A	1	1	1
	3. FBI WMD Training - Number of Students		200	N/A	250	250	250
	4. Percentage of Counterterrorism Security Group Partners who receive regular overview brief.		N/A	100%	100%	100%	100%
	Level Five - Interagency Proactive						
	1. Joint Terrorism Task Forces		18	26	25	25	25
	2. Percentage of target agencies at which the FBI maintains detailees		11%	11%	11%	11%	11%
	3. Percentage of target agencies who maintain detailees at FBIHQ		100%	100%	88%	100%	100%
Outcomes	Terrorist Incidents Prevented**	CT Division	12	N/A	5	***	***

A. *Data Validation and Verification:*

** In order to officially receive credit for terrorist act preventions, FBI Field Divisions must send an official memorandum to FBIHQ that describes the details of their major Counterterrorism investigations. An official "terrorist incident prevented" is a "documented instance in which a violent act by a known or suspected terrorist group or individual with the means and a proven propensity for violence is successfully interdicted through investigative activity." The Assistant Director of the Counterterrorism Division gives final approval to the classification of any Counterterrorism investigation as a prevention.

MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

CT Program - The CT Program collects and verifies data internally.

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			Performance Report	Performance Plans
B. FY 1999 Performance Report: † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.				
C. Issues Affecting Selection of FY 2000 and 2001 Plans For the FY 2001 summary performance plan, new indicators are included to better measure the development of maximum feasible capability in all five levels of the Counterterrorism Program's strategy. Including indicators that measure training, liaison, management, and readiness provides a more complete picture of the program's effectiveness.				
D. Additional Footnotes: **Definitions of Terms or Explanations for Indicators and Data Sources** * This is a recently developed measure and, therefore, does not have planned levels for 1998 and 1999. *** The # of terrorist acts prevented is not a projectable number as it is unknowable how many will be planned or attempted. However, it is the goal/intent of the program to prevent any terrorist attack from occurring against U.S. interests.				

- **<u>Tier One FBI Strategic Goal</u>: Deter the unlawful exploitation of emerging technologies by foreign powers, terrorists, and criminal elements.**

The rapid technological advancements of the information age have rendered crime fighting efforts increasingly complex and opened new avenues for global criminal activities. The increasing interconnectivity of our critical infrastructures through cyber and information systems has created new vulnerabilities as criminals, terrorists, and foreign intelligence services are learning to exploit the power of cyber tools and weapons. Enhancing U.S. national security through the prevention of debilitating infrastructure damage is one of the FBI's most compelling Tier One priorities. The National Infrastructure Protection and Computer Intrusion Program (NIPCIP) is currently utilizing a multifaceted approach to developing the capacity to detect, deter, prevent, assess, investigate, and respond to cyber attacks on the nation's infrastructures.

To combat cyber and physical threats/attacks, the NIPCIP will identify and rectify weaknesses in security and strengthen its intelligence base by maintaining a database of information concerning key assets within each field division and a mechanism for information sharing among the public and private sectors. The National Infrastructure Protection Center (NIPC) is working in conjunction with the FBI's Terrorism Program to employ a five level strategy to develop a maximum feasible capability to identify, neutralize, and penetrate terrorist organizations involved in cybercrimes from both a reactive and increasingly *proactive* field, headquarters, and interagency standpoint. The NIPC is also working with the National Foreign Intelligence Program on state-sponsored infrastructure threats, and with the Criminal Investigative Division on criminal threats to the infrastructure.

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Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities. More specifically, the high tech nature of the investigative work conducted by the National Infrastructure Protection Center requires specialized computer expertise and the recruitment of agent and support personnel with the appropriate technical, analytical, and intelligence skills for activities involved in the investigation of cyber threats and incidents targeting critical infrastructure components.

Information Technology: In its continuing effort to identify, prevent, deter, and defeat computer intrusions, then and Computer intrusions, the NIPCIP continually faces new challenges in accordance with advancements in information technology. To address these evolving challenges, the NIPCIP seeks to identify and rectify weaknesses in security and strengthen its intelligence base by further developing and maintaining its database of information concerning key assets within each field division and the mechanism for outreach and information sharing among the public and private sectors, InfraGard.

Operational Processes:

- Develop an expert computer intrusion capability in FBI Field Offices and Headquarters through recruitment of agents and analysts with specialized computer expertise.
- Provide training and continuing education in the methods and tools of computer incident investigations and infrastructure protection to FBI agents, analysts, and public and private sector partners.
- Enhance liaison with public and private sector stakeholders to ensure information flow to and from the NIPC through InfraGard and other contacts.
- Develop an indications and warning network for federal computer systems, in conjunction with other federal agencies.
- Collect information on "key assets" for Key Asset database and infrastructure risk assessments.
- Keep up-to-date on research and development (R&D) and provide state-of-the-art tools, technologies, and intellectual capital related to computer intrusions and infrastructure protection for FBI investigators and analysts.

Anticipated Outcome Measures: The FBI is currently in the process of developing indices to more adequately capture the nuances of complex investigative concepts such as capacity building and preparedness. These composite, weighted measures will give a more holistic view of the FBI's progress toward achieving its strategic goals by looking at a combination of relevant indicators which better capture the multifaceted nature of infrastructure protection.

Near-term success indices will measure the FBI's capacity to develop all necessary assets and capabilities (equipment, personnel, training, point of contacts, intelligence base) to support and initiate complex operations designed to disrupt or defeat threats to the critical infrastructures. Long-term success indices will measure the FBI's success in utilizing resources to identify and analyze threats, put safeguards in place, establish protection and prevention requirements, develop contingency plans to respond to attacks, and conduct exercises to test response plans. The ultimate outcome indices will measure the extent to which computer intrusion and infrastructure threats are prevented, disrupted, and defeated through early watch & warning capability and preventative measures.

DECISION UNIT/PROGRAM: National Infrastructure Protection and Computer Intrusion Program
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOALS 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens or institutions).
DOJ PERFORMANCE GOALS 1.3.4: Further capabilities to respond to cyber and physical threats to the Nation's critical infrastructure and 1.4.3 Further develop capacity to respond to cyber-attacks, computer thefts and intrusions affecting consumers, businesses, and government.

TIER 1: National and Economic Security
STRATEGIC GOAL: Deter the unlawful exploitation of emerging technologies by foreign powers, terrorists, and criminal elements.

Performance Indicator Information			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total NIPC workyears	BFA	35	80	71	94	94
	2. Total NIPC funding ($000)		$13,897	$29,057*	$16,082	$19,855	$20,396

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Type of Indicator	Performance Indicator	Data Source	Performance Report			Performance Plans	
			1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Activities/ Outputs	Level One- Field Reactive						
	1. Number of Computer Intrusion Investigations (Pending and Opened / Closed)	MAR/ACS	1,000/399	†	1,756/921	†	†
	2. Number of Infrastructure Protection Investigations (Pending and Opened / Closed)						
	Telecommunication		11/4	†	25/10	†	†
	Energy		9/5	†	10/5	†	†
	Oil, Gas Storage		4/1	†	9/3	†	†
	Banking and Finance		4/3	†	5/1	†	†
	Transportation		3/1	†	8/3	†	†
	Water		3/1	†	6/1	†	†
	Emergency Services		2/1	†	6/0	†	†
	Continuity of Government Operations		6/1	†	12/3	†	†
	Other Infrastructure Sectors		0/0	†	23/11	†	†
	3. Computer Intrusion Arrests and Locates	ISRAA	71	†	40	†	†
	4. Informations and Indictments		33	†	49	†	†
	5. Computer Intrusion Related Convictions		26	†	50	†	†
	6. Recoveries and Restitutions ($000)		N/A	N/A	$1,989	†	†
	7. Computer Intrusion Squads/Teams Trained and Equipped	NIPC	6	10	10	16	16

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Type of Indicator	Performance Indicator	Data Source	Performance Report			Performance Plans	
			1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
	Level Two- Headquarters Reactive						
	1. Percentage of NIPC Executive level management who have received Crisis Management Training	NIPC	N/A	100	100	100	100
	2. Computer Intrusion Training - Number of Training Classes Provided		15	20	20	40	40
	3. Computer Intrusion Training- Number of FBI Personnel Receiving Computer Intrusion Investigative Training)		153	204	204	450	500
	4. Crisis Action Teams Operated		N/A	6	6	6	6
	5. STAU Case Consultations		N/A	25	25	100	300
	6. STAU Deployments		N/A	14	14	30	50
	7. Number of Regional and National Training Conferences		N/A	3	3	4	4
	Level Three- Headquarters/ Field Proactive						
	1. Threat and Warning Notices Issued	NIPC	7	33	33	33	33
	2. Number of NIPCIP Management Regional Training Conferences for ASAC and Field Supervisors		N/A	1	1	1	2

Type of Indicator	Performance Indicator	Data Source	Performance Report 1998 Actuals	Performance Report 1999 Enacted Plan	Performance Report 1999 Actuals	Performance Plans 2000 Plan	Performance Plans 2001 Plan
	Level Four- Interagency Reactive						
	1. Key Assets Identified**	NIPC	400	2,745	2,745	3,000	3,200
	2. Interagency Training- Non FBI Personnel Receiving Computer Intrusion Training		N/A	45	45	150	200
	Level Five- Interagency Proactive						
	1. Number of other government agency detailees at NIPC	NIPC	N/A	40	28	40	40
	2. Number of Analytical Products Produced		N/A	120	123	130	150
Outcomes	NIPC Index***	NIPC	*Now in the Process of Development*				

A. Data Validation and Verification:

ISRAA - The data source for the number of arrests, locates, informations, indictments, convictions, recoveries, and restitutions is the Integrated Statistical Reporting and Analysis Application (ISRAA). The data is reliable as ISRAA is an on-line application where new accomplishments are continuously entered into the system from Special Agents' FD 515 forms after being reviewed and approved by an FBI field manager. The data is also subsequently verified through the FBI Inspection process.

Key Assets - Key Assets are an organization, group of organizations, system, or group of systems, or physical plant of which the loss would have widespread and dire economic or social impact on a national, regional, or local basis. The data source for the number of key assets identified is the NIPC's Key Asset database. As each Key Asset is identified, it is entered into this database from which maps are created that help determine any overlapping or secondary Key Assets that are linked. The mapping process helps to verify that an "asset" is a critical Key Asset and any others that have not been identified. This results in a continual process of validating the information. Although the numbers provided are cumulative, the delta between any two years may not be a true indicator of activity given that as new assets are identified other assets may no longer meet the Key Asset criteria and are removed from the database.

MAR/ACS - The data source for the number of computer intrusion investigations (cases pending/opened & closed) is the Monthly Administrative Report/ Automated Case Support (MAR/ACS) system.

The data source for the computer intrusion training measures is the NIPC program's internal training database.

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			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
B. FY 1999 Performance Report:							
C. Issues Affecting Selection of FY 2000 and 2001 Plans † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.							
D. Additional Footnotes: **Definitions of Terms or Explanations for Indicators and Data Sources:** * The 1999 plan included $10 million from the AG CT fund and $4.25 million from the Working Capital Fund. ** The growth in the number of Key Assets, from 400 at the conclusion of FY 1998 to a projection of 2,745 at the end of FY 1999, was the result of the NIPC's modification of the criteria used by the field offices to identify and report Key Assets. Prior to this modification only Key Assets of national significance were reported. The new guidance also allows for the identification and reporting of Key Assets that are significant on a state and regional level, as well as the identification and characterization of true interdependencies between Key Assets, which is certain to cause the number of national-level Key Assets to fluctuate. *** The FBI is presently working to develop NIPC performance indices to gauge the Bureau's overall capacity to use its assets and resources in support of operations to disrupt and defeat critical infrastructure threats. The performance indices are intended to increase the validity of the NIPC measures through incorporation of multiple indicators to demonstrate progress towards the program's ultimate protection and prevention outcomes and assignment of weights to reflect the level of severity of indicators such as intrusions, key assets, and threat and warning notifications. **STAU**- Special Technologies Applications Unit. Previous data reflected the number of Computer Emergency Support Team Consultations and Deployments. A reorganization of the NIPC resulted in these functions being reassigned to the STAU. **ASAC**- Assistant Special Agents in Charge. **Analytical Products Produced** - This indicator reflects the number of analytical articles produced by the Analysis and Information Sharing Unit in publications that include the Infrastructure Protection Digest (quarterly), Cybernotes (biweekly), and Critical Infrastructure Developments (biweekly). Previous data reflected the quantitative measure of the types of products distributed. N/A- Not Available							

VIII. Tier One FBI Strategic Goal: Create an effective and ongoing deterrent designed to prevent criminal conspiracies from defrauding major U.S. industries and the U.S. Government.

Private industry in the U.S. controls trillions of dollars in assets, an inviting target for criminal schemes ranging from technological attacks on a corporation's intellectual property to more traditional attempts to defraud. If major U.S. industries were to collapse because of massive and widespread fraud, the resulting economic chaos could threaten the economic stability of the U.S. and world financial markets. The primary challenge facing the FBI in this area is to create and maintain a strong deterrent capability that will

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prevent criminal organizations from defrauding, and thereby weakening U.S. industries. To prevent significant levels of fraud, the FBI must be able to identify emerging trends and industry vulnerabilities and enlist the cooperation of the private sector.
The number of frauds committed each year far exceeds the FBI's capacity to investigate each individually. Accordingly, the FBI will concentrate on the most significant crime problems, leveraging limited resources through cooperative efforts with affected industries and other law enforcement agencies, and implementing a preventive strategy that will rely heavily on improved intelligence, rather than investigating frauds once they have occurred.

The FBI uses three criteria to designate certain white-collar crime problems as priorities:

a) *Significance of the Threat* -- The potential threat to society from fraud in an industry will be assessed by taking into account the size of the market or business sector affected, the importance of the industry to society, and the estimated amount of economic loss in the industry due to fraud.
b) *Level of Risk* -- This factor takes into account the risk that the above threat will actually be realized. Although the threat posed by fraud may be potentially disastrous, FBI program managers must consider how immediate the threat is to a particular industry absent an FBI response.
c) *FBI Jurisdiction* -- The FBI is not the only agency with responsibilities in combating fraud. In fact, the FBI shares concurrent jurisdiction with other Federal agencies in several white collar crime (WCC) areas. However, many of those agencies are very small or lack the expertise to work cases in which the fraud is massive, complex, or requires a long-term commitment or the utilization of sophisticated investigative techniques. In these instances, the FBI must give a higher priority to a response to properly address the investigation.

Given the above criteria and applying them to currently available empirical data and anecdotal information, the FBI has identified and classified the following three types of fraud as top-ranked national priorities: Health Care Fraud, Financial Institution Fraud, and Government Fraud. The FBI's WCC program has also designated Public Corruption as a priority area, but this is referenced under Strategic Goal #7.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: Technology affects the Department not only as the object of crime, but also when criminals use high-tech tools to commit crimes. Presently, the FBI's White Collar Crime program is pursuing funding for the enhancement of the White Collar Crime Case Management System. This system will greatly enhance capabilities to track and monitor crime trends, as well as

coordinate response and efficiently allocate resources.

Operational Processes:

- Substantially reduce the duration of traditionally long term complex loan fraud investigations.
- Prevent the anticipated increase in Cyberbanking and computer facilitated fraud and abuse against financial institutions.
- Successful investigation of "large scale" national health care providers who engage in fraud.
- Identification of fraudulent billing patterns within the health care provider categories most susceptible to fraud.
- Ability to collect and review data of Health Care expenditure for indications of fraud.
- Implementation of HCF Task Forces in divisions where HCF is a priority crime problem.

Anticipated Outcome Measures: The FBI is shifting its WCC strategy away from the reactive "pay and chase" mode where criminals are pursued after rampant fraud has been detected and is concentrating on proactive actions such as data analysis of trends in priority crime problem areas. A good example of this is in Health Care Fraud: health care billings offer data that can be analyzed for trends that are an early indicator of potential fraud and abuse. This approach will lead to high-impact investigations of nation-wide schemes to undermine the Nation's health care system, such as systemic abuse from large scale medical corporations. Industries and markets that have been defined as endangered by egregious fraud will be monitored for reductions in the economic loss and frequency of fraud as a result of the intervention of targeted FBI programs.

DECISION UNIT/PROGRAM: White-Collar Crime **DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses** **DOJ STRATEGIC GOALS: 1.4 - Reduce white-collar crime, including public corruption and fraud; 3.2 - safeguard America's environment and natural resources; & 3.3 - promote competition in the U.S. economy through enforcement of, improvements to, and education about antitrust laws and principles.** **DOJ PERFORMANCE GOALS: 1.4.2 - Health Care Fraud; 1.4.4 - Financial Institutions, Telemarketing, and Other Fraud; 3.2.1 - Enforcement of Natural Resource Laws; 3.3.1 - Promotion of Competition**
TIER 1: National and Economic Security **STRATEGIC GOAL: Create an effective and ongoing deterrent designed to prevent criminal conspiracies from defrauding major U.S. industries and the U.S. Government.**

Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total direct workyears	BFA/	4,247	4,107	4,048	4,159	4,163
	2. Total direct budget authority ($000)#	TURK	$408,073	$431,167	$424,242	$450,866	$479,141
	3. Total reimbursable workyears		533	610	610	689	753
	4. Total reimbursable budget authority ($000)		$56,000	$66,000	$66,000	$76,000	$88,000
Output/ Activities	1. Arrests and Locates	ISRAA	3,843	†	3,932	†	†
	2. Informations and Indictments		6,961	†	7,279	†	†
	3. Convictions and Pre-trial Diversions		6,634	†	6,980	†	†
	4. Recoveries and Restitutions ($000)		$3,174,059	†	$3,789,563	†	†
	5. Fines ($000)		$488,210	†	$633,844	†	†
	6. Percent of FIF cases that fall below fed. prosecutorial guidelines. *	CCA	14%	14%	16%	16%	16%
Intermediate Outcomes	Successful Investigation or Elimination of Nationwide Fraud Schemes	N/A	The FBI is in the process of developing its reporting systems to allow tracking of these types of performance data.				
End Outcomes	1. Economic loss to financial institutions due to fraud in targeted field divisions ($000)	SAR					
	Check Fraud		$167,868	$245,629	$212,478	$245,629**	$245,629**
	Counterfeit Check Fraud		$ 85,008	$ 99,054	$103,668	$ 99,054**	$ 99,054**
	Mortgage Loan Fraud		$ 24,893	$ 21,057	$40,920	$ 21,057**	$ 21,057**
	Commercial Loan Fraud		$ 58,166	$190,999	$544,337	$190,999**	$190,999**
	Consumer Loan Fraud		$ 15,688	$ 21,767	$22,544	$ 21,767**	$ 21,767**

			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
	2. Change in Medicare expenditures relating to clinical lab tests, and ambulance services targeted by FBI investigations since 1997. (1997 baseline = $3.859 billion)	HCFA	$2.533 billion *Claims processed through 6/30/98*	$3.47 billion	$1.369 billion *Claims processed through 6/30/99*	$3.2 billion	$3.09 billion
	3. Change in expenditures relating to Home Health Agencies in FBI targeted states. (1997 baseline = $4.512 billion)		$2.611 billion *Claims processed through 12/99****	$4.06 billion	$.547 billion *Claims processed through 6/30/99*	$3.84 billion	$3.61 billion

A. Data Validation and Verification:
SAR - The Suspicious Activity Report (SAR) data used for these measures are provided to the Financial Crimes Enforcement Network (FinCEN) by financial institutions that suspect illicit activity in 18 different categories of fraud. Data in earlier performance plans were supplied by FBI FD-467 reports. Since the protocols for collection of FD-467 data have been revised for FY 1999, this data would be incompatible with both previous FD-467 data and current SAR data. In future performance reports, the FBI will rely upon FD-467 data dating back to FY 1999. These data are year-to-date as of 5/31/99. Field Divisions targeted for check and counterfeit check fraud are: Atlanta, Boston, Charlotte, Chicago, Cleveland, Dallas, Denver, Detroit, Las Vegas, Los Angeles, Newark, New York, Philadelphia, Phoenix, San Diego, San Francisco, and Seattle. Field Divisions targeted for mortgage loan fraud are: Atlanta, Los Angeles, Newark, New York, San Diego, and San Francisco. Field Divisions targeted for commercial and consumer loan fraud are: Atlanta, Boston, Charlotte, Chicago, Dallas, Los Angeles, New York, and Seattle.

The Department's data source for the Health Care Fraud performance goal reflect Health Care Financial Administration (HCFA) fraud targets. The Medicare costs measurements for this performance goal include payments for all clinical lab tests and ambulance services billed to Medicare during the reported period. A new DOJ indicator being measured for FY 2001, Home Health Agencies fraud costs reflect three targeted states: Florida, Texas, and Louisiana. Validation and verification of the data takes place primarily at its collection point, HCFA. The FBI reviews the data received from HCFA for consistency and reliability. Since data from HCFA is provided on a calender year, billings can be received up to one year after services. Therefore, complete FY 1999 data will not be available until CY 2001. Changes in the Medicare payment system affecting an identifiable area due to legislative or regulatory action (e.g., implementation of a prospective payment system) would invalidate any comparison to data for previous years.

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Type of Indicator	Performance Indicator	Data Source	Performance Report 1998 Actuals	Performance Report 1999 Enacted Plan	Performance Report 1999 Actuals	Performance Plans 2000 Plan	Performance Plans 2001 Plan
B. FY 1999 Performance Report: ** The Financial Institution Fraud (FIF) program anticipates that FIF will be getting worse in the coming years, due to advances in technology and increased activity of criminal groups conducting negotiable instrument fraud and loan fraud. The program is currently reviewing how to strategically approach the problem. *** HCFA believes that Home Health Agencies have under-reported during the first half of 1998. 1) The Financial Institution Fraud (FIF) program anticipates that financial fraud will be getting worse in the coming years, due to advances in technology and increased activity of criminal groups conducting negotiable instrument fraud and loan fraud. The program is constantly rethinking its strategy to address the problem.							
C. Issues Affecting Selection of FY 2000 and 2001 Plans FBI is constantly directing its attentions to new targets in health care fraud investigations, and the current performance report reflects an updated list of HCF fraud targets. The FBI has recently increased its attention to fraud in Home Health Agencies. The above data reflects three targeted states Florida, Texas, and Louisiana. The Durable Medical Equipment (DME) previously reported in FY 2000 will only achieve further reductions through regulatory enforcement, so these items have been dropped from the data list for the FBI performance indicators.							
D. Additional Footnotes: **Definitions of Terms or Explanations for Indicators and Data Sources** † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types. # These numbers do not include Legat. * The following FBI Field Divisions have formal and informal (i.e., unfunded) FIF task forces who engage local prosecutors in working FIF cases that fall below Federal prosecutorial guidelines: Atlanta, Boston, Buffalo, Chicago, Cleveland, Dallas, Denver, Houston, Jacksonville, Las Vegas, Newark, New Haven, New York, Oklahoma City, Omaha, Philadelphia, Phoenix, Sacramento, San Francisco, Seattle, Tampa, & Washington DC. 1. The above HCF measures include billings for all clinical lab tests and all ambulance services billed to Medicare during the reporting period. The FBI, working in conjunction with other agencies such as the Office of the Inspector General for the Dept. of Health and Human Services(OIG-HHS), found that fraudulent billings of these services were rampant across the country. Since data from HCFA is provided on a Calendar Year (CY), billings can be received up to one year after service. Therefore, complete FY 1998 data will not be available until CY 2000 and complete FY 1999 data will not be available for sometime. 2. The Health Insurance Portability and Accountability Act of 1996 (HIPAA), mandated the establishment of a Health Care Fraud and Abuse Control Program. The HIPAA will provide funding for the FBI in the amount of $88,000,000 in 2001, an increase of $12,000,000 over 2000.							

Highlights of Tier One FY 1999 Performance:

- David Sheldon Boone, a retired Army Sergeant, was arrested by the FBI on October 10, 1998, and charged with three counts of violating Title 18, United States Code (USC) Section 794, espionage. On December 18, 1998, he pled guilty and was sentenced to 24 years and three months. Boone worked as an agent of the KGB from 1988 to 1991, while employed as a signals intelligence

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analyst employed with the National Security Agency at Ft. Meade, Maryland, and Augsburg, Germany.

- Theresa Marie Squillacote, Kurt Alan Stand, and James Michael Clark were convicted on four counts of violating U.S. criminal espionage statutes following a two week trial.
- On July 13, 1999, Hsu Kai-Lo pled guilty to the attempted theft of trade secrets. Specifically, Mr. Kai-Lo attempted to covertly purchase a patented, cutting-edge formula for the anti-cancer drug Taxol on behalf of the Yuen Foong Paper Company. Taxol is an ovarian cancer drug treatment which is the proprietary economic information of the Bristol-Myers Squibb Company and generates annual sales of approximately $1 billion per year. Mr. Kai-Lo was sentenced to 22 months and a $10,000 fine. The Yuen Foong Paper Company has agreed to pay the U.S. Government $300,000 in a civil settlement.
- Seventeen individuals have been indicted in connection with the bombings of U.S. Embassies Kenya and Tanzania. As of 11/1999, nine of those individuals are in custody in the United States and London. Khalfan Khamis Mohammed, who was indicted in connection with the bombing of the U.S. Embassy in Dar es Salaam, Tanzania, was captured in Cape Town, South Africa, and rendered to the United States during November 1999.
- On April 14, 1999, Aryan Nations member Kale Todd Kelly was arrested by the FBI's Cincinnati field office and charged with firearms violations. On May 7, 1999, Mr. Kelly, a previously convicted felon, pled guilty to these violations.
- In October 1998, several individuals who identified themselves as members of "The New Order" were sentenced after having been charged with conspiracy and/or illegal weapons charges. The men were conspiring to commit terrorist violence against several prominent targets.
- During 1999, several members of the North American Militia, which is based in Michigan, were convicted of weapons violations and other criminal charges relating to their plot to bomb federal buildings, destroy major road intersections, and kill federal agents and suspected informants.
- Within hours of learning about the Melissa Macro Virus, the NIPC coordinated with key cyber response components of DOD and the Computer Emergency Response Team at Carnegie-Mellon University. Warning messages were sent to federal agencies, state and local law enforcement, FBI field offices, and the private sector. As the virus became more widespread, the FBI undertook the unusual step of issuing a public warning on the NIPC's website. These steps helped mitigate the damage by alerting computer users of the virus and of protective steps they could take to prevent being infected by it. Information provided to the New Jersey State Police from America Online, and their follow-up investigation with the FBI's Newark Field Office, led to the arrest of David L. Smith on April 1, 1999. On December 9, 1999, Mr. Smith plead guilty to one count of Title 18, U.S.C., Section 1030. Mr. Smith stipulated to affecting one million computer systems, causing $80 million in damage. Mr. Smith is awaiting sentencing.
- In September 1999, two members of a group dubbed the "Phonemasters" were sentenced after their conviction for theft and possession of unauthorized access devices and unauthorized access to a federal interest computer. The "Phonemasters" are an

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international group of criminals who penetrated the computer systems of MCI, Sprint, AT&T, Equifax, and the FBI's National Crime Information Center.

- In FY 1999, the FBI's Health Care Fraud program completed the Columbia/HCA investigation, resulting in the conviction of two former executives and a pretrial diversion agreement with another defendant.

Tier Two: Criminal Enterprises and Public Integrity

Tier Two efforts support the following Department of Justice Strategic Goals:

- Reduce violent crime, including organized crime and drug and gang-related violence.
- Reduce white-collar crime, including public corruption and fraud.
- Protect the civil rights of all Americans.

- **Tier Two FBI Strategic Goal: Identify, disrupt, and dismantle existing and emerging organized criminal enterprises whose activities affect the U.S.**

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Profound changes in the world over the past five years have directly impacted the FBI's ability to address problems associated with Organized Crime (OC). These changes include: passage of the North American Free Trade Agreement (NAFTA); the fall of Communism and the breakup of the Soviet Union; the increased possibility for corruption in emerging nation states; the development and growth of the Internet and worldwide communications, including the use of global electronic banking; the availability and ease of international transportation; the increase in revenues associated with illegal drugs; and the availability of nuclear, chemical and biological weapons of mass destruction. These factors have contributed to the growth and complexity of domestic and international organized crime and have severely strained current resource levels.

OCEs by their nature bring a extensive network of resources to bear which cannot be matched by law enforcement agencies. OCE's are generally entrenched in the community and use fear, intimidation, and violence to deter citizens from freely cooperating with authorities. Also, they are structured to ensure that their leadership is far removed from direct criminal activity, making it very difficult to link overt crimes to the leaders of the organization.

This requires the FBI to develop strategies targeted primarily at the disrupting and dismantling the entire criminal organization,

resulting in the imposition of lengthy prison terms and the seizure of the organization's illicit assets. The FBI distinguishes OCEs, not primarily involved in drug trafficking, in the following three distinct groups: 1) traditional, well-entrenched organizations such as the La Cosa Nostra and Italian Organized Crime; 2) structured Russian and Eastern European organizations that have emerged since the fall of the Soviet Union; and 3) Asian Criminal Organizations.

The FBI has three objectives in addressing existing and emerging organized crime: (1) to eliminate existing organized criminal enterprises, as a significant crime factor; (2) to prevent new organized crime groups from establishing a national infrastructure; and (3) to significantly reduce the number of violent, multi-jurisdictional gangs.

The FBI employs two law enforcement techniques to disrupt and dismantle the OCE: the criminal enterprise theory of investigation and the application of intelligence. Success depends on improving organized crime intelligence through the collection, storage, retrieval and most importantly the analysis and dissemination stages. This requires the consistent application of the criminal enterprise theory and better training with special emphasis on informant development and the use of intelligence and electronic surveillance.

<u>La Cosa Nostra</u>

While the "traditional" LCN has suffered significant setbacks due FBI investigative efforts, the new LCN is re-inventing itself into a criminal organization that is utilizing technology and new schemes to re-emerge as a critical criminal factor. This diversification into a "new business line" has fueled the LCN's efforts to coordinate with other newly forming groups.

To dismantle traditional organized crime groups such as the LCN, the FBI must make a sustained commitment against all the families in the criminal enterprise. Without such an effort, progress against one family will only be mitigated by the expansion of another. The emerging organized crime groups are typically more complex and fluid than the LCN because they are usually based outside the United States and can quickly change their operations to avoid law enforcement detection.

Skills: The Department requires the skills agents, attorneys, analysts, and linguists. Linguists are also critical to supporting criminal and national security investigations and intelligence success.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and foremost trends, effect an appropriate response to emerging issues, and assess operational effectiveness.

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Operational Processes:

- Significantly reduce, by 25 percent, LCN influence in organized labor unions and specific industries. These targeted LCN - influenced unions are the ILA, LIUNA, Teamsters, and HEREIU. The targeted LCN - influenced industries are Carting, Construction, Convention Centers, Gaming, Garment and Maritime industries.
- Significantly reduce, by 25 percent, the leadership, national influence, and active membership of the Genovese and Gambino LCN Families.
- Reduce the active membership of all LCN families nationwide by at least 25 percent.
- Allocate manpower resources commensurate with the identified LCN crime problem and continually assess resource needs to reallocate as necessary.

Anticipated Outcome Measures: Long-term indicators of success include the measures of the extent to which traditional organized crime groups have been dismantled and the degree to which free competition has been restored in industries traditionally dominated by the LCN. Performance measures in the area of emerging organized crime include indicators of disruption and dismantlement, as well as estimates of changes in the amount of criminal activity engaged in by these groups in the U.S..

DECISION UNIT/PROGRAM: Organized Criminal Enterprises/La Cosa Nostra **DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses** **DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.** **DOJ PERFORMANCE GOALS 1.1.1 and 1.1.2: Work to restore open and free economic competition in industries influenced by organized crime and identify, disrupt, and dismantle emerging organized criminal enterprises.**
TIER 2: Criminal Enterprises and Public Integrity **STRATEGIC GOAL: Identify, disrupt, and dismantle existing and emerging organized criminal enterprises whose activities affect the U.S.**

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS

			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Enacted Actuals	2000 Plan	2001 Plan
Inputs	1. Total Field workyears ††	BFPU	3,442	N/A	3,660	3,660	3,660
	2. Total Field Budget Authority ($000) #		$334,022	$361,320	350,922	$456,697	$476,519
Output/ Activity	1. Number of Genovese and Gambino Family members:	Operation Button					
	indicted	Down	45	†	20*	†	†
	convicted	Annual	3	†	24*	†	†
	2. Number of other LCN capos, consiglieres, underbosses, and bosses:**	Report & ISRAA					
	indicted		30	†	21*	†	†
	convicted		9	†	22*	†	†
	3. Number of LCN member and associates convicted in labor racketeering investigations (HEREIU, IBT, ILA & LIUNA)***		25	†	61	†	†
	4. Number of Genovese and Gambino Family associates:						
	indicted		45	†	13	†	†
	convicted		24	†	10	†	†
	5. Number of other LCN associated:						
	indicted		92	†	111	†	†
	convicted		111	†	74	†	†
Outcomes	1. Number of LCN members incarcerated	ISRAA BOP &	208	205	193	200	255
	2. Percent of LCN members incarcerated	REI's	19.18%	19.12%	18.37%	22%	25%

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A. Data Validation and Verification:
ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

Operation Button Down Annual Report - This annual report serves as the primary mechanism whereby LCN, labor racketeering, and related union and industry statistical accomplishments are collected.

B. FY 1999 Performance Report:

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

D. Additional Footnotes:
Definitions of Terms or Explanation for Indicators and Data Sources
†† Figures do not include Legat Workyears and include the direct portion of OCDE resources utilized. Outyear projections for the direct portion of OCDE are flat-lined.
# For the "Actuals" column, the numbers and amounts include both the OCE direct funded field program activity and the OCDE overburn within the FBI's direct appropriations. For the "Plan" columns, the numbers and amounts include only the OCE direct funded field program activity.
* Due to a new reporting mechanism within the LCN Program, indictments and convictions of "made members" can now be tracked separately.
** This number is separate and apart from Genovese and Gambino family members indicted and convicted.
*** Through its monitorship of suspected LCN influenced labor unions, the FBI's LCN program currently makes a subjective determination of the degree of LCN influence within these unions. This monitoring consists of a trustee relationship between the FBI and targeted labor unions that facilitates the identification and expeditious removal of LCN influenced union members. The LCN program is in the process of establishing a formal data collection mechanism for readily obtaining these data. The Court ordered monitorship of the Hotel Employees and Restaurant Employees International Union (HEREIU) was initiated on 09/05/1995 and concluded on 08/25/1998. Eight removal actions are pending.

Eurasian Criminal Enterprises

Eurasian Criminal Enterprise (ECE) groups are becoming increasingly more sophisticated in their domestic U.S. and worldwide criminal operations. This has become especially apparent in their international money laundering and bank fraud activity. ECE groups have purchased controlling interests in banks and other financial institutions and have skillfully utilized these assets to hide or transfer the proceeds of their various criminal enterprises. In addition, ECE groups are acquiring state-of-the-art communication encryption capabilities to safeguard their communications network. These factors, combined with their characteristic transnational mobility, have enabled ECE groups to expand and diversify their criminal enterprises at a pace which exceeds that of traditional LCN groups. As such, FBI strategy must rely upon an integrative investigative approach which utilizes the entire range of investigative techniques and programs that are presently available.

Criminals from the former Soviet Union, as well as from other Eurasian countries, have established a large presence in the New York/New Jersey/Pennsylvania region and engage in a wide variety of crimes that range from sophisticated frauds to narcotics trafficking to murder. Evidence also shows that members of disparate domestic Russian-emigre crime groups have the potential to develop into one of the most formidable organized crime challenges to law enforcement since the advent of La Cosa Nostra. These groups are also active in Miami, Chicago, Los Angeles, and San Francisco.

ECE groups represent a significant criminal force internationally. Through a network of world-wide criminal enterprises, headquartered in the Russian Federation, they have amassed great wealth, political influence, and economic power. Closely allied with corrupt interests within Russia, these groups exert a high degree of influence over that nation's emerging financial and market structures. They are flexible, mobile and expansionist and have sought to establish themselves in various countries around the world, including the United States. However, unlike their criminal counterparts in the La Cosa Nostra, they have yet to establish a firm foothold here. This is due to a combination of factors including the early and effective intervention of U.S. law enforcement and the failure of other countries to recognize the threat, thus making their countries more attractive to these groups.

The threat posed by ECE organized crime groups was recognized by the FBI which, early on, adopted a multi-agency and international investigative approach to this problem. This has enabled the FBI to mount several successful investigations which interrupted attempts by several ECE groups to organize criminal activity on a large scale within the U.S. In addition, the FBI has taken a leading role in assisting and training foreign law enforcement, including former Soviet Union law enforcement agencies, in sophisticated strategies and techniques necessary to combat modern organized crime.

Addressing the threat posed by ECEs requires the FBI to follow a dual strategy. In the near term, efforts will be concentrated on addressing identified criminal enterprises that have the potential to engage in complex criminal conspiracies and, inflict substantial harm to American economic interests. By being vigilant, major ECE organizations will have less incentive to engage in criminal activity in the United States. Simultaneously, the FBI strategy must focus long term efforts to assist vulnerable foreign governments in building their own capacity to prevent the success of criminal organizations. This strategy will gradually, but significantly, reduce the number of countries within which ECEs can freely operate. This effort, critical to strengthening new democracies, places a priority on foreign liaison, Legal Attaches, intelligence and training.

Skills: The Department requires the skills agents, attorneys, analysts, and linguists. Linguists are also critical to supporting criminal and national security investigations and intelligence success.

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Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and foremost trends, effect an appropriate response to emerging issues, and assess operational effectiveness.

Operational Processes:

- Identify the three most significant R/EE/ECEs in the United States or whose operations in foreign countries pose a significant criminal threat to the American public.
- Enhance the overall capacity to develop intelligence and conduct investigative operations targeting the identified R/EE/ECEs.
- Develop increased liaison with foreign law enforcement agencies.
- Enhance the overall intelligence base on R/EE/ECEs including the number of criminal informants/cooperating witnesses and ET Sources reporting on R/EE/ECE matters.

Anticipated Outcome Measures: By the year 2003, the FBI will have significantly disrupted ECE operations in the United States and, through liaison and cooperation, will have disrupted ECE criminal operations in foreign countries in order to sufficiently impede their ability to establish operations in the United States.

DECISION UNIT/PROGRAM: Organized Criminal Enterprises/Eurasian Criminal Enterprises
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.
DOJ PERFORMANCE GOALS 1.1.1 and 1.1.2: Work to restore open and free economic competition in industries influenced by organized crime and identify, disrupt, and dismantle emerging organized criminal enterprises.

TIER 1: Criminal Enterprises and Public Integrity
FBI STRATEGIC GOAL: Identify, prevent, and disrupt existing and emerging organized criminal enterprises whose activities affect the United States.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actual	2000 Plan	2001 Plan
Inputs	1. Total Field workyears ††	BFPU	3,442	N/A	3,660	3,660	3,660
	2. Total Field Budget Authority ($000) #		$334,022	$361,320	350,922	$456,697	$476,519

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			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actual	2000 Plan	2001 Plan
Activities/ Outputs	1. Number of arrests/locates	ISRAA	63	†	86	†	†
	2. Number of indictments/informations		43	†	66	†	†
	3. Number of convictions/PTDs		31	†	42	†	†
	4. Value of assets seized ($000)		24	†	24,018	†	†
Outcome	Number of Eurasian Criminal Enterprises.*	ISRAA					
	Disrupted		N/A	N/A	5	TBD**	TBD**
	Dismantled		N/A	N/A	3	TBD**	TBD**

A. Data Validation and Verification:
ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

* The FBI is in the process of enhancing the statistical data collection methods to capture the number of enterprises identified, disrupted or dismantled.
** The FBI is analyzing Field Office responses from the 1999 Annual Field Office Report in order to ascertain a projection for 2000 and 2001 OCE disruptions and dismantlements.

B. FY 1999 Performance Report:

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

D. Additional Footnotes:
Definitions of Terms or Explanations for Indicators and Data Sources
†† Figures do not include Legat Workyears and include the direct portion of OCDE resources utilized. Outyear projections for the direct portion of OCDE are flat-lined.
# For the "Actuals" column, the numbers and amounts include both the OCE direct funded field program activity and the OCDE overburn within the FBI's direct appropriations.

Asian Criminal Enterprises

The ACE problem clearly poses a threat to the public safety. Traditional ACEs, such as the Chinese Triads and Japanese Boryokudan,

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have hundreds of thousands of members worldwide and financial resources equal to some small countries. ACEs will continue to pursue profitable criminal activity, including financial crimes, public corruption and narcotics trafficking, wherever and whenever the opportunity exists. A different but equally alarming threat exists from emerging non-traditional ACEs, such as the violent gangs active in our ethnic Asian emigre communities (i.e. Vietnamese, Laotian, Cambodian, Thai, etc.)

ACEs have a propensity for violence and are fluid and a highly mobile in nature. These factors coupled with language and cultural barriers render local law enforcement officials efforts generally ineffective in addressing the ACE threat. Moreover, their criminal diversity, including robbery, extortion, sophisticated fraud schemes, home invasions, and drug trafficking. The transience of ACE members, and the inability to fully overcome language and cultural impediments have made the identification of the ACE members and criminal extensiveness difficult to discern.

Near term investigative efforts will concentrate on identifying the most significant groups, their leadership, full scope and territory of their criminal activity. A near term effort will also be to focus on building confidence in the Asian-American community by establishing permanent presence, using agents that share language and cultural affinity, and successfully prosecuting violent offenders.

Skills: The Department requires the skills agents, attorneys, analysts, and linguists. Linguists are also critical to supporting criminal and national security investigations and intelligence success.

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Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and foremost trends, effect an appropriate response to emerging issues, and assess operational effectiveness.

Operational Processes:

- Identify the 12 most significant ACEs to be targeted on a national and international level.
- Coordinate priority ACE investigative matters on a national and international law enforcement level and ensure that field offices with identified links to priority cases are focused on those matters.
- Enhance working relationships with state, local and foreign law enforcement agencies in targeting the most significant ACEs.
- Seek to enhance cooperation in the Asian-American communities, to ensure the effective targeting and investigation of significant ACEs

Anticipated Outcome Measures: By the year 2003, the FBI will dismantle a significant number of ACEs operating in the United States

and, through liaison and cooperation, will contribute intelligence aimed at disrupting ACE operations in foreign countries, leading to slow the growth of ACEs in the Unites States.

DECISION UNIT/PROGRAM: Organized Criminal Enterprises/Asian Criminal Enterprises
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.
DOJ PERFORMANCE GOALS 1.1.1 and 1.1.2: Work to restore open and free economic competition in industries influenced by organized crime and identify, disrupt, and dismantle emerging organized criminal enterprises.

TIER 2: Criminal Enterprises and Public Integrity
FBI STRATEGIC GOAL: Identify, prevent, and disrupt existing and emerging organized criminal enterprises whose activities affect the United States.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actual	2000 Plan	2001 Plan
Inputs	1. Total Field workyears ††	BFPU	3,442	N/A	3,660	3,660	3,660
	2. Total Field Budget Authority ($000) #		$334,022	$361,320	350,922	$456,697	$476,519
Activities/ outputs	1. Number of arrests/locates	ISRAA	345	†	400	†	†
	2. Number of indictments/informations		292	†	280	†	†
	3. Number of convictions/PTDs		198	†	271	†	†
	4. Value of assets seized ($000)		3,559	†	12,447	†	†
Outcome	Number of Asian Criminal Enterprises.*	ISRAA					
	Disrupted		N/A	N/A	14	TBD**	TBD**
	Dismantled		N/A	N/A	4	TBD**	TBD**

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A. Data Validation and Verification: ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. * The FBI is in the process of enhancing the statistical data collection methods to capture the number of enterprises identified, disrupted or dismantled. ** The FBI is analyzing Field Office responses from the 1999 Annual Field Office Report in order to ascertain a projection for 2000 and 2001 OCE disruptions and dismantlements.
B. FY 1999 Performance Report:
C. Issues Affecting Selection of FY 2000 and 2001 Plans: † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.
D. Additional Footnotes: **Definitions of Terms or Explanations for Indicators and Data Sources** †† Figures do not include Legat Workyears and include the direct portion of OCDE resources utilized. Outyear projections for the direct portion of OCDE are flat-lined. # For the "Actuals" column, the numbers and amounts include both the OCE direct funded field program activity, and the OCDE overburn within the FBI's direct appropriations.

- **<u>Tier Two FBI Strategic Goal</u>: Identify, disrupt, and dismantle existing and emerging organized criminal enterprises whose activities affect the U.S.**

The National Drug Intelligence Center Gang Symposium reports that gang members migrate from large to smaller cities and communities for a variety of reasons, to include the relocation of families; avoidance of apprehension and prosecution; avoidance of retribution from rival street gang members; and establishment of new criminal markets. The emerging gangs are comprised of older, more experienced, and hardened criminals that have formed networks with counterparts across the nation. These gangs are more violent than their predecessors and their criminal activity is far more sophisticated, targeted in specific business sectors, and far better coordinated among one another. The emergence of these violent gangs, the resources at their disposal, and the extent to which the activity lies in their multi-state, multi-jurisdictional capacity are beginning to outstrip the ability of the state, local, and federal law enforcement efforts that are organized along state and local lines. The increase in gang activity, including migration into previously gang-free communities, has resulted in an increase in violent crime and drug trafficking. Left unchanged, gang crime can destabilize urban, suburban and rural communities, adversely impacting the quality of life and is a significant threat to the integrity of American society.

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The FBI, in conjunction with other affected federal, state and local law enforcement agencies, consider major domestic violent street gang/drug enterprises as significant threats to the integrity of American society that must be addressed through sustained, multi-divisional and/or multi- jurisdictional, coordinated investigations that support successful prosecution. These enterprises are identified in the FBI's National Gang Strategy which consists of seven national target groups which are, the Bloods (Pirus), Crips, Folk Nation, People Nation, Prison Gangs, Domestic Violence Gangs, and the Outlaw Motorcycle Gangs (OMG). Eliminating violent gangs in the U.S. requires unprecedented coordination among Federal, state and local law enforcement.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- FBI program managers must select 30 of the most significant investigations that target certain violent street gangs.
- Select cases based upon the targeted gangs multi jurisdictional nature, violent activity, affiliation with a National Gang Strategy group, and/or deleterious affect on the community.
- Field offices identify cases that are deemed most significant and should be considered for inclusion among the FBI's Top 30 Targeted Gang investigations.

Anticipated Outcome Measures: Successful output indicators for violent gangs will reflect steadily increasing arrests and seizures leading to the dismantling of targeted gangs in the majority of jurisdictions in which street gangs are identified as a major crime problem. This will be accomplished by dismantling 15 gangs over the next 5 years identified as being the most dangerous. These 15 gangs are comprised of subsets or cliques identified to have a connection to the seven national targets or that meet the requirements set forth by the VCMOP.

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DECISION UNIT/PROGRAM: Violent Crimes/Violent Street Gangs
DOJ CORE FUNCTION: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.
DOJ PERFORMANCE GOAL 1.1.3: Reduce the level of violent crime by taking violent criminals and gangs off our streets.

TIER 2: Criminal Enterprises and Public Integrity
STRATEGIC GOAL: Identify, disrupt, and dismantle existing and emerging organized criminal enterprises whose activities affect the U.S..

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total workyears for the gang program	BFA/ TURK	655	N/A	800	832	833
	2. Total budget authority for the gang program ($000)		$65,931	N/A	$84,363	$88,036	$92,877
Activities	1. Number of Investigative Matters Pending	MAR	1,236	†	1,263	†	†
	2. Number of Investigative Matters Opened		730	†	533	†	†
	3. Number of Investigative Matters Closed		703	†	518	†	†
	4. Number of REIs	VCMO	65	N/A	61	†	†
	5. Number of Undercover Operations		22	N/A	24	†	†
	6. Number of Gang Task Forces		41	N/A	45	45	45
Outputs	1. Arrests and Locates	ISRAA	5,111	†	5,402	†	†
	2. Information and Indictments		2,183	†	2,467	†	†
	3. Convictions and Pre-Trial Diversions		2,222	†	2,244	†	†
	4. Recoveries and Restitutions ($000)		$5,682	†	$6,340	†	†
	5. Value of assets received through the prosecution of criminal street gangs ($000)	AFU	$9,732	†	$6,332	†	†

Outcomes	1. Number of violent gangs affiliated with the seven national target groups that have been dismantled* 2. Number of dismantled targeted gangs identified as being the most dangerous	VCMO	N/A 30*** (baseline)	50 10% reduction = 3	30** 4	50 10% reduction = 3	50 10% reduction = 3

A. Data Validation and Verification:

MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

VCMO Program - The VCMO Program collects and verifies data internally.

B. FY 1999 Performance Report:

* In FY 1998, the FBI started tracking both disruptions and dismantlements of violent street gangs accomplished through the Safe Streets program. Beginning in FY 1999, a tracking system has been implemented that will enable separate identification of dismantlements of these target groups.

** This is the first year for this measure and should continue to rise as more agents classify the appropriate cases as dismantlements rather than traditional arrest statistics.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

*** The baseline of 30 will be constant from year to year, and will be comprised of the top 30 cases pending at the beginning of the year. This will be determined by association to the seven national target groups and outside intelligence sources. These cases often are longer than a year in duration and illustrate a significant accomplishment. The five year goal of dismantling 15 targeted gangs identified as being the most dangerous is comprised of the projected 10% reduction of the 30 baseline gangs each year. Over five years this will account for a total of 15 dismantled gangs.

† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

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<u>Tier Two FBI Strategic Goal</u>: Identify, disrupt, and dismantle targeted international and national drug-trafficking organizations.

The FBI's expertise in attacking the infrastructure of criminal organizations will play a critical role in implementing the National Drug Strategy. As an integral part of a coordinated investigative approach, the FBI will focus its efforts on dismantling those regional/national distribution networks utilized by the most notorious drug trafficking organizations operating in South America, Mexico, and the Caribbean. In this effort, the FBI will concentrate its limited drug enforcement resources on these trafficking organizations which have an identified "link" to the large international cartels and will apply pressure by focusing on key support elements, (e.g., their affiliates, command and control apparatus, communications networks, and financial structures.) Given the level of resources available, the FBI drug enforcement strategy must be designed to, reflect the FBI's unique capabilities and have a recognizable impact in the overall U.S. drug enforcement effort. The result will be the comprehensive dismantlement of those targeted, multi-jurisdictional, national drug distributions networks/outlets utilized most by the 14 National Priority Targets (NPTs).

The FBI's focus on major national drug targets is characterized by long-term, comprehensive investigations that probe the full scope of the organization and its network of affiliates. Moreover, given the breadth of the FBI's investigative authority and jurisdiction, these in-depth investigations can lead to the discovery of a wide array of federal violations that offer the potential for imposing long-term prison sentences on an organization's leaders, dismantling the organization's financial operations, and dismantling the organization's infrastructure. Additionally, the FBI can employ various investigative techniques, such as court-authorized electronic surveillance and cooperating witnesses, to support the efforts of other Federal, state and local authorities. This strategy should preclude the need for FBI investigations not directly tied to nationally targeted organizations, thus enabling the focusing of resources in areas and against organizations deemed to have the highest impact.

In order to address the serious illegal drug problem, the FBI and Drug Enforcement Administration (DEA) will continue to emphasize the Southwest Border Project (SWBP) to disrupt and dismantle the most significant Mexican Criminal Enterprises (MCE) operating along the Southwest Border region of the U.S. FBI, DEA and U.S. Customs Service offices along the Southwest Border work hand-in-hand with the five U.S. Attorneys responsible for these jurisdictions and the Criminal Division, Department of Justice, in Washington, D.C.

Results will depend on the FBI's ability to make substantial strides in the timely collection, analysis, exploitation of information, and the attendant capacity to direct a nationwide effort.

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Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:
Direct investigations against those national/local organizations that support the 14 National Priority Targets.

- Each Field Division must ensure that at least 75% of its drug resources are directed against the most significant national/local drug trafficking organizations operating in the Division.
- Ensure that field division targets are related to FBI priority targets.
- Identify national/local DTOs most significant to the international drug organizations and ensure FBI investigations are directed against these targets.
- Dismantle organizations targeted by field and FBIHQ.

Anticipated Outcome Measures: Performance indicators reflect the extent to which targeted drug trafficking organizations have been disrupted, the extent to which organization leaders have been successfully removed, and the extent to which organizational assets have been removed.

DECISION UNIT/PROGRAM: Organized Criminal Enterprises/Drug Program **DOJ CORE FUNCTION: Investigation and Prosecution of Criminal Offenses** **DOJ STRATEGIC GOAL 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.** **DOJ PERFORMANCE GOALS 1.2.1-1.2.5, 1.5.2: Improve land border defense against drugs, continue efforts to disrupt and dismantle the command and control operations of major drug trafficking criminal enterprises, reduce the production and quantity of illegal drugs, actively cooperate with foreign governments and enlist their support to investigate and prosecute major drug organizations, strengthen investigative intelligence programs, and strengthen the centralized management and coordination of the Organized Crime Drug Enforcement Task Force.**
TIER 2: Criminal Enterprises and Public Integrity **STRATEGIC GOAL: Identify, disrupt, and dismantle targeted international and national drug-trafficking organizations.**

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total direct workyears††	BBRB	2,888	N/A	3,626	3,626	3,669
	2. Total direct budget authority ($000)		$305,196	N/A	$361,320	$379,795	$408,000
	Reimbursable (OCDETF)						
	1. Total reimbursable workyears		981	N/A	981	981	996
	2. Total reimbursable budget authority ($000)		$105,703	N/A	$108,829	$113,039	$123,421
Activity/ Output	1. Number of arrests/locates	ISRAA	8,588	†	6,238	†	†
	2. Number of indictments/informations	FBI case	6,356	†	4,587	†	†
	3. Number of convictions/PTDs	records	4,905	†	3,959	†	†
	4. Value of assets seized ($000)		$140,837	†	$122,261	†	†
	5. Number of U.S. based drug organizations affiliated with the 14 national priority targets that have been identified*		16	50	64	250	300
Outcome	Number of U.S. based drug organizations affiliated with the 14 national priority targets that have been dismantled*	ISRAA	N/A	N/A	8	50	75

A. Data Validation and Verification:
ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

* In 1999, the Organized Crime/Drug Program (OC/DP) began to focus its attention towards the dismantlement of drug organizations affiliated with the 14 national priority targets (NPTs). Although data are available on the dismantlement of drug organizations in general, these data will now be focused upon this select group of drug organizations. This year, OC/DP will track which of these dismantlements fall into the targeted category. At the present time, the program is identifying which drug organizations in the caseload fall into the targeted category. Presently, 64 domestically-based, drug trafficking organizations have been identified as being linked to one of the NPTs.

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B. FY 1999 Performance Report:
C. Issues Affecting Selection of FY 2000 and 2001 Plans:
D. Additional Footnotes: † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types. †† Figures include the direct portion of OCDE resources utilized and gang matters worked in the VCMO program, but do not include Legat Workyears. Outyear projections for the direct portion of OCDE including OCDE Gangs are flat-lined.

- **<u>Tier Two FBI Strategic Goal</u>: Reduce Public Corruption at all levels of government with a special emphasis on law enforcement operations.**

The FBI's Public Corruption strategy focuses on allegations of corruption by public officials that pose the greatest *potential* threat to American society. Although many investigations may be reactions to public reports of corrupt behavior, proactive investigative measures are prioritized in the following manner:

1) Obtain reliable and continuous intelligence on suspicious activity engaged in by members of legislatures and the judiciary.
2) Target emerging law enforcement and judicial corruption in regions with entrenched drug activities (e.g., the Southwest Border region, Puerto Rico and the U.S. Virgin Islands).
3) Pursue cooperation with local authorities, particularly police departments, in cities with histories of corruption.
4) Address emerging international business corruption matters under the authority of the Foreign Corrupt Practices Act (FCPA).

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: Technology affects the Department not only as the object of crime, but also when criminals use high-tech tools to commit crimes. Presently, the FBI's White Collar Crime program is pursuing funding for the enhancement of the White Collar Crime Case Management System. This system will greatly enhance capabilities to track and monitor crime trends, as well as coordinate response and efficiently allocate resources.

Operational Processes:

- Obtain reliable and continuous intelligence on suspicious activity engaged in by members of legislatures and the judiciary to

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enable immediate FBI response.

- Target emerging law enforcement and judicial corruption in regions with entrenched drug activities such as the Southwest Border region.
- Cooperation from local authorities, particularly police departments, in areas with histories of corruption.
- Establish the capacity to address emerging international business corruption matters under the FCPA.

Anticipated Outcome Measures: Indicators of success will include the degree to which corrupt public officials have been identified and subsequently removed. Specifically, success will be measured by the reduction in the corrupt activity of targeted law enforcement agencies that have adopted procedures recommended by the FBI to reduce corruption.

DECISION UNIT/PROGRAM: White-Collar Crime/Public Corruption
DOJ CORE FUNCTION: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.4: Reduce white-collar crime, including public corruption and fraud.
DOJ PERFORMANCE GOAL 1.4.1: Combat corruption through the investigation of alleged wrongdoing by officials and employees at all levels of government and take appropriate prosecutorial action.

TIER 2: Criminal Enterprises and Public Integrity
STRATEGIC GOAL: Reduce public corruption at all levels of government with special emphasis on law enforcement operations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total PC workyears	BFA/ TURK	923	N/A	921	921	921
	2. Total PC budget authority ($000)		$90,430	N/A	$93,061	$104,418	$110,824
Activity	1. Number of Investigative Matters Pending at Beginning of Period	MAR	1,371	†	1,506	†	†
	2. Number of Investigative Matters Opened		965	†	910	†	†
	3. Number of Investigative Matters Closed		853	†	900	†	†

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Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Output	1. Arrests and Locates	ISRAA	362	†	354	†	†
	2. Informations and Indictments		520	†	584	†	†
	3. Convictions and Pre-trial Diversions		582	†	537	†	†
	4. Recoveries and Restitutions ($000)		$32,315	†	$25,332	†	†
	5. Fines ($000)		$22,178	†	$19,597	†	†
Outcome	Percentage of 16 targeted cities; (Atlanta, Baltimore, Los Angeles, Miami, Washington, D.C., Boston, Buffalo, Chicago, Cleveland, Detroit, New Orleans, Newark, New York, Philadelphia, Pittsburgh, San Juan) where the FBI has conducted law enforcement corruption training*	FBI Public Corruption Program	6%	38%	38%	63%	100%

A. Data Validation and Verification:
ISRAA - The Departments's measurements for this goal include data from the FBI's Integrated Statistical reporting and Analysis Application (ISRAA). ISRAA is a centralized database whereby the FBI tracks statistical accomplishments of cases from inception to closure e.g., arrests, locates, information, indictments, and convictions.

Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified through the FBI's Inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods data in the ISRAA is traced back to source documents contained in FBI files. There is high confidence in the reliability of this data.

B. FY 1999 Performance Report:

C. Issues Affecting Selection of FY 2000 and 2001 Plans
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

D. Additional Footnotes:
* The Public Corruption Unit (PCU) at FBIHQ has targeted 16 cities where law enforcement corruption is a priority crime problem. In FY 1998, PCU conducted law enforcement corruption training sessions in three cities, one of which was a priority city. Five more training sessions in priority cities were planned for FY 1999, and four more for FY 2000.

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- **<u>Tier Two FBI Strategic Goal</u>: Deter civil rights violations through aggressive investigative and proactive measures.**

Civil rights and hate crimes problems cannot be significantly reduced until those directly and indirectly affected, victims and local law enforcement, recognize these crimes and report them to the FBI. Disparate statistics suggest the absence of a commonly accepted understanding of civil rights crimes, and more particularly hate crimes, in the U.S.. Clarifying the scope of the problem requires better liaison with representatives of special interest/minority groups through personal visits from FBI executives and better liaison with law enforcement agencies and their Internal Affairs investigative entities. Access to records of incidents maintained by such groups could help to define the true extent of the phenomenon and shed light on specific crimes. Given the importance of trust in, and awareness of, the FBI by victims of civil rights/hate crimes, the FBI is undertaking a comprehensive outreach program, including identification of targeted populations and issues, possible solutions, and methods to assess the effectiveness of outreach efforts.

To date, the FBI's response to this crime problem has been primarily reactive. The hate crimes problem in the U.S. demands a more dynamic, progressive, and coordinated approach. The FBI will take an aggressive, proactive approach by forging partnerships with local law enforcement and local communities. Further, the FBI will identify trends in agencies, geographic areas or particular officers or groups of officers. Through these partnerships, training and education models will be developed to be used by law enforcement and communities to identify, investigate, and prevent hate crimes.

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Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- Field office analytical support is critical to the success of the Civil Rights Program goals due to the dependance of the Civil Rights Analytical Center in conducting thorough and reliable trend analysis upon receiving comprehensive data from the field offices.
- Information currently available from active investigations should be supplemented with data from other agencies and from civil rights and other interest groups. Implementation and usage of the Civil Rights Information System (CRIS) is needed in

order to accumulate all civil rights data available within the FBI.

- The HCWG are critical to the success of the CRP goals, since the FBI will need the cooperation of the minority community leaders, civil rights organizations, other law enforcement agencies, and others participating in these groups to identify, report, investigate, prosecute, and prevent hate crimes.
- Intelligence reports on the incidents of civil rights violations in specific geographic regions and/or departments should be considered by FBIHQ in making decisions about training for state and local police. Training Division in concert with CID will need to provide training to FBI personnel in all aspects of CRP issues and investigative responsibilities.

Anticipated Outcome Measures: Success of the strategy will be reflected in the increased identification of hate crimes, as well as the increase in the proportion of targeted law enforcement agencies and communities that adopt and use the training and education models developed by the FBI.

DECISION UNIT/PROGRAM: Violent Crimes/Civil Rights
DOJ CORE FUNCTION 3: Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests
DOJ STRATEGIC GOAL 3.1: Protect the civil rights of all Americans.
DOJ PERFORMANCE GOALS: 3.1.1 - Hate Crimes, 3.1.2 - Pattern or Practice Civil Rights Violations, 3.1.3 - Protection of Voting Rights

TIER 2: Criminal Enterprises and Public Integrity
STRATEGIC GOAL: Deter civil rights violations through aggressive investigative and proactive measures.

Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS					
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total Civil Rights workyears	BFA/ TURK	322	329	298	265	265
	2. Total Civil Rights budget authority ($000)		$30,327	$29,536	$31,344	$28,808	$30,483

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Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS					
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Activities	1. Number of Investigative Matters Pending Beginning of Year	MAR	1,780	†	1,652	†	†
	2. Number of Investigative Matters Opened		3,776	†	3,326	†	†
	3. Number of Investigative Matters Closed		3,904	†	3,560	†	†
Outputs	1. Arrests and Locates	ISRAA	157	†	239	†	†
	2. Information and Indictments		206	†	201	†	†
	3. Convictions and Pre-Trial Diversions		244	†	256	†	†
	4. Recoveries & Restitutions ($000)		$5,011	†	$11,432	†	†
	5. Fines ($000)		$355	†	$193	†	†
Outcomes	Percentage of field offices with less than a 10 percent delinquency rate in reporting on the status of color of law investigations within the required 21 days.*	FBI Civil Rights Program	9%	25%	30.3%	50%	50%

Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS				
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan / Actuals	2000 Plan	2001 Plan
A. Data Validation and Verification: MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. FBI CR Program - The CR Program collects and verifies data internally. * The FBI is required by DOJ to report on the status of civil rights cases within 21 days of opening of the case. This status check does not mean that the case has been completed, only that the initial complaint has been addressed. The Color of Law Unit in the Corruption/Civil Rights Section of CID prepares a Civil Rights Field Office Program Review for all 56 field offices on the delinquency rate of these status reports.					
B. FY 1999 Performance Report:						
C. Issues Affecting Selection of FY 2000 and 2001 Plans † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.						

Highlights of Tier Two FY 1999 Performance:

- Luchese LCN Family acting boss, Joseph Defede, was sentenced to six years in prison on 3/22/99 after pleading guilty to extortion.
- Colombo LCN Family boss, Andrew T. Russo, was convicted on 1/26/99, by a jury in Federal District Court, Eastern District of New York, for jury tampering and obstruction of justice related to his efforts to communicate with an alternate juror during the 1994 racketeering trial of Russo's son, Joseph Russo.
- John A. Gotti, aka: "Junior," pled guilty to one RICO count in the Southern District of New York and was sentenced on 9/3/99 to six years in prision. Gotti admitted to bribing a Teamsters union official; a $50,000 extortion from a construction project;

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operating an illegal gambling business; making false statements on a mortgage application; loansharking; and federal income tax violations. Gotti agreed to forfeit $358,000 in cash that was seized from his Long Island home, as well as properties in the Pocono Mountains of Pennsylvania, and Sullivan County, New York.

- On 12/9/98, the New York Division concluded a Group I Undercover Operation titled "RED HOOK" with the arrest of nine individuals on a 43 count federal indictment for engaging in a long-term $2.7 million money laundering scheme. Two of the individuals were arrested at an undercover meeting where they delivered $910,000 in cashier checks and money orders as their part in a reverse money laundering deal. Three of the arrests were made in the Boston Division. In addition to the nine arrests, six search warrants were executed and 64 bank accounts, three residences and other assets totaling approximately $2 million were seized. This operation to date has identified 47 subjects who have criminally facilitated reverse money laundering transactions.
- During an investigation of the Grape Street Crips, the Los Angeles and Little Rock Divisions of the FBI used an array of investigative techniques to include undercover operatives and electronic surveillance. This investigation culminated in the execution of 73 federal arrest warrants and five federal search warrants in Los Angeles, California; Little Rock, Arkansas; El Paso, Texas; and Baltimore, Maryland.

Tier Three: Individuals and Property.

Tier Three efforts support the following DOJ goals:

- Reduce violent crime, including organized crime and drug and gang-related violence.
- Reduce white-collar crime, including public corruption and fraud.

- **Tier Three FBI Strategic Goal: Reduce the impact of the most significant crimes that affect individuals and property.**

Crimes Against Children (CAC)

The number of crimes against children investigated by the FBI is anticipated to continue to rise. Awareness of the FBI's jurisdiction, responsibility and investigative capability in CAC has grown among tribal, local, state and other federal law enforcement and the public. Education, community outreach and successful multi-agency investigations have facilitated a better identification of the scope of the crime problem and more incidents of crimes against children being reported or identified for investigation. The most significant CAC problem confronting the FBI is child pornography/sexual exploitation of children (CP/SEOC) facilitated by the use of on-line

computers which the FBI investigates through its Innocent Images National Initiative (IINI). Between FYs 1996 and 1998, there was a 546 percent increase (108 to 698) in the number of IINI cases opened.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- Continue development of the CAC Resource Teams. Document the composition of each CAC Resource Team and its available services and resources and make available to all investigative personnel within the division.
- Develop a planned approach and facilitate franchising of Innocent Images where appropriate. Continue development of the Innocent Images case management system (CMS), which allows the FBI and other law enforcement agencies to store and retrieve information on preferential sex offenders who use on-line services and the Internet to exploit children.

Anticipated Outcome Measures: In the area of crimes against children, indicators of successful implementation of the strategy will be determined by an increase in the percentage of victimized children safely returned, as well as an increase in the identification and apprehension of child pornographers.

DECISION UNIT/PROGRAM: Violent Crimes/Crimes Against Children **DOJ CORE FUNCTION : Investigation and Prosecution of Criminal Offenses** **DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.** **DOJ PERFORMANCE GOAL 1.1.4: Improve overall response capability in child abduction cases and increase efforts against those who commit sexual exploitation offenses against children, including those who traffic in child pornography.**
TIER 3: Individuals and Property **STRATEGIC GOAL: Reduce the impact of the most significant crimes that affect individuals and property.**

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total CAC workyears	BFA/ TURK	230	N/A	309	321	323
	2. Total CAC budget authority ($000)		$23,133	N/A	$30,429	$33,969	$35,783
Activities	1. Number of Investigative Matters Opened	ACS IINI CMS	2511	†	2570	†	†
	2. Number of CAC Resource Teams Established (Cummulative)	ACS AFOR IINI program manager	32	N/A	35	35	56
	3. Number of IINI UCOs operating		5	N/A	10	11	18
Outputs	1. Information and Indictments	ISRAA IINI	664	†	617	†	†
	2. Convictions and Pre-Trial Diversions	CMS	596	†	591	†	†
Outcomes	1. Number of Children Located	ISRAA IINI	46	N/A	90	N/A	N/A
	2. *Increase in the number of persons prosecuted for the sexual exploitation of children facilitated through use of online computers. (1998 baseline)***		(baseline)				
	Arrests		98	†	195	†	†
	Indictments/Informations		103	†	152	†	†
	Convictions/Pre-Trial Diversions		77	†	106	†	†

A. Data Validation and Verification: MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. IINI - Innocent Images National Initiative (IINI) maintains a separate case management system (CMS) in Calverton, MD. ISRAA tracks statistics at the file number level, however all IINI cases are opened under the same file number, with different sub-file numbers. The CMS captures all sub-file statistics for IINI, however this will change for FY 2000 because a separate classification has been added to ISRAA to help track these numbers. VCMO Program - The VCMO Program collects and verifies data internally. ** The "Innocent Images" national initiative, which targets SEOC predators on the Internet, maintains a Case Management System that supplies these data. The performance reporting of these data started with FY 1998.
B. FY 1999 Performance Report:
C. Issues Affecting Selection of FY 2000 and 2001 Plans † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

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Critical Incidence Response Group (CIRG)-National Center for the Analysis of Violent Crime (NCAVC)

The National Center for the Analysis of Violent Crime (NCAVC), is one of the major components of the FBI's Critical Incident Response Group (CIRG). NCAVC combines investigative/operational support functions, research, and training in order to provide assistance to Federal, state, local, and foreign law enforcement agencies investigating unusual or repetitive violent crimes.

The NCAVC maintains a specially trained group responsive to a variety of both FBI and non-FBI investigations. For the past 10 years, the Uniformed Crime Report (UCR) has reported over 20,000 homicides annually. While the incidence rate of homicide has remained high, the clearance rate has consistently continued to decline. For the past two years, the UCR has reflected an increase in the number of cases where the relationship between the victim and offender is unknown, thereby inferring more stranger type murders. Many times these stranger type murders are committed by serial offenders who pose a serious threat to individuals and the sense of security in the community and law enforcement. NCAVC targets these type of cases where serious threats to individuals persists and

has developed the VICAP database to track, and help provide further analysis when new cases arise.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- Effectively manage and track regional requests for services.
- Conduct offender research aimed at understanding the criminal mind thus enhancing the crime analysis process.
- Enhance the threat assessment process.
- Distribute the new VICAP software capability to all 50 State Police Agencies and to as many major municipalities as possible.

Anticipated Outcome Measures: In the area of NCAVC, indicators of successful implementation of the strategy will be determined by an increase in the number of significant investigative leads connecting police agencies to homicides.

DECISION UNIT/PROGRAM: Critical Incident Response Group (CIRG): National Center for the Analysis of Violent Crime (NCAVC) **DOJ CORE FUNCTION : Investigation and Prosecution of Criminal Offenses** **DOJ STRATEGIC GOAL 1.1: Reduce violent crime, including organized crime and drug and gang-related violence.**
TIER 1-3: National and Economic Security, Criminal Enterprise and Public Integrity, and Individuals and Property **FBI STRATEGIC GOAL: Reduce the impact of the most significant crimes that affect individuals and property.**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Total NCAVC positions	BFA/ TURK	43	NA	78	83	83
	2. Total NCAVC budget authority non-personnel ($000)		$1,535	NA	$3,785	$3,785	$3,785
Activities	1. Documented child abductions	ACS	113	225	157	300	300
	2. Documented serial murder cases		42	60	32	70	70
	3. Documented arson and bombing cases		44	N/A	45	50	55
	4. Documented single homicide cases		216	N/A	231	250	275
	5. Documented miscellaneous cases		45*	N/A	52*	60	70
	6. VICAP forms submitted for analysis	VICAP RECORDS	1,494	5,000	TBD**	15,000**	15,000**
Outputs	1. Number of request analyzed by NCAVC	ACS	413	1,000	1,500***	1,600	1,650
	2. Number of training requests		N/A	N/A	237****	250	260
	3. Scheduled regional workshops	NCAVC	1	8	6	12	12
	4. ID and priority research projects	RECORDS	N/A	8	10	12	15
	5. Research interviews conducted		5	30	45	50	80
	6. Acquire and train state participants	VICAP RECORDS	N/A	24	47	71	198
Outcome	Significant investigative leads connecting police agencies to homicides	VICAP RECORDS	840	840	900	1,500	1,500

A. Data Validation and Verification:

ACS - Automated Cases Support database that captures all information pertaining to administration of cases.

NCAVC / VICAP Records - The NCAVC / VICAP programs collect and verify data internally.

B. FY 1999 Performance Report: ** The distribution of a PC-based VICAP System to police agencies, the accompanying system conversion, and the resulting uploading of back-logged cases, will result in a dramatic increase in the number of forms submitted.
C. Issues Affecting Selection of FY 2000 and 2001 Plans
D. Additional Footnotes * These figures represent serial rape, threat assessment, and equivocal death cases. *** These figures include requests for assistance by FBI Field Offices. **** These figures represent training provided to international police, National Academy students, and other Federal, state, county, and local law enforcement.

Violent Crime Major Offender Program-Reactive

The FBI must retain its capacity to respond to and investigate other violent crimes that impact on the American public. For example, the Internet has become a versatile mechanism for extortionists who transmit their demands to and from a variety of locations making it virtually impossible for local law enforcement to address the problem. The FBI recently investigated an extortion case in which a subject attempted to extort $5 million from the CEO of Microsoft Corporation. The subject requested that all responses to his demands be sent to an address on the Internet and the money sent to a bank in Luxembourg. This investigation involved leads in several states as well as a foreign country. This was one of the first investigations in which a court authorized intercept was utilized on the Internet. Similar problems surround kidnaping investigations where abductors use cellular telephones and digital communication devices to transmit ransom demands thwarting local law enforcement efforts to safely recover the victims.

The FBI must also maintain its commitment to assist local law enforcement in the location and apprehension of fugitives. A larger number of criminals are fleeing interstate and abroad. Technological advances that allow the making of false identification and passports makes it easier for subjects to flee the jurisdiction in which the crime was committed. Many local and state jurisdictions continue to depend on the FBI to utilize its resources and expertise to locate and apprehend these violent offenders. These violent fugitives, left unabated, continue to commit crimes of violence and other crimes that have a significant impact on society. These matters often require resource-intensive and multi-jurisdictional investigations.

The immediacy of these situations for potential harm to individuals and/or the public, the multi-jurisdictional and geographical involvement, as well as the employment of other complex and manpower intensive investigative techniques, requires FBI expertise and rapid response to such incidents.

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Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

Operational Processes:

- Maintain and enhance a reactive capability to address traditional incident driven violent crime investigations.
- Bank robbery investigations: Maintain and enhance the FBI's capability to address interstate, serial and takeover bank robberies.
- Liaison: Maintain a strong working relationship with state, local and other federal law enforcement agencies as well as with the banking and financial community.

Anticipated Outcome Measures: Successful output indicators will reflect steadily increasing resolutions of bank/armored car robberies, with the arrest and conviction of subjects and the recovery of stolen items/money. Outcome measures will include the number of serial bank robbers, bank robbery gangs and takeover robbers arrested and convicted. These performance indicators will be tracked through the FBI's Bank Robbery Statistical Applications (BRSA) program. BRSA will track total violations and resolutions, number of arrests and convictions and will track recovery of stolen money. In addition this system allows investigators to query the system to search for similarities in events, to include modus operandi, subject descriptions and other valuable data in an effort to link cases nationwide.

DECISION UNIT/PROGRAM: Violent Crime Major Offenders Program (VCMOP) Reactive **DOJ CORE FUNCTION: Investigation and Prosecution of Criminal Offenses.** **DOJ STRATEGIC GOAL: Reduce the level of violent crime by taking violent criminals and gangs off our streets.**
TIER 3: Individuals and Property **FBI STRATEGIC GOAL: Reduce the impact of the most significant crime that affect individuals and property.**

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Total Reactive workyears	TURK	1,824	N/A	1,718	1,788	1,789
	2. Total Reactive budget authority ($000)		$176,546	N/A	$181,248	$189,134	$199,235
Activities	1. # of investigative matters	MAR	52,058	†	48,798	†	†
	2. # of cases opened		30,795	†	28,428	†	†
	3. # VC Safe Streets Task Forces	VCMOS	50	N/A	49	48	48
	4. # VC/Fugitive Safe Streets Task Forces		33	N/A	32	35	35
	5. # Fugitive Safe Streets Task Forces		23	N/A	21	24	24
Outputs	1. Informations and indictments	ISRAA	3,565	†	3,164	†	†
	2. Arrests and locates		19,935	†	18,411	†	†
	3. Convictions and pre-trial diversions		4,308	†	4,014	†	†
	4. Recoveries and restitutions ($000)		$18,720	†	$82,581	†	†
Outcome	1. Decrease in the # of bank robbery incidents	BRSA	2.7%	N/A	16.2%	†	†
	2. Decrease incidences of Violent Crimes	UCR	6.4%	N/A	8%*	†	†

A. Data Validation and Verification:

MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

BRSA - Bank Robbery Statistical Application is a system that tracks the data pertaining to bank robberies from the original incident until final resolution.

VCMOS Program - The VCMOS Program collects and verifies data internally.

B. FY 1999 Performance Report:

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C. Issues Affecting Selection of FY 2000 and 2001 Plans † In accordance with the Attorney General's guidance of not projecting targeted levels of performance for certain indicator types.
D. Additional Footnotes: VCMO reactive matters include such violations as bank robberies, fugitives, kidnapings, extortions, assaulting or killing Federal officers, Hobbs Act violations, and serial killings. * Reflects the first six months of 1999, the most current statistics available.

Major Theft (MT)

The strategic approach for the MT program focuses upon identifying, disrupting, and dismantling the criminal organizations and professional theft groups responsible for creating the increase in the interstate theft crime problems. This investigative strategy includes the Enterprise Theory of Investigation and targets the most significant organizations. It seeks to create an effective and ongoing deterrent designed to prevent criminal conspiracies from defrauding major U.S. industries, and identify, disrupt and dismantle existing and emerging organized criminal enterprises whose activities affect the United States.

Three major areas of concern in the Major Theft program are: 1) cargo and high tech thefts, 2) national and international vehicle theft, and 3) organized thefts of other high value commodities by professional theft groups and criminal organizations. The impact of these crimes nationally has been magnified in recent years. At the same time, local and state law enforcement have also de-emphasized theft matters or respond to them in a strictly reactive posture. Further contributing to this crime problem is the ever increasing sophistication and extensive networking of many of the professional groups, criminal enterprises, and foreign criminal groups which are responsible for a significant portion of these thefts.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: The FBI's operational strategic goals depend on a robust intelligence and analytical capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. Currently, FBI agents and analysts have limited automated means, through non-global "stove-pipe" systems to link subjects of investigations, link various cases, and identify patterns of illicit activity.

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Operational Processes:

- Data collection and analysis of IT information, trends and patterns must be improved to reveal existing and emerging crime problems and to identify criminal organizations to be targeted by the field.
- interstate theft task forces must be adequately funded, trained and technically supplied.
- Focus resources on quality cases targeting those organized criminal groups and enterprises involved in cargo/high tech theft, national and international vehicle theft, and organized thefts.

Anticipated Outcome Measures: In the area of Major Theft, indicators of successful implementation of the strategy will measure the FBI's success in disrupting and dismantling targeted professional/organized theft groups and criminal enterprises, reducing the rate of interstate shipment theft, reducing the economic loss to individuals and businesses due to fraudulent activity, reducing the number of stolen motor vehicles, and increasing the percentage of stolen motor vehicles recovered. The success of this program will no longer be solely based on the number of indictments, arrests, and recoveries obtained. Evaluation of this program will be based on reductions in the overall theft numbers based upon statistical data and law enforcement/industry surveys.

DECISION UNIT/PROGRAM: Violent Crime Major Offenders Program (VCMOP): Major Theft Program (MT)
DOJ CORE FUNCTION: Investigation and Prosecution of Criminal Offenses.
DOJ STRATEGIC GOAL: Reduce the level of violent crime by taking violent criminals and gangs off our streets.

TIER 3: Individuals and Property
FBI STRATEGIC GOAL: Reduce the impact of the most significant crime that affect individuals and property.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Total MT workyears	TURK	510	N/A	475	494	494
	2. Total MT budget authority ($000)		$49,404	N/A	$50,069	$52,247	$55,038

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Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Activities	1. # of investigative matters	MAR	5,521	†	5,026	†	†
	2. # of cases opened		2,342	†	2,042	†	†
	3. # of undercover operations (UCOs)		13	†	25	†	†
	4. # of MT Safe Street Task Forces	TURK	15	N/A	17	17	17
Outputs	1. Informations and indictments	ISRAA	1,025	N/A	1,180	†	†
	2. Arrests and locates		1,506	N/A	1,495	†	†
	3. Convictions and pre-trial diversions		1,198	N/A	1,066	†	†
	4. Recoveries and restitutions ($000)		$283,426	N/A	$291,452	†	†
Outcome	1. Reduction in the rate of MT	UCR	5.3%	N/A	10%*	5%	5%
	2. Number of criminal organizations dismantled	ISRAA	**	**	**	**	**

A. Data Validation and Verification:

MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files.

TURK - Time Utilization Record Keeping system was designed to provide time usage pertaining to FBI investigative efforts. The TURK System provides data which measures the areas in which investigative efforts are expended, identifies trends, and provides quantitative data used in the budgetary process.

B. FY 1999 Performance Report:

C. Issues Affecting Selection of FY 2000 and 2001 Plans

** Recent FBI intelligence has indicated crime organizations for significant levels of interstate theft. The FBI is currently identifying these organizations and will begin focusing resources on dismantlements.

† In accordance with the Attorney General's guidance of not projecting targeted levels of performance for certain indicator types.

D. Additional Footnotes:

Definitions of Terms or Explanations for Indicators and Data Sources

For FY 2000, the VCMO Program reorganized its subprogram areas and the above statistics reflect this reorganization.

* Reflects the first six months of 1999, the most current statistics available.

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Telemarketing Fraud-Internet Fraud

To counter frauds committed against unsuspecting individuals, an effective blend of criminal, civil, and administrative enforcement actions must be promoted. Furthermore, investigative and intelligence information must be shared with all levels of law enforcement. The FBI is bracing itself for the disastrous potential of Internet Fraud as a new means for experienced criminals to reap huge amounts of illicit gains. The low cost of accessibility for criminals, combined with the increasing cost of tracking them down by law enforcement, presents a serious problem for the FBI in the future to protect individual consumers. Strategies to coordinate information within law enforcement and regulatory authority at the federal level, as well as across other levels of government and the private sector, will be crucial. This increase in intelligence gathering must be integrated with a high degree of training and technical infrastructure buildup in order to operate within this new and complicated territory for investigations.

Skills: FBI investigative programs cut across a variety of disciplines and require a wide range of investigative, analytical, research, language and technical skills and abilities.

Information Technology: Technology affects the Department not only as the object of crime, but also when criminals use high-tech tools to commit crimes. This system will greatly enhance capabilities to track and monitor crime trends, as well as coordinate response and efficiently allocate resources.

Operational Processes:

- Reduce the number of U.S. citizens being victimized by fraudulent Canadian telemarketers.
- Coordinate federal and state telemarketing investigations/prosecutions.
- Development of telemarketing fraud prevention programs and enhance intelligence base.
- Provide increased training on investigation of domestic and international fraud.
- Increase liaison and outreach to government and industry.

Anticipated Outcome Measures: Although success in these types of investigations will still be important to gauge in terms of economic loss, the FBI must attend to ways to simplify the investigative process as criminals switch from traditional forms of fraud to Internet-based fraud.

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DECISION UNIT/PROGRAM: White Collar Crime/Telemarketing Fraud-Internet Fraud
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.4: Reduce white-collar crime, including public corruption and fraud.
DOJ PERFORMANCE GOAL: 1.4.3 - High Technology/Computer Crime; 1.4.4 - Financial Institutions, Telemarketing, and Other Fraud.

TIER 3: Individuals and Property
STRATEGIC GOAL: Reduce the impact of the most significant crimes that affect individuals and property.
DECISION UNIT/PROGRAM: White Collar Crime/Telemarketing Fraud-Internet Fraud*

Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	1. Total TF workyears*	BFA/	230	N/A	180**	180	180
	2. Total TF budget authority ($000)	TURK	$22,556	N/A	$18,216**	$20,439	$21,693
Activities	1. Number of investigative matters pending beginning of period	MAR	790	†	687	†	†
	2. Number of investigative matters opened		378	†	278	†	†
	3. Number of Investigative Matters Closed		482	†	382	†	†
Outputs	1. Arrests and Locates	ISRAA	269	†	213	†	†
	2. Information and Indictments		346	†	321	†	†
	3. Convictions and Pre-Trial Diversions		325	†	303	†	†
	4. Recoveries & Restitutions ($000)		$417,638	†	$278,150	†	†
	5. Fines ($000)		$19,783	†	$6,060	†	†

A. Data Validation and Verification:
The data for telemarketing fraud measures is collected in FBI centralized databases.

Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified through the FBI's Inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods data in the databases are traced back to source documents contained in FBI files. There is high confidence in the reliability of this data.

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B. FY 1999 Performance Report:
C. Issues Affecting Selection of FY 2000 and 2001 Plans † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.
D. Additional Footnotes: * The FBI is in the process of developing its Internet Fraud program, and currently does not collect data based on Internet Fraud as a distinct classification of crime. ** These data are estimates for FY 1999.

Highlights of Tier Three FY 1999 Performance:

- A coordinated investigation by the FBI, state and local agencies led to the safe recovery of Ashley Taggert on April 29, 1999, and identification of a subject who was arrested and charged locally with kidnaping, attempted murder and rape. Ashley Taggert was abducted from her backyard in Lancaster, Ohio.
- On January 28, 1999, Joseph M. Klein, a Broadway musical director, was arrested after he traveled from New York to Maryland for the purpose of meeting with a 13 year-old boy (actually a UCA from the online relationship) with the intent of engaging in illicit sexual activities. A search of Klein's Manhattan residence uncovered in excess of 5,000 pornographic images of children as young as five-years old engaged in various sexual acts or poses, as well as numerous other incriminating documents. Review of this material identified 45 potential child victims and numerous subjects who were trading in child pornography or attempting to entice children online into illicit sexual conduct. Klein pled guilty to a two count federal information and criminal forfeiture of his computer system.

Summary of FBI Accomplishments for 1999

While the FBI is working to develop outcome oriented performance measures, the following is a summary of traditional FBI workload and accomplishments:

During FY 1999, the FBI had significant success under each of its nine goals in terms of traditional accomplishments (arrests, indictments, convictions). Overall, the FBI indicted 18,280 individuals, convicted 21,256 individuals and arrested 35,031 individuals on various federal and state charges. In addition, the FBI's National Instant Criminal Background Check System (NICS) denied firearm purchases to 60,061 individuals having a disqualifying record, such as a criminal history, dishonorable discharge, or restraining order. Within this population, the FBI identified 1,706 fugitives from justice. FBI efforts also led to $664,833,337 in fines,

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$412,612,017 in recoveries and $3,911,833,065 in restitutions, nearly one-third more than the entire FBI budget.

The added dimension of prevention has new and significantly different challenges, especially in the areas of intelligence, predictive analysis, liaison, and information technology. Prevention requires more, better, and faster access to information. It also requires a holistic approach to crime problems where FBI resources are leveraged with those of other federal, state and local law enforcement, private sector organizations, community groups, international law enforcement and the intelligence community. During FY 1999, the FBI made substantial progress in these areas, including reorganizing FBI Headquarters to include a new Investigative Services Division that will focus on intelligence and predictive analysis and a new Counterterrorism Division that will build capacity to prevent terrorism against the U.S. Further, in FY 1999, FBI relationships and partnerships improved with all of the above-mentioned groups across all program areas.

2001 Budget Initiatives

For 2001, the FBI is proposing program increases for 8 budget initiatives that directly support the operational and support strategies identified in the FBI Strategic Plan for 1998 - 2003. These initiatives include: Counterintelligence, Information Collection and Analysis, Training, Investigative Support, Counterterrorism, Violent Crimes, Technology Crimes, and Law Enforcement Services. Proposed program increases focus on eliminating the deficiencies that have led to the "performance gap" in critical mission areas.

Initiative Summary by Appropriations Account (Direct Funding)
(Dollars in thousands)

FBI Initiative / Account	Initiative Total Positions	Initiative Total Amount	Account Total Positions	Account Total Amount
Counterintelligence	*138*	*$ 19,115*		
S&E			138	$ 19,115
Information Collection, Management and Analysis	*74*	*74,227*		
S&E			74	74,227
Training	*4*	*8,395*		
S&E			4	6,495
Construction			...	1,900
Investigative Support	...	*20,534*		
S&E			...	20,534
Counterterrorism	...	*13,100*		
S&E			...	13,100
Violent Crimes	*31*	*4,639*		
S&E			31	4,639
Technology Crimes	*108*	*18,983*		
S&E			108	18,983
Law Enforcement Services	*5*	*6,699*		
S&E			5	6,699
Summary of FBI Program Increases by Account				
S&E			360	163,792
Construction			...	1,900
FBI Total			**360**	**$ 165,692**

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Federal Bureau of Investigation
Core Functions and Department of Justice (DOJ) Strategic Goals
Fiscal Year (FY) 2001 Request to Congress
Budget Authority (BA), Positions (Pos), and Full Time Equivalents (FTEs)
(Dollars in thousands)

		BA	POS	FTEs
Core Function #1: Investigation and Prosecution of Criminal Offenses				
Goals 1, 2, & 3	Reduce violent crime, availability of illegal drugs, espionage, and terrorism	$2,389,842	18,002	17,378
Goal 4	Reduce white-collar crime, including public corruption and fraud	642,286	5,281	5,055
Goal 5	Coordinate and Integrate DOJ Law Enforcement Activities	15,307	28	28
	Total Core Function #1	**$3,047,435**	**23,311**	**22,461**
Core Function #2: Assist Tribal, State and Local Governments				
Goal 1	Improve crime fighting and criminal justice capabilities			
	Total Core Function #2	**$ 181,954**	**1,880**	**1,756**
Core Function #3: Legal Representation, Enforcement of Federal Laws, Defense of U.S. Interests				
Goal 1	Protect civil rights of Americans	34,938	326	314
Goal 2	Safeguard America's environment and natural resources	10,453	94	91
Goal 3	Promote competition in US economy - antitrust laws and principles	2,782	24	24
	Total Core Function #3	**$ 48,173**	**444**	**429**
Salaries and Expenses	**Total FY 2001 Request to Congress**	**$3,277,562**	**25,635**	**24,646**
Construction Funding (FY 2001 Request to Congress) has been linked to Core Function #1 Investigation and Prosecution of Criminal Offenses:		**$3,187**		

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Federal Bureau of Investigation
Core Functions and Department of Justice (DOJ) Strategic Goals
Fiscal Year (FY) 2000 Appropriated Anticipated (Approp. Antic.)
Budget Authority (BA), Positions (Pos), and Full Time Equivalents (FTEs)
(Dollars in thousands)

		BA	POS	FTEs
Core Function #1: Investigation and Prosecution of Criminal Offenses				
Goals 1, 2, & 3	Reduce violent crime, availability of illegal drugs, espionage, and terrorism	$2,154,492	17,647	17,178
Goal 4	Reduce white-collar crime, including public corruption and fraud	587,554	5,247	5,036
Goal 5	Coordinate and Integrate DOJ Law Enforcement Activities	12,547	28	28
	Total Core Function #1	**$2,754,593**	**22,922**	**22,242**
Core Function #2: Assist Tribal, State and Local Governments				
Goal 1	Improve crime fighting and criminal justice capabilities			
	Total Core Function #2	**$ 239,732**	**2,466**	**2,350**
Core Function #3: Legal Representation, Enforcement of Federal Laws, Defense of U.S. Interests				
Goal 1	Protect civil rights of Americans	33,024	326	314
Goal 2	Safeguard America's environment and natural resources	9,840	95	91
Goal 3	Promote competition in US economy - antitrust laws and principles	2,619	24	24
	Total Core Function #3	**$ 45,453**	**445**	**429**
Salaries and Expenses/Violent Crime Reduction Program Funding: Total FY 2000 Approp. Antic.		**$3,309,808**	**25,833**	**25,021**
Construction Funding (FY 2000 Approp. Enacted) has been linked to Core Function #1 Investigation and Prosecution of Criminal Offenses:		**$1,287**		

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Federal Bureau of Investigation
Core Functions and Department of Justice (DOJ) Strategic Goals
Fiscal Year (FY) 1999 Actuals
Budget Authority (BA), Positions (Pos), and Full Time Equivalents (FTEs)
(Dollars in thousands)

		BA	POS	FTEs
Core Function #1: Investigation and Prosecution of Criminal Offenses				
Goals 1, 2, & 3	Reduce violent crime, availability of illegal drugs, espionage, and terrorism	$2,069,391	17,570	17,011
Goal 4	Reduce white-collar crime, including public corruption and fraud	608,973	5,380	5,236
Goal 5	Coordinate and Integrate DOJ Law Enforcement Activities	3,618	28	23
	Total Core Function #1	**$2,681,982**	**22,978**	**22,270**
Core Function #2: Assist Tribal, State and Local Governments				
Goal 1	Improve crime fighting and criminal justice capabilities			
	Total Core Function #2	**$ 210,671**	**2,235**	**2,089**
Core Function #3: Legal Representation, Enforcement of Federal Laws, Defense of U.S. Interests				
Goal 1	Protect civil rights of Americans	35,650	361	349
Goal 2	Safeguard America's environment and natural resources	8,865	95	90
Goal 3	Promote competition in US economy - antitrust laws and principles	2,356	24	24
	Total Core Function #3	**$ 46,871**	**480**	**463**
Salaries and Expenses/Violent Crime Reduction Program Funding: Total FY 1999 Actual		**$2,939,524**	**25,693**	**24,822**
Construction Funding (FY 1999 Actuals) has been linked to Core Function #1 Investigation and Prosecution of Criminal Offenses:		**$115,033**		

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Federal Bureau of Investigation
Salaries and Expenses
Justification of Proposed Changes in Appropriations Language

The 2001 budget estimates include proposed changes in the appropriations language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For necessary expenses of the Federal Bureau of Investigation [for detection, investigation, and prosecution of crimes against the United States]; including purchase for police-type use of not to exceed [1,236] *1,432* passenger motor vehicles, of which [1,142] *1,225* will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, [$2,337,015,000] *$3,277,562,000*; of which not to exceed [$50,000,000] *$100,000,000* for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, [2001] *2002*; of which not less than [$292,473,000] $300,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; [and of which not less than $50,000,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems:] *Provided,* [That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: *Provided further],* That not to exceed $45,000 shall be available for official reception and representation expenses[: *Provided further,* That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government].

[In addition, $752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.] *(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113) .)*

Explanation of changes

1. Modify language to achieve conformity and consistency with other Department of Justice Components.
2. Change in motor vehicle purchase authority is based upon a proposed increase in new positions for 2001.
3. Change in carry-forward authority to support on-going automated data processing and telecommunications and technical investigative equipment projects.
4. Strike House language regarding transfer of radio funding; proposed 2000 transfer would be permanent. The amount of $50,000,000 is included as radio funding in the Narrowband Communications account.
5. Delete language restricting ballistics imaging equipment due to new Memorandum of Understanding (MOU) signed by the FBI and BATF on December 2, 1999. Under the new MOU, the FBI no longer provides ballistic imaging equipment for state and local law enforcement.
6. Language for Violent Crime Reduction Trust Fund is deleted. No appropriation from the Violent Crime Reduction Trust Fund is requested in 2001 because authorization for this fund expires in 2000.

Federal Bureau of Investigation
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
1. Criminal Security, and Other Investigations															
a. Organized Criminal Enterprises (OCE)	3,998	3,955	$411,070	84	84	$10,012	...	...	5,868	...	...	$3,409	4,082	4,039	$430,459
b. White Collar Crime (WCC)	4,333	4,131	436,196	(48)	(48)	(4,793)	...	...	...	...	...	...	4,285	4,083	431,403
d. Other Field Programs (OFP)	10,481	10,101	1,186,660	(168)	(168)	(18,733)	...	...	...	...	...	32,298	10,293	9,933	1,202,226
Subtotal	18,782	18,187	2,033,926	(132)	(132)	(11,514)	...	...	5,868	...	...	35,708	18,660	18,055	2,064,088
2. Law Enforcement Support															
a. Training, Recrut., and Appl. (TRA)	1,016	978	110,801	169	169	19,582	...	...	...	...	...	1,867	1,185	1,147	129,250
b. Forensic Services (FS)	753	702	121,332	(40)	(40)	(5,580)	...	...	$636	...	...	11,763	713	662	129,151
c. Information Management, Automation and Telecommunications (IMAT)	561	526	136,641	29	29	12,087	...	...	11,801	...	...	3,458	590	555	163,987
d. Technical Fld Spt & Services (TFS&S)	267	252	214,241	(26)	(26)	(11,764)	...	...	...	...	...	8,590	241	226	211,067
e. Criminal Justice Services (CJS)	2,159	2,051	188,252	(4)	(4)	(180)	...	...	(34,813)	...	...	14,400	2,155	2,047	167,659
Subtotal	4,756	4,509	771,167	128	128	11,145	...	...	(22,376)	...	...	40,078	4,884	4,637	800,014
3. Program Direction															
a. Management and Admin. (M&A)	2,145	2,020	176,455	4	4	369	...	...	...	...	...	...	2,149	2,024	176,824
Subtotal, Direct	*[25,264]*	*[24,287]*	*[2,756,192]*	*[...]*	*[...]*	*[...]*	*[...]*	*[...]*	*[-16,408]*	*[...]*	*[...]*	*[22,897]*	*[25,264]*	*[24,287]*	*[2,764,681]*
Subtotal, VCRP	*[429]*	*[429]*	*[223,356]*	*[...]*	*[...]*	*[...]*	*[...]*	*[...]*	*[...]*	*[...]*	*[...]*	*[52,889]*	*[429]*	*[429]*	*[276,245]*
Total	25,693	24,716	2,981,548	...	...	...	...	...	(16,408)	...	...	75,786	25,693	24,716	3,040,926
Reimbursable Workyears		2,888			...			...			...			2,888	
Total Workyears		27,604			...			...			...			27,604	
Other Workyears:															
LEAP		3,062			...			...			...			3,062	
Overtime		568			...			...			...			568	
Total Compensable Workyears		31,232			...			...			...			31,232	

Reprogrammings
Includes the 5/5/99 Congressionally-approved reprogramming of the CALEA Implementation Section from the TFS&S program to the IMAT program and the reprogramming of three administrative support positions from the IMAT to TFS&S program; also includes the 11/16/98 Congressionally-approved reprogramming of the Language Services program transfer from the OFP to the OCE program; and also includes six field support positions (OCE (2); WCC (1); OFP (3)) transferred to the IMAT program for the specific purpose of providing automation support to FBI Legal Attaches; one support position transferred from the OFP to the M&A program for the National Security Law Unit function; one support position reversed from WCC to the M&A program following the completion of the Inspection Division's compliance function; two support positions and the Government Employees Training Act (GETA) functional transfer from the M&A to the TRA program; four support positions transferred from CJS to the field TRA program (RUAP - Recr.) to support recruiting and applicant functions associated with the CJS program in West Virginia but located in the Pittsburgh field office; four support positions from the IMAT to the M&A program to assist in the legal functions of the Communications Assistance for Law Enforcement Act (CALEA) implementations matters; one agent position transferred from the WCC field to IMAT program to support the CALEA function; and two agent positions transferred from within OFP to support the weapons of mass destruction function. Also includes a 9/30/99 approved End-of-Year TURK reprogramming in the following areas:
From WCC, 45 pos. (wkyrs); from OFP, 164 pos. (wkyrs); To OCE, 46 pos. (wkyrs); to TRA, 163 pos. (wkyrs).

Transfers Between Accounts
The FBI received transfers in of $12,437,000 for Y2K contingencies, $552,000 from AID, and $5,415,658 from ONDCP. The FBI, with Congressional approval, transferred out $4,000,000 to the Executive Office for Immigration Review and $30,813,000 to Federal Prisoner Detention. The FBI received reimbursement from WCF UBT to offset the transfer of $34,813,000.

Unobligated Balance Brought Forward
The unobligated balance brought forward includes $15,350,027 from the two-year account ($4,350,000 in recoveries), $16,247,325 from the no-year account ($259,363 in recoveries), and $52,888,808 from VCRP. This includes the recission of $8,700,000. The total unobligated balance includes the recission of $8,700,000 and reflects corrected amounts from those shown in the President's Budget Appendix.

Federal Bureau of Investigation
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 Presidents's Budget Request			Congressional Appropriation Action on 2000 Request			.38% Reduction	Transfer Between Accounts	Reprogrammings			1999 Reallocations			2000 Appropriation Enacted		
	Pos	WY	Amount	Pos.	WY	Amount	Amount	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos.	WY	Amount
1. Criminal Security, and Other Investigations																	
a. Organized Criminal Enterprises (OCE)	5,035	4,984	$552,686	(1,037)	(1,009)	($126,079)	...	($981)	40	40	$5,580	(2)	(2)	($168)	4,036	3,993	$429,038
b. White Collar Crime (WCC)	4,333	4,183	463,071	...	...	(6,402)	...	(894)	...	...	...	(3)	(3)	(293)	4,330	4,180	455,682
c. Other Field Programs (OFP)	10,569	10,255	1,267,244	(108)	(54)	(30,733)	...	(7,158)	...	...	...	(4)	(4)	(333)	10,457	10,197	1,229,020
Subtotal	19,937	19,422	2,283,001	(1,145)	(1,063)	(165,214)	...	(8,833)	40	40	5,580	(9)	(9)	(794)	18,823	18,370	2,113,740
2. Law Enforcement Support																	
a. Training, Recruitment, and Applicant (TRA)	1,016	978	116,047	...	...	(671)	...	...	...	...	...	6	6	282	1,022	984	115,458
b. Forensic Services (FS)	837	757	141,562	(79)	(40)	(18,935)	...	...	(40)	(40)	(5,580)	...	...	...	718	677	117,047
c. Information Management, Automation, and Telecommunications (IMAT)	561	526	202,833	...	...	(54,265)	...	...	26	26	11,764	3	3	323	590	555	160,655
d. Technical Field Support & Services (TFS&S)	287	265	221,348	(20)	(10)	(29,432)	...	(41,167)	(26)	(26)	(11,764)	...	...	...	241	229	138,985
e. Criminal Justice Services (CJS)	1,736	1,628	131,066	558	558	79,180	...	...	...	...	...	(4)	(4)	(180)	2,290	2,182	210,066
Subtotal	4,437	4,154	812,856	459	508	(24,323)	...	(41,167)	(40)	(40)	(5,580)	5	5	425	4,861	4,627	742,211
3. Program Direction																	
a. Management and Administration (M&A)	2,145	2,020	187,520	...	...	(3,972)	($60)	...	...	...	...	4	4	369	2,149	2,024	183,857
Subtotal, Direct (non-add)	26,519	25,576	3,002,876	(7,637)	(7,348)	(685,921)	(60)	(50,000)	...	...	...	...	...	...	18,882	18,228	2,286,955
Subtotal, VCRP (non-add)	...	...	280,501	8,951	8,793	472,352	...	...	...	...	...	...	...	...	8,851	8,793	752,853
Total, Salaries and Expenses	26,519	25,576	$3,283,377	(686)	(555)	($193,509)	($60)	($50,000)	...	...	...	...	...	...	25,833	25,021	$3,039,808

Congressional Appropriation Action on 2000 Request
Conference action included the following: a reduction of the total program increase request by 263 positions, 132 workyears, and $92,675,000; a transfer of $2,000,000 from the Attorney General's Counterterrorism Fund to the FBI for the National Infrastructure Protection Center; a rebaselining reduction of $7,000,000 for the Legat Program; and a reduction of $10,293,000 for the Y2K transfer; a reduction of $16,226,000 for automobiles; and a reduction of $8,436,000 for field office furniture.

Conference action also included redirecting OCDE resources back to reimbursable funding and a transfer of the resources for the National Instant Check System (NICS) from reimbursable to direct funding.

.38% Reduction
Reflects a reduction of $60,000 for the FBI portion of the Congressionally-mandated reduction of .38% for the Department of Justice.

Transfers Between Accounts
$50,000,000 was transferred from the FBI's Salaries and Expenses/Violent Crime Reduction Trust Fund accounts to the Department of Justice Wireless Management Office.

1999 Congressionally-Approved Reprogrammings/Reallocations Affecting 2000
Reflects impact of reprogrammings approved during 1999.

Six field support positions (OCE (2); WCC (1);and OFP (3)) transferred to the IMAT program for the specific purpose of providing automations support to FBI Legal Attaches; one support position transferred from OFP to the M&A program; one support position reversed from WCC to the M&A program following the completion of the Inspection Division's compliance function; two support positions and the Government Employees Training Act (GETA) functional transfer from the M&A to the TRA program; four support positions transferred from CJS to the field TRA program (BUAP - Recr.) to support recruiting and applicant functions associated with the CJS program in West Virginia but located in the Pittsburgh field office; four support positions from the IMAT to the M&A program to assist in the legal functions of the Communications Assistance to Law Enforcement Act (CALEA) implementation matters; one agent position transferred from the WCC field to IMAT program to support the CALEA function; and two agent positions transferred within OFP to support the Weapons of Mass Destruction function.

Federal Bureau of Investigation
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	25,633	25,021	$3,089,868
Government-wide .38% recission pursuant to H.R. 3425	...	...	(60)
Transfer of Radio Base Funding to Wireless Management Office	...	...	(50,000)
2000 Appropriation Anticipated	25,633	25,021	3,039,808
Adjustments to Base			
Increases	...	3	142,836
Decreases	...	...	(1,139)
NICS Change from Direct Approp to Fee Funded	(558)	(558)	(67,735)
2001 Base	25,275	24,466	3,113,770
Program Changes (See Program Narrative for Details)	360	180	163,792
2001 Estimate	25,635	24,646	3,277,562

	2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Direct												
1. Criminal, Security, and Other Investigations	18,823	18,370	$2,113,740	18,823	18,370	$2,223,078	19,059	18,489	$2,272,533	236	119	$49,455
2. Law Enforcement Support	4,881	4,627	742,211	4,303	4,072	696,906	4,427	4,133	810,645	124	61	113,737
3. Program Direction	2,149	2,024	183,857	2,149	2,024	193,784	2,149	2,024	194,384	...	...	600
Subtotal, Direct	*18,882*	*18,228*	*2,286,955*	*25,275*	*24,466*	*3,113,770*	*25,635*	*24,646*	*3,277,562*	*360*	*180*	*163,792*
Subtotal, VCRP	*6,951*	*6,793*	*752,853*	...	...	...	...	...	...	...	...	...
Total	25,833	25,021	3,039,808	25,275	24,466	3,113,770	25,635	24,646	3,277,562	360	180	163,792

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Federal Bureau of Investigation
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Budget Activity	1999 Availability*			1999 Actual**			2000 Appropriation Anticipated			2001 Base			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Criminal, Security and Other Investigations:																		
Organized Criminal Enterprises	4,082	4,039	$430,459	4,124	4,049	$403,013	4,036	3,993	$429,038	4,036	3,993	$451,461	4,036	3,993	$458,561	...	...	7,100
White Collar Crime	4,285	4,083	431,403	4,187	4,074	431,467	4,330	4,180	455,682	4,330	4,180	483,522	4,338	4,184	484,134	8	4	612
Other Field Programs	10,293	9,933	1,202,226	10,253	9,880	1,179,082	10,457	10,197	1,229,020	10,457	10,197	1,288,095	10,685	10,312	1,329,838	228	115	41,743
Subtotal	18,660	18,055	2,064,088	18,564	18,003	2,013,562	18,823	18,370	2,113,740	18,823	18,370	2,223,078	19,059	18,489	2,272,533	236	119	49,455
Law Enforcement Support:																		
Training, Recruitment, and Applicant	1,185	1,147	129,250	1,281	1,288	140,690	1,022	984	115,458	1,022	984	120,672	1,022	984	125,972	...	...	5,300
Forensic Services	713	662	128,151	713	660	105,310	718	677	117,047	718	680	120,436	823	732	146,406	105	52	25,970
Information Management, Automation and Telecommunications	590	555	163,887	590	701	156,749	590	555	160,655	590	555	164,308	605	562	221,580	15	7	57,272
Technical Field Support & Services	241	226	211,067	241	248	211,706	241	229	138,985	241	229	141,888	245	231	167,083	4	2	25,195
Criminal Justice Services	2,155	2,047	167,659	2,155	2,020	116,284	2,290	2,182	210,066	1,732	1,624	149,604	1,732	1,624	149,604	---	---	---
Subtotal	4,884	4,637	800,014	4,980	4,917	730,739	4,861	4,627	742,211	4,303	4,072	696,908	4,427	4,133	810,645	124	61	113,737
Program Direction:																		
Management and Administration	2,149	2,024	176,824	2,149	1,902	195,223	2,149	2,024	183,857	2,149	2,024	193,784	2,149	2,024	194,384	...	...	600
Subtotal, Direct	*[25,264]*	*[24,287]*	*[2,764,681]*	*[25,264]*	*[24,393]*	*[2,720,768]*	*[18,882]*	*[18,228]*	*[2,286,955]*									
Subtotal, VCRP	*[429]*	*[429]*	*[276,245]*	*[429]*	*[429]*	*[218,756]*	*[6,951]*	*[6,793]*	*[752,853]*									
TOTAL	25,693	24,716	$3,040,926	25,693	24,822	$2,939,524	25,833	25,021	$3,039,808	25,275	24,466	$3,113,770	25,635	24,646	$3,277,562	360	180	$163,792
Direct Total		24,716			24,822			25,021			24,466			24,646			180	
Other Workyears:																		
LEAP		2,834			2,731			2,853			2,853			2,861			8	
Overtime		453			483			453			453			453			...	
Total Compensable, Direct Workyears		28,003			28,036			28,327			27,772			27,960			188	
Reimbursable Total		2,888			2,834			2,832			3,429			3,453 ***			24	
Other Workyears:																		
LEAP		228			228			237			242			246			4	
Overtime		113			133			113			113			113			...	
Total Compensable, Reimbursable Workyears		3,229			3,195			3,182			3,784			3,812			28	
Direct and Reimbursable Workyears		27,604			27,656			27,853			27,895			28,099			204	
Total Compensable Workyears		31,232			31,231			31,509			31,556			31,772			216	

* Includes the end of the year Time Utilization Record Keeping reprogramming notification sent to Congress on 9/30/99.
** Includes field position changes within the FBI programs proportioned to the actual field workyears.
*** Reimbursable FTE differs from MAX due to Health Care Fraud change.

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Federal Bureau of Investigation
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

No Year: NY
Attorney General's Counterterrorism : AG's CT Fund

Collections by Source:	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Interagency Crime Drug Enforcement (ICDE)	981	981	$108,829	981	981	$108,544	981	981	$112,468	...	...	$3,924
Assets Forfeiture Fund	...	...	37,108	...	...	33,000	...	...	33,693	...	...	693
Identification User Fee	1,011	977	88,459	876	767	91,732	792	683	89,118	(84)	(84)	(2,614)
Drug Enforcement	...	19	1,600	...	...	685	...	...	...	...	...	(685)
Name Check Program	184	125	8,368	184	184	7,860	184	184	7,977	...	...	117
Background Investigations	116	62	4,881	116	116	4,151	116	116	13,613	...	...	9,462
Health Care Fraud (HCF)	651	610	66,000	728	689	76,000	776	752	88,000	48	63	12,000
Loan of Personnel	47	28	3,141	47	47	2,757	47	47	2,798	...	...	41
Other Field Activities	...	...	73,901	...	...	83,750	...	...	87,004	...	...	3,254
FBI/DEA Co-Location	43	28	5,106	43	43	3,815	43	43	3,948	...	...	133
AG's CT Fund	...	...	3,432	...	...	...	...	...	...	...	...	...
Department of Justice	...	...	1,947	...	...	1,800	...	...	1,838	...	...	38
All Other	5	3	9,850	5	5	9,766	5	5	9,988	...	...	222
National Instant Criminal Background Check System (NICS)	...	...	...	...	...	...	642	642	71,552	642	642	71,552
Working Capital Fund (NY)	...	...	83,351	...	...	66,264	...	...	...	...	...	(66,264)
AG's CT Fund (NY)	...	...	10,043	...	...	8,404	...	...	...	...	...	(8,404)
National Crime Information Center 2000 (NY)	...	...	8,508	...	...	6,904	...	...	...	...	...	(6,904)
Criminal Justice Services User Fee (NY)	...	...	4,302	...	...	16,359	...	...	16,359	...	...	...
COPS - LEO Funding (NY)	...	...	7,790	...	...	4,685	...	...	...	...	...	(4,685)
Brady Act (NICS) No Year	...	...	1,390	...	...	1,390	...	...	...	...	...	(1,390)
Energy Management System (NY)	...	...	...	...	...	...	...	...	...	...	...	...
Narrowband Radio Communications	...	...	...	...	...	32,696	...	...	33,554	...	...	858
Nursing Home Initiative	...	...	...	...	...	...	...	...	14,400	...	...	14,400
All Other (NY)	...	...	256	...	...	256	...	...	...	...	...	(256)
Budgetary Resources	3,036	2,834	528,242	2,980	2,832	560,998 *	3,586	3,453	586,310 **	606	621	25,312

Changes in workyears, positions, and funding:
There is a program increase of 48 positions (24 workyears) for Health Care Fraud (HCF). A base change includes the NICS base level transfer from direct to reimbursable funding (556 support positions (workyears), 84 positions/workyears transferred from the CJIS reimbursable user fee program, and $68,552,000 in estimated receipts projected to support the NICS program. The budget also includes an increase of $5,000,000 in fee expenses to support, in those states where background checks are made directly between federally-licensed firearms dealers and the FBI, notification of local law enforcement when a felon or other ineligible person attempts to purchase a firearm. Other increases reflect the proposed 2001 payraise and the nonpersonnel funding inflation factor increases across all of collections except the reimbursable no year items. The ICDE source also includes the 2001 payraise and other 2001 mandatory increases in the 2001 base level. An increase of 39 annualized workyears and other mandatory increases also occur in the HCF source. These increases would apply for the Obligation by Program schedule on the next page as well.

* This amount differs by $33,146,000 from the 2000 column in MAX: $32,696,000 for Narrowband Radio Communications and $250,000 for participation in the Chemical Weapons Convention for Other Field Activities.
** This amount differs by $75,463,000 from the 2001 estimate in MAX: $33,554,000 for Narrowband Radio Communications and $1,750,000 for participation in the Chemical Weapons Convention for Other Field Activities; $9,400,000 for the additional background investigations for the Department of Energy; $16,359,000 for the user fee surcharge no year funding; and $14,400,000 for the nursing home initiative.

Federal Bureau of Investigation
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)
(Continued)

Obligation by Program	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Organized Criminal Enterprises*	981	1,000	$132,536	981	981	$128,000	981	981	$133,423	...	...	$5,423
White Collar Crime	651	610	66,000	728	689	76,000	776	752	88,000	48	63	12,000
Other Field Programs	2	1	90,087	2	2	97,468	2	2	94,260	...	...	(3,208)
Training, Recruitment, and Applicant	206	119	14,549	206	206	21,770	206	206	21,967	...	...	197
Forensic Services	...	...	18,639	...	...	13,374	...	...	12	...	...	(13,362)
Information Management, Automation, and Telecommunications (IMAT)	184	125	12,560	184	184	50,833	184	184	10,804	...	...	(40,029)
Technical Field Support and Services	2	...	20,225	2	2	43,780	2	2	44,226	...	...	446
Criminal Justice Services	1,011	977	162,067	876	767	119,076	792	683	114,078	(84)	(84)	(4,998)
Criminal Justice Services (NICS)	...	...	...	...	...	...	642	642	71,552	642	642	71,552
Management and Administration (M&A)	1	2	11,377	1	1	10,697	1	1	7,988	...	...	(2,709)
Total	3,038	2,834	528,242	2,980	2,632	580,998 **	3,586	3,453	586,310 ***	606	621	25,312

*Resources included in the Organized Criminal Enterprises program are not only associated with the Interagency Crime Drug Enforcement source but also with the Assets Forfeiture Fund source, the Drug Enforcement source, and other sources.

Justification of Increase, White Collar Crime (WCC):

On August 21,1996, President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The HIPAA established a health care fraud enforcement fund with the United States Treasury and directs that the FBI be provided specific funding levels for health care fraud investigations without further appropriation - for fiscal year 1998, $56,000,000; for fiscal year 1999, $66,000,000; for fiscal year 2000, $76,000,000 and for FY 2001; $88,000,000.

Justification of Increase, National Instant Check System (NICS):

The base level of the NICS function (558 positions, 558 workyears) is transferred from direct to reimbursable funding for the 2001 base. An estimated 5,000,000 NICS checks are expected to be performed by the FBI in 2001. An additional 84 positions/workyears were transferred from within the CJIS user fee program to fully meet the staffing requirements of NICS. User fee receipts totalling $66,552,000 are projected to support the NICS program. The budget also includes an increase of $5,000,000 in fee expenses to support. In those states where background checks are made directly between federally-licensed firearms dealers and the FBI, notification of local law enforcement when a felon or other ineligible person attempts to purchase a firearm.

Justification of Increase/Decrease, Rest of the FBI reimbursable programs:

The increase/decrease between FY 2000 and FY 2001 for the other FBI programs is the combination of not showing any no year reimbursable funding in FY 2001 (net decreases); and and net increases as a result of the FY 2001 payraise for those programs with personnel resources and the 2001 inflation factor for the nonpersonnel funding of the rest of the FBI programs.

** This amount differs by $33,146,000 from the 2000 column in MAX: $32,896,000 for Narrowband Radio Communications in the Technical Field Support and Services program; and $250,000 for participation in the Chemical Weapons Convention in Other Field Programs.
*** This amount differs by $75,483,000 from the 2001 estimate in MAX: $33,554,000 for the Narrowband Radio Communications in the Technical Field Support and Services program; and $1,750,000 for participation in the Chemical Weapons Convention in Other Field Programs; $9,400,000 for the additional projected background investigations in the Training, Recruitment, and Applicant program; $16,359,000 for the user fee surcharge no year funding in the Criminal Justice Services program; and $14,400,000 for the nursing home initiative in the Criminal Justice Services program.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS

Organized Criminal Enterprises	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	4,036	3,993	$429,038
2001 Base	4,036	3,993	451,461
2001 Estimate	4,036	3,993	458,561
Increase/Decrease	...	...	7,100

BASE PROGRAM DESCRIPTION:

Organized Criminal Enterprises (OCEs) are a continuing and self-perpetuating criminal conspiracy employed by groups that are hierarchical in structure. These organizations use fear, intimidation and manipulation to control and corrupt anyone that stands in their way. OCE's are driven by one thing - the potential generation of profits, and they will stop at nothing to maximize their return on investment. This singular cause leaves thousands of victims in its wake, destroying the lives of innocent people and threatening the social fabric that holds local communities, towns, states and the nation together.

The FBI's organized crime and drug investigations are increasing in complexity. The criminal enterprises being targeted enjoy access to technology and ease of mobility that was unimaginable a few years ago. OCEs maintain their position through the use of violence or threats of violence, corruption of public officials, and extortion. These groups engage in commonly known activities such as drugs and arms trafficking, smuggling of automobiles and people, and trafficking in stolen art. However, much like the multinational conglomerates, they have expanded their activities into areas such as smuggling of embargoed commodities, industrial and technological espionage, financial market manipulation and the corruption and control of groups within and outside of the legal state system. With their successful forays into these areas, tremendous amounts of illegal profits are laundered through multiple investments in banks, financial institutions and businesses around the globe.

The same crime organizations that threaten U.S. cities also conduct these crimes on an international scale. The threat to U.S. interests from these emerging international crime groups grows more serious every day. These international crime organizations corrupt key officials in major industries, economic and customs positions, and continue to run large-scale money laundering operations by utilizing banks, stock exchanges, venture capital opportunities and commodities markets, all of which undermine the financial security of world markets. These organizations, with their wealth and power, can manipulate financial sectors, jeopardizing the pensions and savings of ordinary citizens.

Whether addressing domestic or international organized crime, the efficient use of resources and the effective investigation of crime require dependable intelligence gathering and sharing function. If the most serious criminal enterprises are to be identified and investigated the scope and sophistication of existing and emerging criminal enterprises pose a complex investigative challenge to law enforcement. Criminal enterprises are fluid. They change their operations frequently to avoid apprehension and utilize modern telecommunications technology to frustrate law enforcement efforts. Accurate intelligence, more than ever, has become the "eyes and ears" that allow law enforcement to know which investigative techniques to use, and when and where to apply them.

Among the pertinent strategies for the OCE Decision Unit include:

- Identify, penetrate, and dismantle major organized criminal enterprises, including street gangs engaged in illegal activity;
- Implement a multi-year approach to disrupt and dismantle all major organized criminal enterprises;
- Support comprehensive strategies against violent crime through the establishment of multi-agency task forces;
- Improve international cooperation against violent and organized crime through enhanced liaison and international training activity;
- Reinforce the Southwest Border Initiative and strengthen the centralized management and coordination of the Organized Crime Drug Enforcement Task Forces activities;
- Expand and improve our overseas law enforcement presence, with a focus on better liaison and cooperation with foreign governments; and
- Increase methamphetamine investigations, and counter the rapidly emerging problem of Mexican-base heroin trafficking.

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2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of $7,100,000 for the OCE Decision Unit within the following initiatives:

	Pos.	(Agents)	WYs	Amount $000
Information Collection, Management, and Analysis	...	(...)	...	$5,000
Investigative Support	...	(...)	...	2,100
Total	...	(...)	...	$7,100

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS

White Collar Crime	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	4,330	4,180	$455,682
2001 Base	4,330	4,180	483,522
2001 Estimate	4,338	4,184	484,134
Increase/Decrease	8	4	612

BASE PROGRAM DESCRIPTION:
United States citizens and businesses lose billions of dollars each year due to criminals engaged in non-violent fraudulent enterprises. The globalization of economies and financial systems, dramatic technological advances, declining corporate and individual ethics, and the sophistication of criminal organizations annually increase the volume of illegal acts characterized by deceit, concealment, or violations of trust. The loss thus incurred is not merely monetary, for it contributes to a potential loss of confidence and trust in financial institutions, public institutions, and industry.

Private industry in the United States controls trillions of dollars in assets, an inviting target for criminal schemes. Frauds against businesses range from embezzlements to technological attacks on a corporation's intellectual property. The U.S. Government also manages billions of dollars to carry out public policy. The General Accounting Office estimates that as much as 10 percent of funds appropriated for domestic programs is lost to fraud in the procurement and contracting process.

Through the White Collar Crime (WCC) program, the FBI targets criminal enterprises that seek illicit gains through fraud and guile. From the overwhelming number and variety of WCCs, the FBI has identified and classified the most egregious crime problems into 11 national priority crime problem areas: Health Care Fraud, Public Corruption, Financial Institution Fraud, Government Fraud,

Insurance Fraud (non-health care), Securities and Commodities Fraud, Telemarketing Fraud, Bankruptcy Fraud, Environmental Crimes, Money Laundering, and Intellectual Property Rights Violations.

2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of 8 positions (2 agents), 4 workyears, and $612,000 for the WCC Decision Unit in the following initiative:

	Pos.	(Agents)	WYs	Amount $000
Technology Crimes	8	(2)	4	$612

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS

Other Field Programs	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	10,457	10,197	$1,229,020
2001 Base	10,457	10,197	1,288,095
2001 Estimate	10,685	10,312	1,329,838
Increase/Decrease	228	115	41,743

BASE PROGRAM DESCRIPTION:
Through the Other Field Programs, the FBI investigates crime in Indian Country, criminal street gangs, violations of the bank robbery statutes, carjackings, crimes against children, crimes on government reservations, thefts from interstate shipment, interstate transportation of stolen property and motor vehicles, assaults/threats to federal officers, assaults on the President, theft of and/or destruction of government property, counterterrorism, and security countermeasures issues. The Other Field Programs is responsible for the location and apprehension of federal, state and local fugitives charged under the Fugitive Felon Act with unlawful flight to avoid prosecution or confinement for violent crimes and other serious felony offenses. The FBI is able to conduct simultaneous investigations in multiple jurisdictions and has demonstrated its ability to coordinate and successfully resolve the most complex, sensitive and organizationally focused investigations. Given the ever changing nature of crime in the United States, FBI mission responsibilities require the maintenance of full operational capabilities in each of these areas.

In addition, by Congressional mandate, the FBI is the only federal law enforcement agency that conducts criminal investigations of violations of Civil Rights statutes. The Civil Rights Program investigates violations of the federal Civil Rights Statutes and provides assistance in the investigation of allegations of violation of applicable federal laws which protect the civil rights of all persons in the United States. The FBI is mandated as the lead federal agency to investigate and deter hostile acts of terrorism, and when necessary,

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to apprehend those individuals and groups whose aim is to harm the United States through the acts of terrorism.

The Other Field Programs also contains the FBI's Critical Incident Response Group (CIRG). CIRG was established in 1994 to facilitate the coordination of FBI responses to major law enforcement crises and special investigations. The CIRG responds to crimes which pose great dangers and require skills that are not routinely available in many law enforcement agencies. When faced with complex incidents, CIRG responds by providing trained, well equipped and experienced negotiators, crisis managers, tactical and aviation personnel, supported by pertinent research of successful techniques used in similar situations. Behavioral science experts advise tacticians, negotiators, and crisis managers regarding subjects and potential strategies. These resources greatly enhance the potential to successfully resolve complex crisis situations or investigations that require such expertise.

Terrorism, violent crime and anti-government crime are priority areas of concern for the FBI. The bombs that damaged the World Trade Center and destroyed the federal building in Oklahoma City are vivid examples of how these types of crimes impact on our society and give some indication of the minds of these criminals. Presidential Decision Directive (PDD)-39 and the Director of Investigative Agency Policies Resolution 12 reemphasizes the role of the FBI as the lead federal agency in major domestic situations.

The cost of crime has two dimensions: a dollar amount calculated by adding up property losses, productivity losses, and medical bills, and an amount less easily quantifiable because it takes the forms of pain, emotional trauma, injury and death. Researchers have found that crime victimization generates $105 billion annually in property and productivity losses and outlays for medical expenses. This amounts to an annual "crime tax" of roughly $425 per man, woman, and child in the United States. From the small business owner who is literally crippled because he refuses to pay "protection" money to the neighborhood gang, to the families who are hostages within their homes, living in neighborhoods ruled by predatory drug trafficking gangs, the harmful impact of gang violence on its victims individually, and on society collectively, is both physically and psychologically debilitating. The destabilizing effect of criminal gangs on our communities, while difficult to quantify, is enormous. Perhaps the most disturbing trend is the rise in crimes related to the sexual exploitation of children and the growing use of the Internet to share pornographic pictures of minors and to use it as a tool to identify and recruit children into sexually illicit relationships.

2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of 228 positions (63 agents), 115 workyears, and $41,743,000 for the Other Field Programs Decision Unit within the following initiatives:

	Pos.	(Agents)	WYs	Amount $000
Counterintelligence	138	(63)	69	$19,115
Counterterrorism	...	(...)	...	4,600
Information Collection, Management, and Analysis	59	(...)	30	13,389
Violent Crimes	31	(...)	16	4,639
Total	228	(63)	115	$41,743

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Training, Recruitment and Applicant Program	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated			
2001 Base	1,022	984	$115,458
2001 Estimate	1,022	984	120,672
Increase/Decrease	1,022	984	125,972
	...	...	5,300

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BASE PROGRAM DESCRIPTION:
While the United States continues to be plagued by traditional crime problems, the globalization of crime and the increased sophistication of new crimes presents challenges that law enforcement must be prepared to overcome. From complex cyber-crimes to intricate fraud schemes, the skill set required to solve crimes today is far different from even ten years ago. Moreover, advances in technology and travel coupled with the emergence of a "borderless" world mean that the skills and abilities of law enforcement must be continually enhanced at an alarmingly fast rate. The FBI must meet these challenges at a time when, due to recent large increases in new agent hires, approximately 30 percent of the FBI's agent workforce has less than 4 years of experience.

The FBI is committed to meeting these challenges by providing high quality training to its personnel and the law enforcement community at large. The cornerstone of FBI training efforts is the new agent training program, which provides comprehensive instruction to ensure that entry level Special Agents possess the basic knowledge and skills required to serve the American public. Among the components of the new agent training curriculum are behavioral science, communications/interviewing, ethics, legal instruction, informant development, physical fitness/defensive tactics, evidence, firearms, EEO/sensitivity training, and practical problems. Agent trainees also receive instruction in each of the FBI's investigative programs: organized crime, drugs, violent crimes,

white-collar crimes, counterintelligence and civil rights. During FY 1999, the FBI trained 718 new agents through the new agent training program.

There is also a continuing need to provide training and development courses for FBI personnel assigned to field offices and FBI Headquarters. This training is necessary to maintain and enhance the professional skills of FBI personnel in their present assignments, to equip personnel to handle new investigative and administrative requirements, and to develop the leadership and management skills of potential supervisors, managers, and executives. During FY 1999, the FBI trained 11,250 employees through in-service courses at the FBI Academy.

The FBI also provides instruction for state and local criminal justice practitioners, both at the FBI Academy and throughout the United States at state, regional, and local training facilities. The principal course for state and local law enforcement officers is the FBI National Academy, an 11 week multi-disciplinary program for officers who are considered to have potential for further advancement in their careers. During FY 1999, 1,069 state and local law enforcement officers attended the National Academy.

In addition to sessions offered at the FBI Academy, the FBI conducts and participates in courses and seminars at state, regional, and local training facilities. These training sessions cover the full range of law enforcement training topics such as hostage negotiation, computer-related crimes, death investigations, violent crimes, criminal psychology, forensic science, and arson. During FY 1999, 117,599 criminal justice personnel received training at state, regional, and local training facilities from FBI instructors.

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Because of the increasingly global nature and mandate of many of the FBI's investigative initiatives, the FBI has in recent years emphasized the need to train its foreign law enforcement partners through the International Training and Assistance Program. In 1999, the FBI provided training to 6,122 international police officers and executives representing 95 countries.

The FBI's preeminent law enforcement role has been forged by its ability to consistently recruit, retain, and manage one of the world's most talented workforces. The FBI's Applicant Program must continue to focus on all segments of society to ensure that we identify and recruit individuals who possess the required knowledge, skills, and abilities needed by the FBI. Dedicated employees with specific areas of expertise are vital to continued success in the FBI's effort to support the criminal justice community in the fight against crime and violence.

The FBI's total funded staffing level for FY 1999 was 28,731 positions. The on-board staffing level at the end of 1999 was 28,422

employees, of which 11,667 were Special Agent and 16,765 support. To support the FBI's applicant program throughout the 56 field office territories, approximately 1,700 contract special investigators are utilized to conduct background investigations of persons being considered for all but the most sensitive positions. The FBI continues to provide recruitment processing, overall management and assignment of background investigations. Additionally, FBI personnel specialists review the results of contract background investigations for completeness and to determine the need for further inquiries.

2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of $5,300,000 for the Training, Recruitment and Applicant Decision Unit in the following initiative:

	Pos.	(Agents)	WYs	Amount $000
Training	...	(...)	...	$5,300

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Forensic Services	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	718	677	$117,047
2001 Base	718	680	120,436
2001 Estimate	823	732	146,406
Increase/Decrease	105	52	25,970

BASE PROGRAM DESCRIPTION:

The successful investigation and prosecution of crimes requires, in most cases, the collection, examination, and scientific analysis of evidence recovered at the scene of the incident and obtained during the course of the investigation. Oftentimes, the availability and presentation of physical evidence is used in court to demonstrate the guilt, either directly or circumstantially, of the person on trial. In other instances, evidence can exonerate individuals wrongly accused of crimes. The Forensic Services program supports the operations of the FBI Laboratory, one of the largest and most comprehensive criminal laboratories in the world and the only full-service civilian federal forensic laboratory in the United States. The FBI Laboratory performs examinations of evidence for all duly constituted law enforcement agencies--federal, state, and local--in the United States.

The FBI Laboratory is recognized as a leader in the scientific analysis and solution of crime in the United States. Since its inception, the FBI Laboratory has consistently strived to enhance its service to the law enforcement and criminal justice communities. Through exhaustive analysis, appropriate methodologies are developed to apply the most recent scientific and technological innovations to the examination of forensic evidence in criminal investigations. The reliability of these techniques is crucial, not only to the law enforcement profession, but to the public it serves.

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Examinations of evidence are performed, free of charge, for all duly constituted law enforcement agencies in the United States that do not have access to the sophisticated instrumentation and/or expertise necessary to perform forensic examination(s). During 1999, the FBI Laboratory examiners and technicians conducted 866,778 examinations. Additionally, 1,417,819 latent fingerprint comparisons were performed and 1,023 suspects were identified by those exams. State and local investigations accounted for approximately 16 percent of forensic examinations in 1999.

The FBI Laboratory also provides investigative support for such programs as the Polygraph Program and the Field Photo Program. In 1999, the FBI conducted 6,400 polygraph examinations and produced 2,000,000 photographs.

2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of 105 positions, 52 workyears, and $25,970,000 for the Forensic Services Decision Unit within the following initiatives:

	Pos.	(Agents)	WYs	Amount $000
Counterterrorism	...	(...)	...	$7,900
Law Enforcement Support	5	(...)	2	6,699
Technology Crimes	100	(...)	50	11,371
Total	105	(...)	52	$25,970

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Information Management, Automation and Telecommunications	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	590	555	$160,655
2001 Base	590	555	164,308
2001 Estimate	605	562	221,580
Increase/Decrease	15	7	57,272

BASE PROGRAM DESCRIPTION:

The Information Management, Automation and Telecommunications (IMAT) decision unit serves the American public through its support to all functional areas of the FBI: investigative; intelligence; law enforcement support; and administration. The mission of the IMAT program is to provide secure information management and information technology (IT) services support for the FBI's worldwide operational and administrative activities. The IMAT's goal is to provide IT systems capable of performing effective and efficient case management, information analysis, and intelligence sharing, both internally and with other law enforcement entities so that the FBI's success as an organization is realized and cooperation with other law enforcement entities is maximized.

The IMAT decision unit oversees activities associated with electronic information and productivity tools. It supports FBI investigative and administrative operations by providing the means for and assistance in management of information resources. IMAT resources include technology support and management personnel, computer data centers, and information technology centers. The program is responsible for maintenance of over 39 FBI computer systems and employs approximately 400 employees to support various automation systems. The IMAT supports an expansive inventory of intelligent workstations and peripherals, related software, data communications networks, voice communications, and rental of automated data processing equipment and commercial services.

The IMAT also maintains the FBI's central files, processes name checks for other federal agencies, and supports all telecommunications equipment and expenditures, as well as rental of other equipment to support the daily activities of all FBI employees. In addition, the IMAT implements the Communications Assistance for Law Enforcement Act, working to insure the continued capability of all law enforcement to conduct lawfully authorized electronic surveillance.

The FBI stands at the forefront of law enforcement agencies with its world-wide mission of predicting and deterring crime and protecting the nation's security interests. To accomplish this mission in an environment of international criminal, terrorist and hostile intelligence threats, all of which increasingly operate in cyberspace, the FBI requires enhanced information management and exchange capabilities. The FBI's current mainframe-based IT infrastructure is limited in its functionality for providing the types of information processing needed to satisfy today's investigative requirements. Success as an organization depends upon thorough and timely information collection, processing and dissemination. FBI field agents and analysts need superior computing capabilities to pursue their investigations. A stable, state of the art, IT infrastructure is fundamental to developing and implementing these enhanced capabilities and is, therefore, critical to investigative success.

The number and complexity of FBI cases continues to escalate, coordination with other law enforcement organizations is more critical than ever before, and computer crime and fraud investigations continue to increase in number. At the same time, FBI field offices function much as they have for many years, relying on people-intensive processes, paper-based systems, and traditional computer technology and office equipment. Many of the FBI's large-scale, mission-critical applications, still in use today, were developed and implemented in the mainframe environment. These legacy systems currently do not have the capability to process information such as externally prepared text documents, images, videotapes, and photographs. The FBI developed and implemented the Automated Case Support (ACS) system to electronically store and manage investigative case files. However, ACS is only capable of storage and retrieval of internally generated text documents. Imaging technology and communications capabilities that would facilitate handling large files has only recently matured and become commercially viable. Additionally, the FBI telecommunications infrastructure has reached its capacity and does not have sufficient additional capacity or speed to transmit multimedia files to and from various locations. For these reasons, enhancement of the FBI's IT infrastructure and systems is essential if the FBI is to successfully handle the complex, multi-jurisdictional, long-running investigations which are becoming more common in today's world.

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2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of 15 positions, 7 workyears, and $57,272,000 for the IMAT Decision Unit within the following initiatives:

	Pos.	(Agents)	WYs	Amount $000
Investigative Support	...	(...)	...	$16,434
Information Collection, Management, and Analysis	15	(...)	7	40,838
Total	15	(...)	7	$57,272

Justifications for program increases requested are included in the respective budget initiative presentations.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Technical Field Support and Services	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	241	229	$138,985
2001 Base	241	229	141,888
2001 Estimate	245	231	167,083
Increase/Decrease	4	2	25,195

BASE PROGRAM DESCRIPTION:

The Technical Field Support and Services (TFS&S) program supports the investigative, national security, law enforcement services, and management and direction missions of the FBI through a variety of service and support programs that can be grouped along four general functional areas: (1) electronic surveillance; (2) technical operations; (3) wireless communications and engineering services; and (4) automotive fleet and property management. The mission of the TFS&S program is:

> To provide engineering services, technical support, and equipment to FBI field offices and conduct necessary research and development to adapt technology for deployment against criminal and terrorist activities; to provide a fieldwide radio and wireless communications system services which are both spectrally efficient and provides attained levels of interoperability with other federal, state, and local government radio users where demands and increased reliance on interagency coordination and cooperation are essential; and to provide safe and reliable automotive fleet services to support FBI investigative requirements.

The FBI seeks to ensure there is a sufficient inventory of basic equipment to satisfy the demands of investigators and other personnel for technical equipment and services. Technical equipment often serves as part of a critical safety net to agents who must operate

under life-endangering or high-risk situations. The value of technical equipment and systems to investigations is directly tied to its availability and operability. The FBI will draw upon the expertise of in-house staff, other federal agencies, national laboratories, universities, and the private sector to develop solutions to new and emerging technologies that have an impact on law enforcement operations and capabilities. Special emphasis programs will continue in areas where the FBI has assumed leadership roles on behalf of the entire law enforcement community: electronic surveillance, technical operations and wireless communications. In conjunction with the Department of Justice Wireless Management Office, the planning, design, and implementation of a new nationwide wireless communications system will be carried forward. Efforts will be directed at ensuring the FBI has available trained and proficient electronics technicians and Technically Trained Agents (TTAs) to meet expected workload demands and provide scheduled maintenance of equipment and technical resources. Improved turnaround times for conducting forensic examinations of audio and video evidence, as well as examinations of other electronic devices, will be emphasized.

Through the programs, initiatives, and resources available to the TFS&S program, the FBI expects to:

- Provide technical equipment in support of field investigations.
- Provide new technologies and address critical shortfalls in technical investigative capabilities including electronic surveillance, technical operations, physical surveillance, special search techniques and training of personnel.
- Extend the lifecycle of already deployed equipment which cannot be replaced through scheduled preventative and corrective maintenance.
- Conduct research and development of new technologies in an effort to produce state-of-the-art investigative techniques, improve investigative and national security operational effectiveness and efficiency.
- Ensure the FBI maintains a sufficient corps of trained and experienced computer specialists, electronics technicians, and TTAs to support field office operations, both criminal and national security investigations, through the use of technical equipment and techniques.
- Provide safe and reliable automobile transportation with less vehicle downtime and cost for repairs and maintenance, thereby increasing investigative ability.

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2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of 4 positions, 2 workyears, and $25,195,000 for the TFS&S Decision Unit within the following initiatives:

	Pos.	(Agents)	WYs	Amount $000
Information Collection, Management, and Analysis	...	(...)	...	$15,000
Investigative Support	...	(...)	...	2,000
Technology Crimes	...	(...)	...	7,000
Training	4	(...)	2	1,195
Total	4	(...)	2	$25,195

Justifications for program increases requested are included in the respective budget initiative presentations.

Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Criminal Justice Services (CJS)	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	2,290	2,182	$210,066
2001 Base	1,732	1,624	149,604
2001 Estimate	1,732	1,624	149,604
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:
Through the CJS program, the FBI furnishes identification and criminal history record services to agencies who are authorized by federal statutes, regulations, and Executive Orders to utilize these services. Major services encompassed by the CJS program include: 1) Integrated Automated Fingerprint Identification System (IAFIS)- the automated system used for both civil and criminal fingerprint processing. IAFIS is designed to achieve a 2-hour response on electronic criminal submissions, thus increasing the positive identification of repeat offenders and wanted individuals prior to release; 2) National Crime Information Center (NCIC) 2000- used for the compilation, dissemination, and exchange of timely and critical criminal justice and law enforcement information, such as criminal history data, wanted person information, stolen vehicle data, etc.; 3) National Instant Criminal Background Check System (NICS)- was established to determine the eligibility of persons purchasing firearms. The President believes that the modest cost of a background check under NICS should be borne by those desiring to establish their eligibility to purchase a gun. Therefore, in 2001 the FBI is requesting the establishment of a user fee to fund the NICS program. With NICS funded on a reimbursable basis, the CJIS 2001 base was decreased by the corresponding amount; 4) Law Enforcement On-line (LEO)- provides a communications mechanism to link all levels of the law enforcement, criminal justice, and public safety communities in all parts of the United States, supporting broad, immediate dissemination of information concerning the best technologies and practices in their disciplines; and 5) Uniform Crime Reporting/National Incident Based Reporting System (UCR/NIBRS)- crime reporting information, collected and retrieved through local, state, and federal systems, provides the criminal justice community with consistent crime statistics, which are essential if these entities are to continue to effectively and efficiently serve the public. Through the use of this data, policy makers can study crime trends and allocate personnel resources according to these trends.

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Federal Bureau of Investigation
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: PROGRAM DIRECTION

Management and Administration	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	2,149	2,024	$183,857
2001 Base	2,149	2,024	193,784
2001 Estimate	2,149	2,024	194,384
Increase/Decrease	...	...	600

BASE PROGRAM DESCRIPTION:
The Management and Administration (M&A) encompasses several FBI entities responsible for providing organizational leadership and overall administration of the FBI, including the Offices of the FBI Director and Deputy Director, the Office of General Counsel, the Inspection Division, the Office of Equal Employment Opportunity Affairs, the Office of Professional Responsibility, the Finance Division, the Administrative Services Division, and the Office of Public and Congressional Affairs. Collectively, these entities enable the effective direction, control, and administration of the FBI's resources.

The various functions within the M&A Decision Unit have a common focus, which is to provide the best possible leadership, direction, and support to the FBI's employees who are assigned to field offices and other locations throughout the FBI. The mission statement for M&A Decision Unit is as follows:

> To lead the FBI effectively through the challenges and changes which are continuously presented to federal law enforcement; to provide effective direction and support to investigative personnel who bravely and willingly place their lives in jeopardy each day; and to ensure there are adequate resources to address the FBI's criminal investigative, national security, and law enforcement support responsibilities.

2001 Budget Initiatives:

For 2001, the FBI is requesting an increase of $612,000 for the M&A Decision Unit in the following initiative:

	Pos.	(Agents)	WYs	Amount $000
Counterterrorism	...	(...)	...	$600

Justifications for program increases requested are included in the respective budget initiative presentations.

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Initiative: Counterintelligence

Decision Unit	Pos.	WYs	Amount ($000)
Other Field Program (OFP)	*138*	*69*	*$19,115*

In an effort to become more effective and responsible in addressing major crime and national security problems facing the United States and the American people, the FBI undertook an exhaustive strategic planning process during 1998. This process required the FBI to rethink its strategic approach to its national security mission. As a result of this process, the FBI developed the FBI Strategic Plan: 1998-2003, which sets the agenda for the FBI by concentrating on specific five-year, strategic goals and key functional strategies for achieving those goals.

A cornerstone of the FBI's Strategic Plan for 1998 - 2003, relative to foreign counterintelligence investigations and activities, is the following strategic goal:

- Identify, prevent, and defeat intelligence operations conducted by any foreign power within the United States or against certain U.S. interests abroad that constitute a threat to U.S. National Security.

In connection with the aforementioned strategic planning process, each of the FBI's operational/investigative programs and field offices have developed five-year program plans which identify the crime problems and issues that must be addressed, establish long-term goals and objectives, delineate the critical success factors that affect performance, and identify the resources and initiatives necessary to support accomplishment of the established goals. While conducting the assessments required to develop these program plans, as well as its strategic plan, the FBI identified a number of performance gaps in its mission-critical areas. Improving on these requirements within the FBI is the basis for the total requested level of resources within the FBI's FY 2001 budget request.

The FBI's Foreign Counterintelligence (FCI) program has identified that the single most important factor in accomplishing the identification, prevention, and defeat of foreign intelligence operations is the expansion of human source coverage. Several steps have been taken in support of this overall strategy, including guidance to FBI field offices and mechanisms for validating human sources on a regular basis.

Coordination with the U.S. Intelligence Community (IC) and with private sector entities to identify and counter emerging intelligence threats is also critical to the FCI Program. In this regard, the FBI's National Security Division has expanded its liaison relationship

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with elements of the IC in an effort to more fully address emerging intelligence threats from countries of the former Soviet Bloc, and the FBI has significantly enhanced liaison with other IC agencies regarding surveillance operations. Liaison with the private sector has also been increased through the Awareness of National Security Issues and Response (ANSIR) Program, which serves as the FBI's primary point-of-contact for all industry inquiries regarding national security matters. Through ANSIR E-mail, the FBI provides regular warnings regarding techniques used to clandestinely acquire corporate proprietary information to approximately 40,000 corporations.

To realize the critical success factors and implement near-term actions associated with this strategic goal, the FBI proposes a counterintelligence initiative for 2001.

Justification for Resources Requested

Item: OFP - Other Field Programs, 138 positions, 69 FTE, and $19,115,000

As noted within the *FBI Strategic Plan: 1998-2003*, the single most important factor in accomplishing the goals and objectives associated with the FBI's FCI Program is the expansion of the program's human source coverage. For this reason, the field offices containing major FCI Programs have been provided guidance describing the types of human sources that are required to support the FCI Program at a national level.

In this regard, it was also recognized that the FBI must implement a mechanism for conducting uniform reviews of the bona fides, reliability and anomalies associated with FCI human sources on a regular basis. Pursuant to this requirement, the FBI developed a methodology for conducting Asset Validation Assessments (AVAs). An AVA is a determination, supported by multiple forms of evaluation, such as operational testing and personality assessment, that establishes that a human source is reliable and under the FBI's operational control and providing operationally valuable services.

Moreover, the *FBI Strategic Plan: 1998-2003* established that enhancement of the FBI's technical collection capabilities are critical to the accomplishment of the goals and objectives associated with the FBI's FCI Program. Recognizing the need to meet the current demand for technical support while at the same time increasing the level of resources dedicated to research and development efforts, the FBI has implemented the National Foreign Intelligence Surveillance Act (FISA) Evaluation Program (NFEP). The NFEP serves as a mechanism to maximize the efficiency of collection operations and thereby increase the number of personnel and the amount of funding available to support the development of new collection methodologies. Activities associated with the NFEP focus on

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evaluating the effectiveness of FISA-authorized techniques against each FCI target and affect recommendations for discontinuing/adding techniques where appropriate.

The FBI's FCI Program has recorded several successes relative to the identification, prevention and defeat of intelligence operations conducted by foreign powers. Specifically, the NSD, in coordination with other elements of the IC, has directly responded to illegal activities of intelligence services and helped to affect a strong diplomatic response to several instances involving inappropriate behavior on the part of diplomats from foreign countries.

The requested enhancement would enable the FBI to more aggressively address counterintelligence investigations related to national security threats. Without these resources, the FBI would be unable to dedicate the resources necessary to reduce the success of foreign intelligence services.

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Initiative: Information Collection, Management, and Analysis

Decision Unit	Pos.	WYs	Amount
Information Management, Automation and Telecommunications (IMAT)	*15*	*7*	*$40,838*
Technical Field Support Services (TFS&S)	*...*	*....*	*15,000*
Organized Criminal Enterprises (OCE)	*...*	*...*	*5,000*
Other Field Programs (OFP)	*59*	*30*	*13,389*
Total	*74*	*37*	*74,227*

The 2001 budget request is designed to provide the FBI with a comprehensive and coherent intelligence infrastructure that will address the weaknesses identified in the FBI Strategic Plan and support the individual investigative program plans developed to implement the strategy. The infrastructure addresses all aspects of the intelligence process -- collection, analysis, exploitation and dissemination of information, and addresses both Headquarters and the Field. Creating a single program manager responsible for all FBI intelligence information and assessments activities will ensure standardized protocols for the collection and dissemination of FBI information; a professional development program for FBI intelligence analysts; exploitation across programs of new analytic tools; and exploitation on behalf of all investigative programs of the full range of FBI information and expertise.

The goal of the new intelligence infrastructure is to provide a broader and higher level of analysis and research to FBI investigators, managers, and executives and enhance FBI's strategic partnerships with other law enforcement and intelligence agencies. The products provided by the intelligence infrastructure will include:

- Tactical analytic support to operational units at HQ and the Field that exploits information derived from cases as well as other internal and external sources.
- Program level analysis that allows investigative program managers to determine regional, national and international criminal, terrorist, or espionage trends and develop high impact investigative strategies to counter them.
- Strategic analytic support to FBI executives that allows them to set priorities among divisions and programs and to anticipate emerging problems and act to prevent or mitigate them.
- Finished reports and analytic products that can be disseminated not only to FBI customers but also as appropriate to

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other law enforcement and intelligence agencies and to national policymakers.

The new intelligence infrastructure is grounded in the concept that to enhance pro-active and predictive intelligence the FBI must maximize cross program sharing of information and expertise. Analytic units in the Investigative Services Division will be integrated teams in which tactical and strategic analysts from particular disciplines -- such as organized crime, counterintelligence, counterterrorism, and financial fraud -- are collocated with required personnel and database specialists to maximize understanding of the problem or threat.

Benefits include:

- Cross-pollination of analytic methods and approaches.
- In-depth analysis of target areas.
- Better leveraging of resources.
- Coherent and consistent integration of tactical, program and strategic findings, judgments and conclusions.
- Independent strategic assessment for executives and decisions makers balancing all program equities.
- Professional standards across all programs.

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Intelligence Collection and Analysis - Program Objectives

The five year intelligence strategy that supports the Strategic Operational Plan is based on four objectives:

- Each FBI program must develop a strong intelligence base to include well-placed, bona fide human sources, and the exploitation of technical, open, and public source information. Strategic, program, and tactical information reporting requirements must be established for each program.

- The FBI must create a professional intelligence cadre of experienced and trained Special Agents and analysts characterized by definitive career opportunities, progressive training, and rotating field assignments. This must begin with the recruitment and development of individuals with specialized skills and expertise that will enhance each of the FBI's investigative programs.

- An effective intelligence program requires an automated intelligence information capability that can support the collection, analysis, and dissemination of intelligence for all FBI programs. The system must assure that relevant information is shared across program lines and that sensitive or compartmented information is protected.

- The FBI must establish close working partnerships with the U.S. Intelligence Community as well as national and local law enforcement agencies to leverage their collection and analytic expertise in support of FBI investigations.

The 2001 budget request is designed to enhance existing FBI intelligence, information handling and monitoring infrastructure to pro-actively identify and forecast trends, initiate an appropriate response to emerging issues, and assess operational effectiveness. Also, the request is designed to address the significant backlog of work for our current language translators.

Justification for Resources Requested

Item: TFS&S - Computer-Based (Digital) Collection Systems (Digital Storm), $15,000,000

The Electronic Surveillance Support Program (ESSP) ensures the FBI's continued ability to collect evidence and intelligence through the development, deployment and support of centralized electronic surveillance information management systems and the deployment and support of electronic surveillance collection systems. Through the use of electronic surveillance, the interception of the command and control communications of a targeted criminal organization is one of the most effective ways to fully identify the nature and scope of a criminal organization and simultaneously obtain compelling evidence of criminal activity.

The FBI's investigation of organized criminal enterprises is grounded on the Enterprise Theory of Investigation (ETI). The ETI is committed to utilizing sophisticated investigative techniques in its investigation of various criminal enterprises. In 1998 for the criminal programs, there were 704 lines of Title III intercept and approximately 7,100 lines of Pen Registers conducted using analog tape-recording. A line of intercept is one target telephone line. Through 1999, over 1,100 lines of Title III intercept and 10,514 lines of Pen Registers/Trap and Trace have been conducted, which is indicative of the increased reliance on electronic surveillance by the criminal investigator.

Currently, a majority of electronic surveillance interceptions are being conducted with technology that was developed decades ago and remains unchanged. This technology is generically referred to as analog collection and involves the use of traditional tape-recording equipment. The reliance on tape recordings is time consuming and burdensome. During the course of a typical case, multiple telephone lines or microphones are simultaneously intercepted. Each line typically generates hours of conversation on a daily basis. It is common for these types of investigations to last 60 to 90 days or longer. Using analog tape-recording technology to collect the intercepted conversations generates hundreds of tapes.

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Although the analog or old-fashion reel-to-reel recorders and analog dialed number recorders last for years and need little more than maintenance and replacement for worn out or broken parts, analog technology is incapable of intercepting digital communications. Today, the Public Switched Telephone Network (PSTN) is virtually all digital with the exception of the line between the carrier and the customer. This line is also digital if the customer uses Private Branch Exchange (PBX), Integrated Services Digital Network (ISDN) or a Digital Subscriber Line (DSL). Consequently, as the use of a PBX, ISDN and DSL increases, the PSTN will become entirely digital.

Technologies with capabilities such as facsimile, modems, cellular phones, and pagers will continue to converge. Products such as highly mobile personnel digital assistants, which combine paging, multimedia communications, and personal computing into a single device, will become commonplace in commercial, government, military, and criminal environments. Without implementing digital technology, the FBI would gradually lose the ability to effectively conduct successful intercepts. Due to advancements in telecommunications technology, the number of digital intercepts continues to increase. In 1997, the FBI conducted five digital intercepts, 40 digital intercepts were conducted in 1998, and to date, more than 200 digital intercepts were conducted in 1999. Additionally, with the implementation of CALEA, analog access to conduct Title IIIs and Pen Registers will go away and possibly all intercepts will have to be done digitally after that point.

One of the objectives within the ESSP is the development, deployment and support of computer-based collection capabilities. Computer-based collection systems record the intercepted conversations into computer memory using digital technology. In addition to producing much higher quality and clearer recordings, the use of computer-based technology allows the field agent to easily and efficiently manage the recordings electronically. Rather than having to sort, retrieve, and physically manipulate hundreds of tapes, an agent can find and listen to any previously recorded conversation with a few keystrokes on a computer. This greatly facilitates the review and examination of the information and also dramatically increases the efficiency of trial preparations. Computer-based collection systems also allow innovative techniques such as faster or slower play-back, looping through selected portions of intercepts, and even the instantaneous playback of the beginning of a lengthy conversation while the conversation is still ongoing. These techniques exponentially increase the utility and value of computer-based intercepts. Finally, computer-based collection systems support electronic (or digital) files of Title III intercepts can be transferred to a remote or distant field office for translation/transcription.

A goal of Digital Storm is to replace the 1,290 lines of analog (reel-to-reel or cassette) Title III capability currently available in the field. Base level funding will only allow the FBI to field full capability computer-based collection systems at two field offices and to migrate 80 lines of intercept to a computer-based collection system. To complete this migration relying solely on base funding will take more than 10 years with completion projected for calender year 2010 or beyond. Funding is not available for additional

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installations or for expanding the ability to provide electronic file transfer in support of remote translation/transcription.

Personnel resources consist of one Electronics Engineer (EE) Program Manager and two Electronics Technicians (ETs). Non-personnel funding of $3,500,000 is available to address the acquisition of capital equipment (hardware and software), maintenance contracts, and travel related to installation/training.

An increase of $15,000,000 is requested to provide fully-capable computer-based collection systems. These systems will take advantage of already available, state-of-the-art technology through the use of commercial-off-the shelf (COTS) equipment to increase the FBI's ability to rapidly process, analyze, and translate/transcribe multiple forms of intercepted communications (telephony, data, video, etc.), even at locations remote from the collection site.

The FBI has prioritized the deployment of the Digital Storm systems through 2001 based upon historical workload data with regard to the number of Title IIIs conducted by field office and available funding. The proposed deployment schedule of Digital Storm is to phase in capabilities over a five-year period. The plan is to provide minimum capable (six-line) systems in 1998 thru 2000 to about 24 field offices. Some of these offices will be upgraded to minimum 12-line systems per FBI priorities. In 1999, the FBI started utilizing an existing Drug Enforcement Administration (DEA) contract for the procurement of these base line systems and will utilize that same contract to procure and upgrade to the fully capable Digital Storm Systems starting in 2001. The DEA contract was a multiple award five-year effort with four years remaining. Any competitive bid process by the FBI would have been duplicative because the DEA has now adopted the FBI Digital Storm requirements to meet their electronic surveillance needs as well.

The three base level personnel and one contract employee will be used to support the installation of the 26 interim capability systems with six-line capacity installed in 1998 and 1999. The FBI is currently on schedule with all deployments and will have all systems installed by end of calendar year 1999. All deployments beginning in 2000 are full capability systems. Field offices with interim systems will be upgraded to full capability systems in the year indicated on the following chart. A small system (S) is up to 15 line of intercept and/or transcription/translation capability; a medium (M) system is up to 30 lines; and a large system (L) is up to 50 lines or more. The following table indicates the field offices and the year the computer-based collection equipment would be received with enhanced funding. The number of lines of Title III intercept needed or the relative size of the system is based upon historical data and the need to provide field wide transcription/translation capability.

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Digital Storm Location by Field Office

1998 Installs*	1999 Installs*	2000 Plans**	2001 Plans**	2002/2003 Plans**	
New York	Las Vegas	Los Angeles	New York	Albany	Albuquerque
Miami	El Paso	WFO	Miami	Anchorage	Atlanta
Los Angeles	Cleveland	New York	Los Angeles	Baltimore	Birmingham
San Diego	Salt Lake	Denver	San Diego	Boston	Charlotte
Philadelphia	Kansas City	Buffalo	Philadelphia	Cincinnati	Cleveland
San Francisco	Chicago		Chicago	Columbia	Denver
Chicago	St. Louis		Las Vegas	El Paso	Honolulu
Detroit	Atlanta		Buffalo	Jackson	Jacksonville
Houston	Pittsburgh		Detroit	Kansas City	Little Rock
Dallas	Newark		Houston	Louisville	Milwaukee
Phoenix	Baltimore		Dallas	Minneapolis	Mobile
San Antonio	New Haven		Indianapolis	Newark	New Haven
New Orleans	Miami		Phoenix	New Orleans	Norfolk
	New Orleans		San Antonio	Omaha	Pittsburgh
	Boston		San Juan	Portland	Richmond
			Oklahoma City	Salt Lake	San Francisco
			Sacramento	Seattle	Springfield
			Memphis	St. Louis	Tampa
			Knoxville	WFO	

*1998 and 1999 deployments are 6 line interim systems.

**2000 through 2003 will be upgrades to previous deployments as well as new installations to those offices which have not received a

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system yet.

In 2001, some additional field offices will receive a Digital Storm system for the first time and the first major roll out of Digital Storm upgrades will be available (i.e. converting New York from six-lines to 50 or more lines of Title III). The FBI will not begin to realize the true benefits of Digital Storm until enhanced funding is available in 2001.

Training is currently provided to each field office upon installation of computer-based collection systems. Training is generally offered to the Technically Trained Agents (TTAs), ETs, Technical Advisors (TAs), Language Specialist (LS), as well as investigators, Intelligence Research Specialists, and any other personnel identified by a particular field office as being essential to the operation. Approximately 40 TTAs and over 250 LSs have received training on Digital Storm systems. These six-line interim Digital Storm systems represent about 40 percent of the desired functionality of a fully compliant system. Pending available resources, when fully compliant systems are deployed, these individuals, as well as anyone else who would operate the system, would be trained and or re-trained.

The following displays the performance measures for Digital Storm:

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DECISION UNIT/PROGRAM: TFS&S - Electronic Surveillance Support - Computer-Based Digital Collection Systems
DEPARTMENT OF JUSTICE CORE FUNCTION: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To provide computer-based digital collection systems in support of CID Title III investigative needs, including remote monitoring, transcription, and translation.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Activities	Number of Field Offices Requiring Digital Computer-Based Collections Systems	Criminal Investigative Division	56	56	56	56	56
Outputs	Minimally Capable Digital Computer-Based Systems Deployed Fully Capable Digital Computer-Based Systems Deployed Number of Digital Lines Supported	Actual based on system configuration	12 0 72	24 0 144	24 0 288	29 0 318	10 19 590

A: Data Validation and Verification:
1) Data is a result of lawfully authorized electronic surveillance.
2) The telecommunications intercepts are verified by the telecommunications service provider.

This enhancement would facilitate a detailed understanding of the identities, roles, relationships and activities of individual members of OC/Drug groups, allowing the development of effective strategies against them by significantly enhancing the FBI's ability to exploit the information obtained through Title IIIs. Through the use of computer-based collection systems, enhanced archive and retrieval capabilities will reduce the time required to review and report the results of collected audio information. These new systems would provide a superior quality item of evidence, smoother administration of the Title IIIs, the ability to monitor the target for the collection of evidence anywhere in the country and/or download the intercepted audio to LSs in offices around the country.

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Item: Other Field Programs - Digital Collection for Foreign Intelligence Surveillance Act (FISA), 4 Positions, 2 FTE, and $10,300,000

A digital collection system for FISA is required to provides the foundation for an up-to-date, flexible digital collection infrastructure. Deployment of this system will significantly enhance system interoperability through electronic information transfer in a common mode format. The digital collection will also allow for transfer of collected data, ensuring more efficient utilization of available translation services.

Base resources are classified. Please refer to the FBI's classified budget submission.

The FBI is requesting an enhancement of four support positions and $10,000,000 in non-personnel funds to support the digital collection capability in support of national security investigations. The field-wide deployment of a digital collection system will consolidate existing telecommunication collection capabilities into a single system, affording multi-line, multi-source collection, monitoring, recording, playback, and reporting capabilities.

The requested resources would facilitate achieving the goal of having an all digital collection FISA infrastructure. These resources would significantly enhance the FBI's ability for collecting and processing large amounts of telephony related information. Because of this, field offices will be able to process more information, thus, allowing for the ability to intercept additional lines. This requires additional hardware. This digital collection system configuration is user friendly interface that is tailored to the way the FBI does its collection and post-processing.

Successful implementation of this project is dependent upon having an adequate number of ETs to deploy, maintain and provide requisite training on these computer-based collections systems.

For additional information related to this digital collection system, please refer to the FBI's classified budget submission.

The Performance Measures are classified. Please refer to the FBI's classified budget submission.

The receipt of the requested resources would facilitate the FBI's achievement of its goal to have a digital collection infrastructure. These resources would significantly enhance the FBI's capability to collect and process large amounts of telephony-related information. An enhanced capability in this regard would allow for the more productive and efficient utilization of field office

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Language Specialists. As such, FBI field office investigative and analytical personnel will receive translations of information gathered in a more timely manner, which will have a positive impact on the FBI's ability to respond to the threats posed by foreign intelligence services collection activities.

Item: TFS&S - Casa De Web, ($10,000,000 Earmark in Assets Forfeiture Super Surplus Fund)

A goal of the FBI is to have an effective intelligence sharing program. Currently, a capability does not exist that allows for automated information sharing of collected electronic surveillance intelligence or evidentiary material. Casa De Web will provide a uniform interface capability to existing legacy and new digital electronic surveillance collection systems. It archives audio, data, and reports produced on these collection systems. It provides access to this investigative information through an Intranet (web browser) access to investigative agents, transcribers, and translators within a field office. It allows users who collect electronic evidence in remote areas to receive automated language translation and transcription services, if it is not available in that area. It facilitates the sharing of electronic surveillance evidentiary data (Title III) and intelligence (Title 50) between FBI field offices. It automates the capability to prepare reports and to locally conduct investigative analysis. It provides users with analytical tools for automated speaker identification, text key word spotting and voice key word spotting and speaker identification. It can be achieved by using secure point-to-point connectivity, virtual private networking, and/or combinations of both. This is the same schema that is utilized by the FBI today in the transporting of intercepted communications under a lawful Title III intercept.

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The Casa De Web system will consist of two separate (or bifurcated) databases, one for Foreign Counterintelligence data and one for criminal law enforcement data from Digital Storm. The system will have significant built-in features to prevent data from being routed to unauthorized destinations. Firewalls will be installed between all collection systems and the system Local Area Network to prevent external access to the collection systems and to block collection system operators from accessing the Wide Area Network (WAN). In addition, each of the two system databases will have its own web server and database server and will be connected to the WAN through a firewall. This architecture will allow data to flow only to the appropriate database and will prevent unauthorized access to stored data. The deployment plans for Digital Storm and SpiderNet lead Casa De Web by almost two years.

Base personnel resources consist of one EE Program Manager and $3,100,000 in non-personnel funding.

The 1999 base funding of $3,100,000 was used for contractor support to develop the system and to initiate the New York system. In 2000, base funding will be used to purchase two systems, upgrade the New York system started in 1999, and for contractor support. It is proposed that non-personnel funding of $10,000,000 be provided from the Asset Forfeiture Super Surplus Fund to support the

requirement for information sharing, to include shared access and shared processing of electronic surveillance evidentiary data and intelligence among FBI field offices, criminal justice agencies, and of national security information with the intelligence community. The $10,000,000 will provide systems for 13 field offices. Additional funding will be required in future years to complete all field offices.

The typical system sizes are predicated on the amount and complexity of hardware/software, analytical tools, and contractor support needed to field the system. The size category varies depending on the size of the field office, the equipment required, the amount of on-line storage capacity, and archive storage capacity. The following shows the capital expenditures, analytical tools, contractor support, training and technology upgrades necessary for the successful installation and integration of Casa De Web.

Capital Equipment Estimates by FY

Expenditures	FY 1999*	FY 2000	FY 2001	FY 2002/2003
Large System	$2,255,000**	$280,000**	$4,726,000	$0
Medium System	$0	$970,000	$4,850,000	$5,121,000
Small System	$345,000	$0	$345,000	$9,671,000
Analytical Tools	$0	$750,000	$179,000	$1,500,000
Training	$0	$250,000	$250,000	$500,000
Contractor Support	$500,000	$500,000	$2,000,000	$4,000,000
Technology Upgrades	$0	$350,000	$750,000	$6,550,000
Total Required	$3,100,000	$3,100,000	$13,100,000	$27,342,000

* Systems were initiated in 1999, but will not be completed until 2000.
**The cost of the first large system (slated for New York) will be spread out over two years.

Casa De Web is an integration of Commercial Off the Shelf (COTS) products, it is not an item that can be purchased directly off the shelf. This project requires a substantial amount of engineering in the way of software writing and assimilation of COTS products to

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be implemented as a system. Capital expenditures for a typical field offices include databases, servers, routers, power supplies, network cards, Jukebox storage, computer workstations, and all the software to assimilate these and various other items into a system. The capital expenditures also include manufacturers maintenance and installation agreement costs.

Analytical tools include building software to aid analysts, agents, translators, and transcribers in finding text, language translation, language identification, key word spotting, and automatically typing some text via voice recognition. These tools are new and will require development as well as training of personnel. The costs of these analytical tools cannot be applied on a per system basis. Once a tool is developed, it can be applied as a networked resource and made available through any Casa De Web system. For example, an analytical capability to do key-word spotting may consist of a very large computer or central server that resides at Quantico and is connected to the FBI networks. This would allow any agent or analyst to have access to this capability through their respective Casa De Web system. The analytical tools being developed are of no value without the Casa De Web information management systems. Casa de Web is the database upon which these analytical tools will be applied.

Training will include the training of analysts, Special Agents, translators, transcribers, technicians, and other support personnel on the use of Casa de Web. Contractor support is needed for contract management, documentation preparation, integration of the systems, installation into the field offices, and dedicated support in the field.

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Technology upgrades are driven by information technology advances, which continue to outpace our ability to design, develop and implement corresponding systems adequately and in a timely manner. We must continue to replace outdated hardware and software on a three year cycle to stay current with the technological challenges of the future. The following table displays the field offices and the activities that would occur with enhanced funding. This table lists the planned action, the year equipment is scheduled to be purchased, installed, and upgrade year. The letter in parenthesis indicates whether the field office installation is going to be small (S), medium (M), or large (L).

Casa De Web Deployment by Location

FY 1999	FY 2000	FY 2001	FY 2002/2003 (U)			
New York (L) (Started)	New York (L) (Upgrade)	Los Angeles (L)	Kansas City (M)	Newark (M)	Louisville (S)	Richmond (S)
Quantico (S)	San Francisco (M)	Washington (L)	Las Vegas (M)	Dallas (M)	Memphis (S)	
	Miami (M)	Baltimore (M)	New Haven (M)	Charlotte (S)	Milwaukee (S)	
		Boston (M)	St. Louis (M)	Buffalo (S)	Minneapolis (S)	
		Chicago (M)	Cleveland (M)	Cincinnati (S)	Mobile (S)	
		San Diego (M)	Pittsburgh (M)	Columbia (S)	Norfolk (S)	
		New Orleans (M)	Atlanta (M)	Denver (S)	Oklahoma City (S)	
		San Antonio (M)	El Paso (M)	Springfield (S)	Omaha (S)	
		Philadelphia (M)	Albuquerque (S)	Seattle (S)	San Juan (S)	
		Houston (M)	Anchorage (S)	Indianapolis (S)	Portland (S)	
		Salt Lake City (M)	Albany (S)	Jacksonville (S)	Sacramento (S)	
		Honolulu (S)	Birmingham (S)	Knoxville (S)	Tampa (S)	
		Detroit (M)	Phoenix (M)	Little Rock (S)	Jackson (S)	

The following displays performance measures for Casa De Web:

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DECISION UNIT/PROGRAM: TFS&S - Electronic Surveillance Support - Casa De Web
DEPARTMENT OF JUSTICE CORE FUNCTION: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To provide automated information sharing of collected electronic surveillance intelligence or evidentiary material.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Activities	Number of Casa De Web Systems Required	Historical information	57*	57*	57*	57*	57*
Outputs	Number of Casa De Web Systems Installed Upgrades of Analytical Tools Installed	Historical information	0 0	2 0	2 0	4 0	17 1

A. Data Validation and Verification:
1) Data is a result of lawfully authorized electronic surveillance.
2) The telecommunications intercepts are verified by the telecommunications service provider.
* One system for each field office and one system at the Engineering Research Facility.

The building of the Casa De Web system would support and enhance the FBI's major criminal and investigative initiatives. It would support the requirement for information sharing, to include shared access and shared processing, of electronic surveillance investigative information among FBI field offices and criminal justice agencies.

This enhancement would augment the FBI's ability to exploit the evidence and intelligence obtained through our collection systems and aid the FBI with automated support. This system would greatly increase productivity of the FBI's investigative, translation and transcription efforts, and allow for more effective and efficient exploitation of obtained evidence and intelligence.

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Item: IMAT - Information Sharing Initiative, 15 positions, 7 FTE, and $40,838,000

The Information Sharing Initiative (ISI) is the execution and implementation of the FBI's information technology (IT) strategic plan in support of the FBI Strategic Plan. The strategic operational plan depends directly on the successful execution of the IT strategic plan in order to achieve its operational objectives. These objectives are at the center of the FBI's national security and criminal investigative missions. For example, the FBI Strategic Plan states that the FBI will "prevent and deter..." the use of weapons of mass destruction, efforts to disrupt the stable operation of the nation's information infrastructure, and any criminal or terrorist effort to destabilize our banking systems. To execute this plan requires a sophisticated intelligence capability that depends on information collection, processing, analysis and dissemination. This information must be all-inclusive, timely, and compiled in a manner that enables decision making. The IT demanded of this plan presently does not exist within the FBI, but is at the core of the activities to be implemented in the ISI.

As stated in the IT Strategy, operational strategic goals are dependent on a robust intelligence capability to proactively identify and forecast trends, effect an appropriate response to emerging issues, and assess operational effectiveness. This requires an IT capacity for systematic intelligence collection and reporting, structured and complex analytical methods, and rapid widespread secure dissemination. The FBI does not have this capability globally. There is no enterprise database that contains all case information. Analysts do not have a standard suite of automated tools available to conduct analyses of data. Many analyses cannot be performed using manual methods due to the volumes of data collected during the course of an investigation. FBI agents and analysts do not have an automated means to link subjects of investigations, link various cases and identify patterns of illicit activity; this is all accomplished by reviewing stacks of paper documents looking for the "right" information to solve cases. A detailed plan on the implementation of ISI is forthcoming.

In 1999, a total of $60,000,000 was available for the ISI consisting of $20,000,000 in base funding and $40,000,000 from the DOJ Working Capital Fund. In 2000, base funding of $20,000,000 is available. With base funding of $20,000,000 in 2001, a cumulative total of $100,000,000 is available for the development and deployment of the ISI.

A total of $40,838,000 consisting of 15 positions and $838,000 in personnel funding and $40,000,000 in non-personnel funding is requested to augment the $20,000,000 base funding for the ISI. Non-personnel funding of $60,000,000 would be used to acquire hardware, software and associated integration and training services necessary for upgrading the FBI's IT infrastructure and for the deployment of an investigative intranet. An enhancement of 15 Computer Specialists and $838,000 are requested to provide the

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requisite technical support for the ISI implementation and operations.

The ISI is designed to have direct operational impact as illustrated in the following example. The FBI's response to the Oklahoma City bombing investigation required on-site collection, analysis and physical dissemination of information. This response required hundreds of employees to remain in travel status at the Command Post site from the initial incident in April, 1995 until 1997. The ISI will provide the capability to collect the full contents of information from various locations regardless of the media type, to include images, photographs, forensic information, audio and video and assimilate it for investigative purposes. In essence, it will permit the FBI to conduct the analysis on-line wherever the investigation leads. Without the requested resources, the deployment of investigative applications will not be realized and the outdated information collection and internal sharing methods will remain extant.

In addition, failure to replace the outdated desktop computers and printers will impact the ability of FBI personnel (i.e., agents and analysts) to accomplish their mission in a timely and reliable manner. Failure to deploy the upgraded EMS will impact the IT workforce's efforts to proactively monitor and repair fault and performance conditions on the network and computing devices.

Item: OCE - Language Services Program, $5,000,000

1581

FBI investigations are increasingly affected by international criminal activities and emerging organized criminal enterprises. The FBI's success in investigating matters is measured not only by our ability to effectively and expediently react to crises, but also in our success at preempting the proliferation of such activities through the use of all available investigative techniques. The large and ever-increasing number of Title III intercepts provide a wealth of information for FBI investigations and DOJ prosecutions. However, much of this information is gathered in languages other than English. Before an analyst can analyze intelligence, or an agent can investigate and make an arrest, a linguist must translate this information from the foreign language into English. Immediate translation capability is critical to the growing number of electronic interceptions and consensual monitorings supporting the FBI's criminal and national security investigations.

Increasingly, the FBI relies upon contract linguists for short-term, but mission-critical criminal and national security investigations. In FY 1999, the FBI spent approximately $9.5 million on contract linguist services and an additional $1.6 million on contract linguist travel. These amounts are expected to increase dramatically over the next several years due to the FBI's increasingly international focus and increases in hourly rates paid to improve the FBI's competitive posture. Contract linguists have been used to meet approximately 60 percent of the 1,200 requests for translation services since 1997.
With the continuous growth of FBI cases involving less commonly spoken languages, the FBI recognizes the need to broaden the

available pool of contract linguists in support of criminal and national security investigations. Accordingly, a total of $5 million is requested to allow for such increases.

Contract Linguist Expenditures, 1997 - 2001

Fiscal Year	Hourly Rate	Translation Hours Required	Contract Linguist Funding Required
1997 Actual	$24	354,167	$8,500,000
1998 Actuals	$28	353,583	$9,870,075
1999 Actuals	$28	339,285	$9,757,448
2000 Estimate	$33	400,000	$13,257,000
2001 Estimate	$37	493,432	$18,257,000

* Excluding Overtime and Travel Expenses

The following displays the performance measures for the Language Service Program:

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DECISION UNIT/PROGRAM: Organized Criminal Enterprises/Language Service Program *
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ CORE FUNCTION 2: Assistance to Tribal, State and local Governments
DOJ CORE FUNCTION 3: Legal Representation, Enforcement of Federal Laws and Defense of U.S. Interests
DOJ STRATEGIC GOALS: 1.1 Reduce Violent crime, including organized crime and drug and gang-related violence; 1.2 - Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts; 1.3 - Reduce espionage and terrorism (sponsored by foreign or domestic groups in the Unites States and abroad when directed at U.S. citizens or institutions; 1.4 - Reduce white-collar crime, including public corruption and fraud; 2.1 - Improve crime fighting and criminal justice capabilities; 3.1 - Protect the civil rights of all Americans; 3.2 - Safeguard America's enforcement and natural resources; and 3.3 - Promote competition in the United States economy through enforcement of, improvement to education about antitrust laws and principles.

TIER 1, 2 and 3: National and Economic Security; Criminal Enterprises and Public Integrity; and Individuals and Property

PERFORMANCE INDICATOR INFORMATION

			Performance Report			Performance Plans		
				1999		2000		
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	Initial Plan	Actuals	Initial Plan	Current Plan	2001 * Plan
Inputs	Contract Linguist Budget Authority $(000)	Lang. Serv.	9,087	9,757	9,757	13,257	13,257	18,257
	Language Specialists (FSL)	Lang. Serv.	415	415	415	415	415	415
Outputs/ Activities	Audio Recorded (Hours)	Lang. Serv.	~	745,686	745,686	859,214	859,214	1,031,056
	Audio Reviewed (Hours)		~	642,330	624,330	689,782	689,782	725,412
	Audio NOT Translated (Hours)		~	121,356	121,356	169,432	169,432	305,644
	Documents Collected (Pages)	Lang. Serv.	~	785,432	785,432	1,013,112	1,013,112	1,215,734
	Documents Translated (Pages)		~	625,467	625,467	825,044	825,044	901,432
	Documents NOT Translated (Pages)		~	159,965	159,965	188,682	188,682	314,302
Impact	Backlog of Translations (Days)	Lang. Serv.	~	69	69	73	73	102

PERFORMANCE INDICATOR INFORMATION								
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Initial Plan	1999 Actuals	2000 Initial Plan	2000 Current Plan	2001 * Plan
A. Data Validation and Verification: Language Services Workload Survey - The FBI's Language Services Program has mainstreamed the data collection process through which the FBI tracks the workload by language and field office. At the end of each fiscal quarter, each FBI field office reports the data from the Language Services Field Workload Survey which provides production and capacity metrics for the Foreign Language Program. This survey information is downloaded from digital collection systems in order to maximize reporting accuracy. However, current reporting capabilities within these digital collection systems are limited and since much of the audio/video generated remains in an analog format, professional estimates and daily logs are still necessary. All data submitted to HQ Language Services is reviewed and approved by an FBI field manager. It is expected that by the end of calendar year 2001, all audio/video intercepts will be collected digitally. This fact, coupled with the anticipated deployment of more advanced digital collection systems, i.e., SpiderNet and Digital Storm, will ensure the most reliable data reports.								
B. FY 1999 Performance Report: ~ The data collected in 1998 was unreliable. The 1999 Actual data represents the baseline figures.								
C. Issues Affecting Selection of FY 2000 and 2001 Indicators: The demand for linguistic services will continue to escalate as a result of the FBI's increasingly international focus and is expected to be driven to a much greater degree by the deployment of more advanced digital collection systems, i.e., Digital Storm and other programs. Once fully deployed, these systems will provide the FBI with much greater line capacity which, in turn, is expected to increase the number of FISA and Title III lines by as much as 300 percent over the next ten years. Since these systems are being deployed in phases and will provide at least 20 percent greater line capacity each year, a proportional increase in work generated (20 percent) is expected to occur. Although linguists will also experience greater processing efficiencies through their use of these systems, any such anticipated processing improvements will be more than offset by the tremendous growth of work generated. Accordingly, the 2000 and 2001 performance indicators have been adjusted to account for the anticipated increase in work generated (increased line capacity) and work produced (increased processing efficiency). Occurring backlogs were not carried over.								
D. Other:* The FBI's Language Services Program supports all investigative needs including criminal and national security matters. Therefore the language translation request supports the Department of Justice's Core Functions 1 -3 and all the supporting Strategic Goals and Annual Performance Goals. The Language Services Program supports all three FBI Tiers								

The foreign language requirements of FBI investigations are increasing tremendously and without additional resources, the FBI's language capabilities will be stretched to a point that would ultimately lead to unacceptable impacts on criminal and intelligence-related investigations. Even today, hundreds of criminal and national security investigation requests are going unaddressed. Without additional contract linguist support the current investigative deficiencies resulting from a lack of linguistic support will increase precipitously. This will have a chilling affect on the FBI's and the Department of Justice's investigative and prosecutive missions.

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Overall, the FBI is not able to address all requests for translation, interpreting, and monitoring requirements. This backlog of work has resulted in many investigative deficiencies. The following examples illustrate this point:

- An Assistant United States Attorney in Miami, Florida, in charge of health care fraud investigations, recently advised the FBI that his office will decline to prosecute future health care fraud cases unless timely submissions of consensual monitoring conversations are turned over to the United States Attorney's Office (USAO). The Miami-metropolitan area has the largest on-going health care fraud investigation in the country, with Medicare and Medicaid losses estimated to the United States Government to be in excess of $3 billion dollars. Also in Miami, many undercover operations cannot proceed on schedule due to the overwhelmingly large number of Spanish conversations that cannot be addressed/translated on the time lines established by the USAO.

- In the FBI's New York field office, the emergence of Russian organized crime has resulted in the shift of additional investigative resources to a Russian Organized Crime Task Force (ROCTF) formed in 1994. Incongruously, a proportional increase in linguistic capabilities did not occur. In the last year alone, the New York Office's ROCTF has conducted 234 days of Title III coverage on Russian criminal cases. The crime problem associated with Russian speaking individuals in the New York metropolitan area is expected to increase, resulting in several spin-off cases and the need for even more translation support.

1585

As the global community grows smaller with advances in modern transportation and continued socio-economic assimilation, the FBI must be prepared to react to linguistic needs spawned from international criminal activities, organized criminal enterprises, international terrorism, and foreign counterintelligence activities

Item: Other Field Programs - Intelligence Field Positions, 28 positions, 14 FTE, and $1,675,000

Analysis is an integral part of the activities the FBI conducts to address its investigative mission. For this type of investigative and operational support, the FBI relies on a professional cadre of all-source analysts, Intelligence Research Specialists (IRSs). Field IRSs analyze and evaluate reports and intelligence and investigative information in conjunction with the initiation and conduct of investigations regarding foreign intelligence collection activities. They also monitor case activities and offer assessments based on experience regarding targeted individuals/groups and intelligence support required. Support furnished to investigations include, but is

not limited to financial, telephone toll, document and event analyses, identification of potential witnesses, and witness statement corroboration. The IRSs' efforts directly complement the agent's effort by contrasting/comparing reporting with information already in the intelligence base; seeking corroborative data; and assessing individual pieces of information in the context of the broader case, or series of cases.

The *FBI Strategic Plan: 1998 - 2003* established that in order for the FBI to fully exploit the information that it collects relative to foreign intelligence collection activities, it must improve its capacity to analyze the information gathered and provide useful guidance to the decision makers who are the end users of this information. The IRSs in the field are closest to raw, unfiltered information, and are in the best position to set intelligence collection priorities and address time-critical intelligence gaps that could affect the direction or advancement of an investigation. As such, the FBI must improve its tactical analytical capabilities by increasing the number of IRSs available within its field offices to provide support to ongoing investigations.

In 1999, there are 507 field intelligence analysts to support all investigative programs.

The *FBI Strategic Plan: 1998 - 2003* emphasizes that "tomorrow's complex international and domestic threats cannot be countered with yesterday's techniques, and this is nowhere more true than in the present state of FBI intelligence." The *Baseline Assessment of Intelligence Community Analytic Capabilities*, which was published in May, 1999, echoes the FBI's stated need to invest in an analytic work force that "requires a more diverse set of skills and increased flexibility." Similarly, the *DCI's Strategic Intent for the IC*, which was published in March, 1999, advises that the IC must "give the highest priority to making full use of the intelligence we glean from sensitive sources and methods." As field office IRSs receive the raw data obtained from these sources and methods, they are in the best position to identify approaches to exploit this data in the furtherance of ongoing investigations. The requested enhancement of 28 positions enables the FBI to begin to meet its analytical needs.

FBI attempts to develop an analysis capability for operational and strategic use have been less than completely successful because of resource constraints at FBI Headquarters and at the field offices. Due to a lack of a sufficient number of IRSs within the FBI's field offices, the FBI Headquarters analytical staff has had to concentrate on furnishing analytical support to ongoing investigations. As such, FBI Headquarters IRSs must frequently provide on-site analytical support for field offices. One example was the temporary assignment of two analysts to an investigation in the Philadelphia field office. Analysts traveled to Philadelphia for several weeks at a time. Additionally, FBI Headquarters IRSs have traveled to the New York and Washington field offices almost on a monthly basis to provide on-site tactical analytical support. Requirements of this nature have diminished the capacity of the FBI Headquarters IRSs to conduct long-range, strategic assessments.

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The lack of a sufficient number of IRSs within the FBI's field offices has resulted in an immeasurable amount of information that has been collected not being analyzed or evaluated for intelligence value in the furtherance of ongoing investigations. Also, participation in multi-jurisdictional, multi-agency investigations not only exponentially increases the volume of information to be loaded into FBI automated systems, it also increases the volume of information that must be analyzed and disseminated by field office personnel. In view of the preceding, the FBI must increase the number of IRSs available within its field offices to provide tactical support to ongoing investigations and to furnish strategic analytical support in the furtherance of the field offices' efforts to neutralize foreign intelligence collection efforts within their respective territories.

To address this deficiency, an enhancement of 28 analytical personnel are requested to provide analytical support in FBI field offices. The requested enhancement would provide field offices with improved capacities to:

- furnish intelligence to ongoing investigations, to include real-time case support using databases and state of the art analytic tools with emphasis on perishable, actionable intelligence;
- provide systematic reviews of case and source information for leads to expand support to ongoing investigations from new or unique sources;
- develop target analysis packages to support the initiation of new investigations;
- identify vulnerabilities in local criminal or terrorist organizations; and,
- conduct periodic assessments of local and regional crime problems and emerging trends.

1587

The FBI will not succeed in accomplishing the proactive approach outlined in its Strategic Plan or the *Director of Central Intelligence's (DCI) Strategic Intent for the Intelligence Community (IC)* without the development of a field office tactical analytical capability, as well as the resulting ability of IRSs at FBI Headquarters and the field offices to provide an increased level of strategic analytical support. These goals can only be achieved by enhancing the level of analytical resources at the field office level.

Item: Other Field Programs - Investigative Services Division, 27 Positions, 14 FTE, and $1,414,000

Over 20 years ago, the FBI dedicated personnel to the task of analysis in support of its investigative mission. Today, the degree to which the FBI accomplishes its objectives is often dependent on the research and analytical support provided by its cadre of IRSs at FBI Headquarters.

Currently, FBI Headquarters IRSs are being called upon to perform the following responsibilities:

- provide research and analytical support to various speciality investigative programs;
- identify trends and key developments in foreign intelligence collection activities and operations;
- prepare and disseminate threat assessments and counterintelligence and foreign intelligence reports;
- assist in the preparation of briefing books, talking points, and presentations for FBI executive management;
- respond to Intelligence Community (IC) requests for information; and,
- participate in various IC working groups.

The *FBI Strategic Plan: 1998-2003* recognized that the FBI must improve its capacity to analyze the information gathered and provide useful guidance to the programmatic and strategic decision makers who are the end users of this information. These strategic analyses will be used by personnel at FBI Headquarters to provide an enhanced level of guidance to field office investigative and analytical personnel in connection with their efforts to identify and respond to intelligence collection activities. These studies will also be used by managers assigned to FBI Headquarters to develop and implement new investigative strategies and approaches.

1588

Due to the sheer volume of investigations undertaken by the FBI annually, the IRSs at FBI Headquarters almost exclusively furnish tactical analytical intelligence support. Consequently, for the FBI to accomplish the proactive approach outlined in its Strategic Plan or the *DCI's Strategic Intent for the IC*, it must enhance the level of analytical resources available at FBI Headquarters to conduct long range, strategic analyses, assessments, and studies.

The FBI recognizes that enhancing the number of analysts is not the only solution; a professional intelligence cadre of experienced and trained analysts characterized by definitive career opportunities, progressive training, and rotating field assignments is also required. To accomplish this objective the FBI must recruit and develop individuals with specialized skills and expertise. The FBI must also reexamine the existing cadre to assure they have the skills required for the new challenges and that specialized training is available for those who do not measure up. The Administrative Services Division, in conjunction with the Criminal Investigative, National Security, and Counterterrorism Divisions, have completed a comprehensive study of intelligence analyst positions at headquarters and the field that will be used to develop fair, valid, and legally defensible selection and promotion criteria. This piece of the intelligence development initiative must be supplemented with training and other career enhancing opportunities if the high standards we are setting for intelligence analysts is to be met and maintained.

The FBI has identified an FSL of 289 support personnel from all investigative programs to be transferred to the new Investigative Services Division.

As foreign intelligence operations against U.S. interests are becoming more complex and more dissimilar to previous, known patterns of activities and modes of operation the FBI is able to sustain principally a reactive analytical capability. In short, the FBI has an insufficient number of IRSs in key investigative programs to address programmatic and strategic needs. Without enhancements, these needs will go largely unaddressed.

In view of the preceding, the FBI is requesting 27 IRS positions to expand its capability to provide analytical support. The requested IRSs will provide distinct functions to support the goal of building the intelligence infrastructure of the FBI. This infrastructure will enable the FBI to expand its conduct of strategic and programmatic analytical studies. This expansion will allow the FBI to develop a better understanding of the new emerging, sometimes overlapping, patterns of intelligence collection activities that are present in the complex world of today. This knowledge will enable the FBI to focus investigations on the most significant targets which have been identified through the application of sound analytical principals.

In addition, the requested enhancements are required to sift, integrate, and give meaning to ever increasing sources of information and data that must be assimilated in order to bring the best analytical judgements to bear on cases. FBI sources of information have expanded with the increased use of old technologies, as well as the advent of new technologies, to fight crime and national security threats. This is coupled with significant increases in external information as cooperation among law enforcement and IC agencies continues to grow and expand.

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Add to this, the explosion and availability of open source information, and the number of information bases and data sources that can and should be searched becomes formidable. Searching and data mining these resources is time intensive and requires specialized knowledge and fluency in computer software. In order for the agents assigned to FBI Headquarters to effectively manage and oversee the FBI's efforts to respond to the threats posed by foreign intelligence collection activities, these data mining activities are best left to FBI Headquarters IRSs who are skilled in research and analysis.

Current FBI analytical resources have not allowed the FBI to develop routine, standardized, widely distributed intelligence projects at all levels of analysis--tactical, programmatic, and strategic. Products are currently produced on an ad hoc basis and are often not comparable in the types of information they convey to the consumer.

The requested enhancements would provide the FBI with the capability to transition from a system in which collection requirements are

derived to fill the needs of individual investigations to one that allows for the monitoring and evaluating of collection requirements on a programmatic and national level. In this way, information collected could be leveraged against established national investigative priorities.

Without the requested enhancements, the FBI will lack the ability to create an information assessments and analysis program that integrates information derived from all FBI investigations and brings it to bear on individual cases, national, regional, and local programs, and the strategic direction of the FBI's investigative programs. As a result, the FBI's ability to pursue proactive strategies and will result in investigative efforts to be more reactive in nature than is desired.

1590

Initiative: Training

Decision Unit	Pos.	WYs	Amount ($000)
Training, Recruitment, and Applicant (TRA)	...	...	*$5,300*
Technical Field Support and Services (TFS&S)	*4*	*2*	*1,195*
Total	*4*	*2*	*$6,495*

As the FBI enters the 21st century it faces difficult and complex challenges from crime, threats of terrorism, and hostile intelligence services. The FBI's ability to successfully meet these threats is fully dependent on the dedication, commitment and skills of its nearly 28,000 employees. A well-trained workforce is critical so that employees possess the skill sets needed to successfully fulfill the FBI's strategic objectives. The importance of training is heightened by the rapid pace of technological change and by the expanding scope of the FBI's investigative mission. The FBI is committed to providing its workforce with the training to successfully accomplish this mission. In April 1999, the FBI adopted a comprehensive policy for the continuing development and training of FBI employees that emphasizes the importance of training and continuous learning. Under the new policy, all FBI agents and support employees are now required to obtain the equivalent of no fewer than 10 hours of developmental training annually, and over a three-year period, not less than 50 hours of developmental training. The FBI will need to use traditional "classroom" training at the FBI Academy, distance learning, and computer-based, interactive learning to satisfy this requirement.

The requested enhancements would allow the FBI to improve its training programs in support of these directives and the overall Strategic Plan. First, these increases would provide the FBI with sufficient student travel funding to fully utilize the additional Academy space made available as a result of the DEA's move to the Justice Training Center in April 1999. Second, the requested funding would allow for an increase in employee training opportunities in support of the new developmental training requirement by expanding the FBI's distance learning program. Finally, the compelling need to upgrade analytical and technical training would be addressed by implementing a comprehensive training program for the FBI's analysts and by expanding training programs for Electronics Technicians and Technically Trained Agents.

1591

Justification for Resources Requested

Item: TRA-FBI Academy Training (To/From Quantico Student Travel), $2,800,000

The large influx of new agent personnel to the FBI in recent years, combined with the overall reduction of in-service training, has resulted in a severe reduction in the expertise available to FBI programs of all types. Inexperience in fundamental investigative techniques is seriously hampering a workforce that has endured the retirements of an inordinate number of veteran agents in recent years. An increase in various kinds of in-service training would benefit all FBI programs and initiatives as employees receive specialized knowledge from these training sessions.

Currently, the FBI lacks sufficient student travel funds required to bring the Academy to full capacity in order to take advantage of its many educational/training resources. This deficiency must be erased if the FBI is to take full advantage of its training potential.

In April 1999, the DEA moved from FBI space to the Justice Training Center, freeing up approximately 20 percent of the total dormitory space at the Academy for permanent FBI use. The vacated space can accommodate approximately 7,000 students taking one-week classes. The To/From Quantico student travel account did not fund the travel of DEA agents, and the FBI has now assumed funding for in-service students that will fill this space. The requested enhancement would provide sufficient funding to allow the FBI to fully provide for the anticipated increase in the number of Academy trainees. If the FBI Academy is to be used at its optimum level, additional student travel funding is essential.

The current base level funding for the To/From Quantico student travel account totals $3,973,000. The account pays travel costs of students (both FBI and non-FBI personnel) who travel to the Academy for training. Funding allows the FBI to provide for student travel costs in support of a wide range of training programs, including New Agent training, FBI in-service courses, National Academy training, and other state and local personnel training (this category includes the Laboratory Division's forensic training schools, the Survival Awareness Task Forces, and several executive development programs - Law Enforcement Executive Development Program, the National Executive Institute, and Major City Chiefs/Major County Sheriffs). Additionally, the account funds a variety of special programs, including the Instructor Loan Program (which supports the FBI's Field Police Training Program), the Mexican American Law Enforcement Training Program, bus and shuttle service costs between the Academy and Washington area airports, and travel costs for course counselors and speakers. As a result of the movement of the DEA to the JTC and the additional space available for FBI use, existing base funding is not sufficient to meet the anticipated increase in Academy student trainees.

1592

An increase of $2,800,000 is requested for student travel funds to accommodate an anticipated increase of approximately 7,000 Academy student trainees. To determine the projected amount for this requirement, the FBI used an average travel cost of $400 per student per round trip airfare to Washington, D.C. and multiplied this estimate by the anticipated number of students that it would be able to accommodate with the additional vacated DEA space (7,000 students), yielding a requirement of $2,800,000 (7,000 students X $400 per round trip = $2,800,000).

The requested travel funds would allow thousands of FBI employees to participate in a number of different training courses at the Academy. For example, the FBI has a significant population of inexperienced agents in need of core skills training in the areas of informant development, interviewing/interrogation, report writing, and case management. Professional development and management training is required so that FBI managers and supervisors receive the training needed to perform well in their areas of responsibility. Moreover, with the current level of resources, the FBI is unable to keep pace with the administrative and mandated training needs of its employees. As a result, managers and other designated support employees lack specialized skills in such critical areas as the Drug Deterrence Program, Employee Assistance Program, Evidence Recordkeeping, Procurement Update, Office of General Counsel Training, and many others. Finally, programmatic in-service training across all investigative areas is required if the FBI is to maximize the effectiveness of its workforce.

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The requested resources would also allow the Academy to hold specialized courses on computer crime and forensic training. Computer sciences change so rapidly that FBI personnel must be proficient with newer technology in order to be able to sufficiently investigate cyber crimes. Cyber-crime training is needed across all investigative areas, as the FBI must be able to keep its agents abreast of how the criminals use computers to commit and facilitate crime.

The following chart displays performance measures for FBI Academy training programs:

DECISION UNIT/PROGRAM: Training, Recruitment, and Applicant (Training Division)
DEPARTMENT OF JUSTICE CORE FUNCTION: 1) Investigation and Prosecution of Criminal Offenses 2) Assistance to Tribal, State, Local Governments
STRATEGIC GOAL: Supports Goals 1.1 - 1.5 of Core Function 1; Supports Goals 2.1 - 2.5 of Core Function 2
COMPONENT ANNUAL PERFORMANCE GOAL: To provide the training and education necessary to ensure that each FBI employee and our state, local and international law enforcement training partners are capable of contributing to the fight against crime at their highest level of competence.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Agent positions	BFA	318	255	345	255	255
	Support positions		418	385	387	385	385
Activities/ Outputs	Total number of students trained:	Training Division Staff					
	FBI New Agents		735	709	718	578	595
	FBI In-Service		7,688	6,500	11,250	6,500	12,500
	National Academy		1,080	1,080	1,069	1,080	1,080
	Priority Law Enforcement Training (PLET)-Execs		133	172	160	200	200
	PLET - Specialized		2,324	2,000	2,583	2,000	3,850
	Total PLET at State, local, regional facilities		107,754	120,000	117,599	120,000	120,000
	Foreign Police Officers and Executives		3,756	4,176	6,122	7,105	9,205
	PLET Schools Taught by Academy Instructors		175	200	200	200	220
	# of International FBI Courses Presented		119	131	131	203	263
	Number of Countries Represented by Attendees		94	95	95	121	163

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Plan	1999 Actuals	2000 Plan	2001 Plan
Outcomes	Percent of agents receiving 10 or more hours of developmental training annually	Training Division	N/A	N/A	61	100	100
	Percentage of support personnel who receive 10 or more hours of developmental training annually		N/A	N/A	42	46	100
	Percent of agents receiving 50 or more hours of development training in the last 3 years		N/A	N/A	60	70	80
	Percent of support personnel receiving 50 or more hours of development training in the last 3 years		N/A	N/A	25	25	50
	Number of agents provided core skills training		N/A	N/A	N/A	TBD	TBD
	Number of model training programs in place for investigative programs		N/A	N/A	N/A	TBD	TBD

A. Data Validation and Verification
BFA - Budget Formulation Application (BFA). The FBI's budget formulation system which accounts for congressionally authorized budget authority, positions, and workyears.
TD Staff - Training Division maintains computerized records of classroom training provided to students. The output data are based on information contained in these databases. The outcome data reflects the recent approval of the new developmental training requirement. The Training Division is developing a record-keeping system to track this data and anticipates that a system will be in place by the close of FY 2000.
B. FY 1999 Performance Report
Outcome measures -The new outcome measure information reflects a new policy on mandatory developmental training for all FBI employees that became effective in April, 1999. Core skills training data will also be tracked for agents. FY 1999 numbers are estimates (see data verification section) and are reflective of planning conducted prior to the implementation of the policy.
C. Issues Affecting Selection of FY 2000 and 2001 Indicators
New outcome measures reflect a new policy on developmental training for all employees.

Throughout the development of the FBI's Strategic Plan, program managers identified in-service training in the operational programs - White Collar Crime, Organized Crime, Violent Crime, Counterterrorism, and Foreign Counterintelligence - as critical to accomplishing the strategic goals of the FBI. In fact, almost unanimously, FBI program managers believed that without an increased

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level of training, the FBI would fail to meet its strategic goals and lose substantial ground in the fight against criminal threats to the security of the United States and its citizens.

By ensuring that the Academy reaches its full training capacity, the requested travel funding would provide agents and support personnel with the basic and specialized skills and tools they require to fulfill their operational and investigative responsibilities. Requested funding would allow the FBI to fully utilize the Academy and provide the maximum benefit possible in support of its investigative programs. Without the training, employees throughout the FBI would be less prepared to handle their duties, which would have a detrimental effect on their individual performance; and, in the aggregate, on the organizational mission of the FBI. The FBI must take the proper steps to ensure that this does not happen.

Item: TRA - Interactive Multimedia Courses, $1,500,000

The FBI Training Division (TD) is responsible for providing quality training programs to more than 28,000 employees, and also trains members of the domestic and international law enforcement community. The FBI Academy, the institutional anchor for FBI training, has taught traditional in-service training programs since 1972, but this mode of training cannot meet the growing demands of FBI and law enforcement related training.

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The FBI recognizes that it must provide employees with a substantially increased level of training if it is to equip them with the skills they need to fulfill its investigative mission. The Director's recently adopted policy for the continuing development of FBI employees requires a minimum level of annual developmental training. The new policy also requires all agents to obtain training in the core areas of informant development, interviewing and interrogation, and case management. The FBI must provide its agents with the required core skills training needed to successfully perform basic investigative functions while also ensuring that all employees have adequate training opportunities to meet the new training requirement.

The FBI can no longer rely solely on traditional training methods if it is to provide its workforce with the increased level of training needed to meet the investigative challenges of the future. Technology-based training methods provide an opportunity to deliver more training, to more employees, with a high degree of effectiveness, at substantial cost savings over traditional modes of training. The FBI recognizes that technology-based training methods can effectively complement or replace traditional classroom instruction and believes that these new training platforms must become an integral part of its overall training strategy.

The FBI currently has base funding of $1,785,000 for Academy technology services (distance learning, interactive multimedia, and computer technology and service). Base funding is utilized to maintain the existing level of service and is used for the FBI Training Network (FBITN) satellite teleconferences, taped programs, video teleconferencing (VTC), two contract associate producers, and related joint efforts in training with other federal, state, and local law enforcement. The FBI is requesting $1,500,000 for technology-based training. The request is comprised of $1,300,000 to develop four interactive multimedia courses and $200,000 for two contract multimedia and web-based instructional designers to support the development of these projects.

Interactive Multimedia Courses. Interactive multimedia courses disseminated via CD-ROM technology exemplify the potential of technology-based training. These sophisticated software packages deliver training content through interaction with the trainee. Because courses are fully user interactive they allow the trainee to choose the direction, action, and outcome of the overall experience. This mode of training has several distinct advantages over traditional methods of instruction.

Convenience: Interactive multimedia courses allow trainees to receive training at times and places and for durations that are convenient for them.

Cost: Interactive multimedia training offers substantial cost savings. The elimination of student travel and per diem expenses, maintenance expenses for classroom facilities, and instructor salary costs allow for a substantial overall reduction in cost.

Better retention of training content: A growing body of academic research suggests that interactive multimedia training results in equal or higher quality of student learning than traditional instruction.

Better consistency: Interactive multimedia training is typically more consistent, both in content and in the manner that the content is delivered, than traditional instructional methods.

Relevance: Interactive multimedia training is "just in time" training - the training takes place exactly when the trainee requires training. In turn, performance tends to increase significantly because of the immediate applicability of the material to job tasks.

The success of the FBI's one existing interactive multimedia course, titled "Interview and Interrogation" powerfully demonstrates the exciting potential of technology-based training. Developed in 1997 by Johns Hopkins Applied Physics Lab at a cost of $350,000, this interactive multimedia course was developed to help agents develop interview skills by providing meaningful experience in detecting

deception during interviews. This training tool emulates human behavior using a computer-simulated person in a realistic scenario. The course gives the trainee experience in asking proper questions and distinguishing between deceptive and truthful responses. It also provides a critique and numerical score for the interview. As their skills develop, students can see their critiques improve and their scores rise. "Interview and Interrogation" supplements and reinforces traditional classroom instruction by giving the trainee an opportunity to practice these important skills. "Interview and Interrogation" has already been incorporated into the new agent training curriculum as trainees now have the opportunity to use the program to supplement classroom based study. In FY 1999, the FBI's 718 new agent trainees voluntarily used the software for a total of 3,900 hours, an average of 5.4 hours of training for each student. Due in part to the success of the course, 10,000 CD-ROMS of the program have been distributed to federal, state, and local law enforcement agencies through the FBI's field offices.

The requested enhancement of $1,300,000 would allow the FBI to develop four additional interactive multimedia courses, at an approximate cost of $325,000 each, to be disseminated through CD-ROM technology, on the topics of Informant Development, Basic Criminal Investigation, Leadership and Management, and Ethics.

Multimedia and Web-Based Instructional Designers. The development of interactive multimedia courses is a time-consuming process and the developmental time frame for these courses is generally longer than the traditional face-to-face course. While the content is generally the same, the delivery of content is more complex via distance technology. The TD does not have the skilled personnel to develop and create interactive multimedia courses. Two contract multimedia and web based instructional designers, at an approximate cost of $100,000 each, are needed to support the development of this project.

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Development of the requested multimedia courses is an essential component of the FBI's plan to provide its workforce with the training opportunities needed to implement the Director's training requirement and to provide its relatively inexperienced agent workforce with a sufficient amount of training in core investigative skills. Though the development of interactive multimedia courses requires a high initial expenditure of funding, the long-term costs associated with this mode of training are lower than more traditional methods. The FBI's current technological infrastructure cannot yet support web-based training opportunities. Thus, interactive multimedia courses are one of the few currently viable options the FBI has for meeting its increased, mission-critical training demands. Development of these interactive multimedia courses and their subsequent dissemination via CD-ROM technology offers a proven way to deliver training to thousands of FBI employees at minimal cost. Without this enhancement the FBI will forego an opportunity to ensure that its employees receive adequate training opportunities to meet the challenges of the future and will be unable to replace a significant amount of technology-based training opportunities with traditional methods of instruction.

Item: TRA - Development of Analytical Capabilities, $1,000,000

The FBI cannot achieve the goals of its strategic investigative plan without a substantial improvement in the skills and expertise of its analytic cadre. All investigative program managers have cited weakness in analytic capability as a key shortfall in their ability to undertake proactive investigations and identify emerging groups and crime trends. In May 1999, a congressional committee reviewing the loss of sensitive U.S. technology to China, specifically criticized the FBI's "inability to centrally locate, retrieve, process, evaluate, analyze and disseminate foreign intelligence and counter-intelligence information." Another congressional committee investigating national security concerns regarding China also cited the need for the FBI to "undertake and maintain a current all-source analysis" capability. In July 1999, a Department of Justice Inspector General's report on the FBI's campaign finance investigation criticized shortfalls in FBI's ability to provide information to senior officials. The FBI recognizes that these weaknesses are perpetuated by the lack of training available to FBI analytical personnel.

To correct these shortfalls and to assure quality analysis, all FBI analysts must achieve a high standard of professional skill and expertise. A comprehensive, standardized analytical training program must be implemented if the FBI is to substantially enhance the skills and expertise of its analysts. The importance of analytical training is particularly acute in an era where globalization and exponential growth in technology and information systems have combined to create a more complex and rapidly changing world in which the power of information is paramount. More than ever, specialized analytical expertise and training are needed to assess changing or emerging threats, such as in the health care fraud and cyberbanking industries, or changing modes of operation and trade craft used by terrorist or foreign intelligence organizations and their agents. In this new era, the success of proactive investigative initiatives increasingly depends on sophisticated target analysis by highly skilled and well trained analysts who can provide a detailed understanding of the identities, roles, relationships, and activities of individual members or overall vulnerabilities of groups, cells, or organizations being investigated. It also requires that the FBI be able to produce strategic assessments and predictive analysis in order to inform program resource decisions and investigative efforts.

The FBI recognizes that a trained, expert cadre of analysts, both in the field and at FBI Headquarters, is essential to successfully meet its investigative mission and has begun a multi-year effort to enhance its existing capabilities. This initiative, the Intelligence Capabilities for the Millennium (ICAP-2000), will overhaul the existing analytical infrastructure based on standardized core skills competencies, expertise, and personal attributes. ICAP-2000 will include a validated training curriculum which will be developed by Instructional Systems Specialists hired specifically for this purpose. The training curriculum will be based on the identified core competencies and will be linked to promotions and professional development opportunities.

1599

The development and implementation of a comprehensive, standardized training program is a central component of this effort and is critical to the success of the ICAP-2000 initiative, as not only new analysts, but also the existing cadre must receive training to meet these goals.

In FY 1999, approximately $211,000 in base level funding was available for analyst training. With over 850 Intelligence Research Specialists (IRS) to train, this allows only $247 per analyst which is less than would be required for the basic courses currently available to the FBI. For example, the commercial vendor Anacapa Sciences, Inc., offers a two-week basic analytic course for criminal analysts, at a cost of about $685 per analyst, and the CIA offers a one-week intermediate level intelligence course at a cost of about $400 per person. In addition, FBI analysts need specialized courses in investigative techniques and subjects directly relevant to the unique mission of the FBI and its various Criminal and National Security investigative programs. Many analytic personnel are in need of developmental skill training.

The FBI requests a total of $1,000,000 to implement a comprehensive, continuing development and training program for its analytical positions. Funding would be used to provide a wide range of training opportunities tailored to the FBI's investigative mission and specific training needs, significantly strengthening the FBI's analytic capabilities. First, the enhancement would provide every analyst with the same basic training in FBI investigative programs and techniques, analytical thinking, briefing techniques, report writing, and critical analytic technologies such as telephone analysis. The request would ensure that every analyst has been provided with the basic training necessary to establish a foundation for long-term success. Second, the FBI would be able to provide its analysts with specialized training on particular substantive issues, such as money laundering, narcotics trafficking, denial and deception techniques and foreign area studies. Most significantly, this enhancement would enable the FBI to offer a sufficient amount of training to establish and implement a standardized, comprehensive training program that would upgrade the skills of the existing analytic cadre to help ensure that the goals established by the ICAP-2000 initiative are met.

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The FBI recognizes that it must create a professional intelligence cadre of experienced and trained analysts characterized by definitive career opportunities, progressive training, and rotating field assignments. On point with the recent reorganization of FBI Headquarters is the Information, Analysis and Assessments Branch within the newly created Investigative Services Division. This branch will address the shortfalls cited by Congress and DOJ, and will enhance FBI investigative capability by integrating analysts and information from all programs. To assure a more effective analytic cadre, the Branch includes a unit dedicated to analyst professional development and training.

The requested enhancement would allow the FBI to establish an analytical training program that would enhance and refine the skills of its analytic cadre, resulting in a more diversified and better equipped intelligence capability that would be more responsive to tactical investigative needs and more proactive in identifying potential leads or targets. Training in areas such as money laundering, narcotics trafficking, denial and deception techniques, cybercrime, or foreign intelligence techniques, would provide analysts with the skills and knowledge needed to improve identification and assessment of emerging crime, terrorist, and foreign intelligence threats and patterns. The requested training would also improve analysts' ability to determine associations and relationships among individuals or groups engaged in criminal, terrorist, or counterintelligence activities and improve the FBI's understanding of the vulnerabilities of groups or individuals under investigation. An analytical training program tailored specifically to serve the FBI investigative mission would enhance the full range - tactical, programmatic, and strategic - of intelligence products, thereby ensuring a solid foundation of intelligence that would provide "real-time" case support to ongoing investigations, long-range assessments that would inform planning and resource decisions, and predictive analysis that would provide guidance to investigative programs.

Item: TFS&S-Electronics Technician/Technically Trained Agent Training, 4 positions, 2 FTE, and $1,195,000

Utilization of new and emerging telecommunications technologies such as Personal Communications Services (PCS), encryption, voice over data, satellite communications, and other digital communications challenge the FBI's ability to implement court-ordered electronic surveillance. The FBI must maintain the capability to respond rapidly and effectively to these technologies through the development of new equipment and techniques coupled with aggressive technical training for technical investigative personnel. Training courses which address new technologies and intercept methodologies must be developed and delivered to field personnel immediately.

1601

Technically Trained Agent (TTA) Training Program. The field TTA is responsible for the collection of evidence in court-ordered electronic surveillance matters for criminal and national security investigations. The majority of the FBI's successfully prosecuted cases rely heavily on the technical collection of evidence to support direct testimony. Knowledge of telephone company operations and network architectures is essential to the TTA's ability to conduct digital telephone intercepts. A thorough understanding of the telecommunications architecture and capabilities is required for the TTA to respond quickly in life threatening situations.

TTAs must also effectively employ other technical investigative techniques to include the use of transmitters, digital body recorders, thermal imaging equipment, closed circuit television, and other electronic surveillance technologies. Constant commercial development in these areas drives an intensive advanced training requirement. Further, technological advances in Global Positioning Satellite (GPS)/NavTrack, Range Bearing, Directional Finding Tracking Systems, Cellular Telephone Tracking and Locating, and

Special Technical Surveillance Vehicles will greatly enhance the FBI's ability to conduct criminal and foreign counterintelligence surveillances. A thorough understanding of these technologies is needed by FBI technical, surveillance, and investigative personnel in order for the FBI to maintain critical evidence collection capabilities in national security and criminal investigations.

The TTA Training Program is responsible for providing training to 295 field TTAs and 65 On-the Job Trainees (OJTs). Delivery of effective technical training is a formidable task, especially in an environment of rapidly changing technology. Additional full-time instructors, cognizant of course development and modern adult learning methods, are needed to support the expansion of the existing TTA training curriculum.

Electronics Technician (ET) Training Program. The ET Training Program is responsible for the design, development, implementation, and evaluation of all radio, data, video, and intrusion detection systems training required by ETs in the performance of their duties. The ETs support all FBI investigative operations by providing radio and data communications support. In addition, the ETs provide all FBI facilities (field offices, resident agencies, off-sites, etc.) video and intrusion detection protection against clandestine entries from criminal or foreign intelligence agencies. The impact of technology on FBI investigative, management, and administrative functions will increase significantly during the next five years. Since ETs maintain the data and communications systems, in order to ensure the success of the Information Sharing Initiative (ISI) and the Integrated Digital Wireless Communications System (IDWCS), it is imperative that relevant technical training courses be continuously developed and delivered to ET personnel.

1602

In 2001, the TTA Training Program personnel resources include one SSA Training Manager, one ET instructor, and one Training Technician. Base non-personnel resources consist of $430,000. ET Training Program personnel resources consist of one Training Manager, one Training Technician, and eight ET Training Instructors. Base non-personnel funding consists of $170,000.

TTA Training Program. A total of $845,000 is requested consisting of four technical TTA instructor positions and $445,000 in personnel funding and $400,000 in non-personnel funding. The current TTA certification process consists of a three-week Basic Electronics and Telecommunications Course (BETC), a four-week TTA Certification Course (TTACC), and a one-year period of formal OJT under the supervision of the field office Technical Advisor (TA). During the initial training process, prospective TTAs receive instruction on technical topics including basic electronics, telephony, cyber technologies, digital video collection, digital communications, encryption, signal analysis, telephone outside plant operations, electro-optics, video, surveillance tracking systems, phototelesis equipment, locking system technologies, and field safety procedures. The BETC and TTACC are taught at the Engineering Research Facility (ERF) by FBI and contractor personnel. Following certification, additional instruction on specialized

technical topics is provided to maintain the TTA's level of technical knowledge and to orient him/her with new equipment, techniques, and technologies.

A total of 63 field TTAs are currently eligible for retirement and an additional 106 field TTAs are eligible for retirement within three years. During 1999, the TTA Program lost 42 experienced technical investigators through retirements, promotions, transfers, and intra-office reassignments. The replacement of lost technical personnel requires effective recruiting, OJT, certification training supplemented with regular specialized technical instruction. Although the TTA certification process takes a minimum of one year to complete, it typically takes almost three years of full-time experience for a TTA to develop a high level of technical proficiency. The TTA certification process requires significant training resources. During FY 1999, a record 28 weeks of classroom training at the ERF was devoted to basic TTA certification training.

One ET instructor is solely responsible for instructing the BETC which is a prerequisite for all OJTs seeking to attend the four-week TTACC. This instructor also provides significant instructional support during the TTACC, Advanced Technical In-service, Advanced Microphone Course, Basic Technical Surveillance Countermeasures Course, and other technical training classes. During 1999, this instructor provided approximately 32 weeks of TTA training to approximately 320 students. This demanding schedule, which will be repeated during 2000, precludes the instructor from devoting sufficient time to update existing courses, design and evaluate new courses, and develop his own technical and instructional skills. Presently, the program has no one available to replace this instructor in the event of illness, non-medical emergencies, or annual leave. One additional technical instructor is requested to support these training responsibilities.

1603

The second TTA Training Program instructor is responsible for the development and delivery of all computer-related TTA training. This individual alone must identify specific training requirements and build courses to meet TTA training needs regarding computer technologies. Additional instructors are required to support existing computer training initiatives and to pursue the development of other subject areas.

There is an urgent need to respond to the technological advances made in the telecommunications field to guarantee the FBI's continued ability to perform court-approved electronic surveillance, an integral part of almost every successful investigation as most FBI electronic techniques require the proper coordination and use of telecommunications facilities. Telecordia (formerly Bellcore), in conjunction with TPU, has developed a series of five telecommunications courses for field TTAs. These courses address relevant topics including telephone company operations, network architectures, digital signaling and packet switched systems, Integrated

Services Digital Network (ISDN), Synchronous Optical Network (SONET), Advanced Intelligent Network (AIN), wireless communications services, specialized telecommunications equipment, and other advanced telephony issues. Subsequent to the TTACC, all field TTAs are expected to attend the first three courses in the series.

Customized courses have also been developed in the Bell Atlantic, Pacific Bell and U.S. West operating area to provide TTAs with instruction on telephone company operations unique to their respective field office territory. Efforts are currently being made to develop similar training courses in other Regional Bell Operating Company regions.

The annual TTA training schedule lists approximately 45 technical training courses, which are available to all field TTAs and, in some cases, to OJTs. During 1999, a total of 569 requests for enrollment in these courses could not be fulfilled due to limited course availability, resulting in a deficiency of approximately 2,690 training days. (This is based on 569 unfulfilled training requests and an average course length of 4.73 days or 569 requests x 4.73 days = 2,691.4 training days).

An enhancement of $400,000 is requested to adequately outfit training facilities for specialized TTA training requirements in Internet, cyber technologies, and data communications intercepts. This funding will support new courses on Internet, T-1, and other digital technologies. These training facilities are required to ensure the FBI maintains the capability to effectively implement electronic surveillance in the dynamic telecommunications environment. Presently, the existing facilities at the ERF cannot support development of these new courses. The emergence of sophisticated digital technologies and the rapid growth of the Internet, and data communications, threatens to outpace the FBI's ability to train field TTAs to implement and oversee Title III and Title 50 Interceptions of these technologies and their related investigations. The implementation of state-of-the-art training facilities is essential to the successful interception of the Internet, data and communications in support of field office investigations.

1604

ET Training. The demand for ET training will continue to increase as the result of the hiring of new ET personnel, and the deployment of new technologies in the radio, data, video, and intrusion detection systems. Funding totaling $350,000 is requested for the development of seven distance learning courses in conjunction with the Department of Energy (DOE) Central Training Academy in Albuquerque, New Mexico. The TTA and ET Training Programs are responsible for providing state-of-the-art training on techniques, technologies, and equipment to approximately 800 personnel field wide. These technical personnel operate in an environment in which new technologies and equipment are deployed on almost a daily basis. The training programs must be capable of providing critical training to large numbers of personnel in an effective and timely manner. The training programs must also

maintain the capability to address new training requirements with limited personnel and non-personnel resources. One solution is the development of a broad-based distance learning program for TTAs and ETs.

The ET and TTA Training Programs are currently pursuing a number of distance learning technologies, including satellite interactive television (ITV), computer-based, Internet/Intranet-based, and videotape training. The goal is to initially establish the capability to deliver courses via satellite ITV in selected Bureau field offices. Satellite ITV provides a high quality one-way video/two-way audio link between the instructor and the students. Effective delivery of the technical subject matter in existing technical course curriculums demand this high quality interactive link. The major advantage of ITV is that the satellite transmissions can theoretically reach all FBI downlink sites using one satellite broadcast. ITV is ultimately a cost-effective delivery method for reaching a large audience across the nation. The most costly component of the ITV system is the uplink studio. The TTA/ET Training Programs recently established a partnership with the DOE in pursuit of this training initiative. The DOE Training Academy, which has an operational uplink studio, has offered its expertise and uplink studio facilities to the TTA/ET Training Programs on a space available basis.

The training programs have established an initial goal of developing seven technical training courses using the satellite ITV medium. This number was derived based on available instructor resources and the number of existing course curriculums suitable for delivery via this medium. The one-week TTA Advanced Technical In-service, which is delivered three times per year to a total of 48 TTAs, is ideal for ITV. The need exists to provide this training to all 300 TTAs; however, limited classroom facilities, funding and work schedules preclude conducting additional classes. The estimated travel and lodging costs associated with conducting the Advanced Technical In-service at Quantico for 300 TTAs is approximately $225,000 per year. The course could be delivered via ITV to 10 regional sites for approximately $150,000. This figure primarily represents one-time equipment purchase costs and future courses could be delivered for less than $5,000. Comparable savings would be realized by conducting other TTA and ET courses via satellite ITV. Because typical courses delivered via ITV can reduce course length by as much as 40 percent, savings in both travel and employee work days would also be realized.

The following chart displays performance measures for the ET/TTA Training Programs.

1605

DECISION UNIT/PROGRAM: TFS&S - ET/TTA Training Program
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To provide state-of-the-art training to ETs, TTAs, and investigative personnel.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Training Staff Workyears ET Training TTA Training	ET/TTA Training Staff	15 11 4	15 11 4	15 11 4	15 11 4	19 11 8
Activities	Training Days Requested ET TTA	Post FY98 Training Report	18,420 11,620 6,800	19,100 12,200 6,900	17,952 11,052 6,900	19,100 12,200 6,900	21,150 13,450 7,700
Outputs	Training Days Provided ET TTA	Post FY98 Training Report	9,067 4,867 4,200	9,077 4,867 4,210	8,394 4,404 3,990	9,077 4,867 4,210	9,287 4,867 4,420
End Outcome	ET & TTA Requested Training Provided	Post FY98 Training Report	49%	48%	47%	45%	44%

A. Data Validation and Verification:
ET/TTA Program Training Staff - Represents the number of projected personnel
Post FY98 Training Report - Report posted each year which documents the days of training provided to TTAs and ETs. The data updated and archived yearly.

Due to the rapid evolution of technology, the sophistication level associated with ensuring the security of the United States in foreign intelligence matters and obtaining intelligible electronic surveillance evidence in criminal investigations is increasing. Advances in telecommunications systems will make technical investigations even more difficult. TTAs must maintain the capability to respond

1606

rapidly and effectively to emerging technologies through the development of new equipment and techniques coupled with an aggressive training curriculum. The dynamic and increasingly complex nature of telecommunications networks will, without additional training, challenge the TTA's ability to conduct technical investigations and the ability to respond quickly and effectively in life threatening situations. The requested enhancements are essential to ensure that TTAs and ETs possess the knowledge, skills, and capabilities to perform in a rapidly evolving digital technology environment.

Due to the limited training opportunities, field technical personnel are becoming compartmentalized, thereby eliminating the well-rounded journeyman. The compartmentalized personnel negatively impacts field operations, inasmuch as an individual who has received the training must be located, possibly diverted from other task, to perform the required function. On occasion, technical investigations are delayed due to scheduling problems associated with the compartmentalized TTA.

Initiative: Investigative Support

Decision Unit	Pos.	WY	Amount (000s)
Information Management, Automation and Telecommunications (IMAT)	*0*	*0*	*$16,434*
Organized Criminal Enterprises (OCE)	*0*	*0*	*2,100*
Technical Field Support and Services (TFS&S)	*0*	*0*	*2,000*
Total	*0*	*0*	*20,534*

The Investigative Support Initiative provides for the daily basic operational requirements of the field investigations and includes operational resource enhancements that support the FBI's Strategic Plan and cross traditional program lines. The FBI's strategic plan identified those funding requirements that are vital to supporting operations in the field.

Justification for Resources Requested

Item: IMAT - Telecommunications Services/Asynchronous Transfer Mode (ATM) Circuits, $14,334,000

The FBI currently relies on a telecommunications infrastructure that was designed in 1991 to support the FBI's Systems Network Architecture (SNA)/token ring network. This network serves over 600 separate FBI locations and has been maintained with few changes since 1991, except for a recent change to accommodate Transmission Control Protocol/Internet Protocol (TCP/IP). That design is ill-suited to modern investigative processes using electronic case files. An ATM-based network will support the FBI's increased bandwidth requirements for transmitting images, video, and voice, as well as large case files including imaged documents, video/voice segments, and intelligence analyses. The FBI's future plans, of which this investment is one element, call for use of the Justice Consolidated Network's (JCN's) ATM backbone network, established by the Department of Justice (DOJ). The JCN will provide a common or shared, high-bandwidth network infrastructure for all DOJ components. This investment will enable the FBI to modernize its current, technically outdated network and enable the FBI to take full advantage of the benefits being afforded by the JCN ATM backbone.

1608

The enhancement requested for the FBI's telecommunications system will reinforce strategic FBI mission and performance goals by providing the additional bandwidth required to support the FBI's planned increased capacity requirements. This increased workload will result from a widening of the scope of investigative operations being performed by the FBI and the incorporation of new enhanced applications which will consume greatly increased amounts of bandwidth. The result will be more cases solved more quickly.

Unless ATM is implemented, planned applications for supporting the FBI's increased workload and increasing the FBI's investigative effectiveness through incorporation of imaging, video, and voice into case file systems and other IT systems requirements will not be implemented because of lack of telecommunications support. The FBI will be constrained to operate in its current outdated and fragmented mode of operation. Also, the FBI will not be able to accomplish its planned integration into the DOJ's JCN.

Base resources of $9,500,000 are available to support the existing SNA/Token Ring architecture and will be used to begin the migration to ATM circuit requirements.

An enhancement of $14,334,000 is requested for Tiers 1 and 2 of the JCN ATM circuits required to support the transmission of case file documents. Workload projections and the corresponding increased transmission requirements can only be addressed through the requested incremental increase in transmission capability afforded by an ATM backbone. However, to fully utilize the JCN's ATM backbone, much of the FBI's network must be modernized and enhanced. Network capacity and equipment from FBI sites to the JCN concentration points must be upgraded so that the high bandwidth capability offered by JCN is eventually available to all 56 FBI field offices, their Resident Agencies, and other specialized locations. This investment addresses leased circuits and associated costs for establishing operational capability of the circuits. The projected costs for the leased services were provided by the DOJ JCN Program Office to the FBI. As the FBI implements an electronic case file application, increased bandwidth will be required to support the transmission of large files such as imaged documents or video segments. The JCN offers the FBI the vehicle for moving into an ATM environment; however, with increased bandwidth comes increased circuit costs.

In 2001, the associated deployment of the FBI's new Intranet will require the implementation of DS-3 ATM circuits (45 Mbps) for 25 large offices (more than 250 personnel), which include 8 concentration sites, 14 field offices, FBI Headquarters, Quantico, and Clarksburg. It is expected that the larger field offices will serve as concentration points for other field offices and Resident Agencies. Transmission of analytical and graphical information, as well as video traffic processed through applications, will require significantly larger circuits than currently available. FBI Headquarters, Quantico, and Clarksburg will support large local personnel complements and will own large databases which will be accessed by all field activities, as well as having interchanges of large amounts of graphical information and video. All 25 sites require bandwidth support for services such as Non Investigative Intranet (NII), Investigative

Intranet (II), Intelink, and National Infrastructure Protection Center. The cost for Tier 1 is estimated to be $8,635,500.

The second tier of ATM implementation includes DS-1 ATM circuits for Resident Agencies. Large bandwidth is required to make the necessary interchanges for files, print, email, NII and II services among Resident Agencies, field offices, FBI Headquarters, Clarksburg, and Quantico. The estimated cost for Tier 2 is $15,198,500. The implementation of the requested ATM circuits will also support the use of Sniffer-type devices and the Enterprise Management System used to monitor bandwidth consumption and performance on a real-time basis. The following displays the resources required in 2001:

FY	Tier	Item	Amount
2001	1	25 DS-3 ATM circuits in 8 concentration sites, 14 large field offices (more than 250 personnel) and FBI Headquarters, Quantico, and Clarksburg	$8,635,500
2001	2	DS-1 ATM circuits in larger Resident Agencies	$15,198,500
2001	1, 2	Total Tiers 1 and 2	$23,834,000
2001		Less FY 2001 Base Funding	-$9,500,000
2001	1, 2	Total FY 2001 Enhancement Funding Required	$14,334,000

The following displays workload and performance measures for this item.

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DECISION UNIT/PROGRAM: Information Management, Automation and Telecommunications/Telecommunications Services
DEPARTMENT OF JUSTICE (DOJ) CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 -5
COMPONENT ANNUAL PERFORMANCE GOAL: To provide the data circuits required to support the transmission of large files that comprise FBI electronic case files.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Number of locations with installed DS-3 and DS-1 ATM circuits	eFBI Plan	N/A	N/A	N/A	21	472
Intermediate Outcome	Increased services available	eFBI Plan	N/A	Text and limited image capability over network.	Text and limited image capability over network.	Increased capability for text documents and image sharing for 21 sites.	Faster response times. Increased ability to send text, image, audio, video over network to larger number of sites.

A. Data Validation and Verification: 1. The data source for the 21 larger offices to be given DS-1s in FY 2000 and 472 offices in FY 2001 (25 larger offices plus 447 resident agencies) is analysis for eFBI submissions. For FY 2000, the FBI will implement 21 offices (10 concentration offices, one pilot office, and 10 resident agencies of the pilot office). This number of offices was chosen because of limitations of funding, time, and resources, including scarcity of encryption equipment and availability of JCN circuit capability. The FBI currently has on hand or on order for delivery in early calendar year 2000, twenty-eight FASTLANE ATM encryptors. Delivery time for newly-ordered FASTLANE encryptors if approximately one year.
2. The data was verified through consultation with the JCN Program Office (i.e., capability to supply circuits) and National Security Agency (i.e., lead time for ordering of encryption equipment).
3. Limitations on this data include failure to obtain required funding for equipment for sites under eFBI, extended delivery of ordered encryption equipment, and inability for JCN to supply circuits at required FBI locations.
4. The FBI will take actions to purchase and implement the planned circuits as funds and equipment become available. Progress will be tracked as funds are spent and circuits are implemented, and will be presented in reports to DOJ, as required in order to mitigate any data limitations.

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The FBI has been mandated by the DOJ to transition existing FBI data circuits to the Department-wide JCN. The JCN consists of DS-3 ATM circuits versus the dedicated point-to-point DS-1 and 56 Kbps circuits currently in use by the FBI.

This conversion to ATM technology at higher speeds will result in substantially greater bandwidth which is required by the FBI. It will enable FBI employees to include new and more efficient methods of working to perform their investigative and administrative tasks with bandwidth-on-demand capabilities. The ATM technology will permit rapid transport for transmitting images, video, voice, as well as large case files including imaged documents, video/voice segments, and intelligence analyses. The current backbone network will not support these applications.

Without the required enhancement the FBI will be forced to operate on its present obsolete telecommunications backbone. Planned applications listed above will not be implemented causing increased delay in developing and fielding systems with the new capabilities called for in the DOJ and FBI's plans for usage of the ATM infrastructure. Full advantage of the benefits provided by the JCN ATM backbone will not be realized.

Item: OCE - Criminal Case Funds, $2,100,000

Investigations which use the Enterprise Theory of Investigation represent the core competency of the FBI's efforts against organized criminal groups, drug traffickers, and violent gangs. These investigations are typically long-term and require the use of sophisticated techniques, such as electronic surveillance and undercover operations, to be successful. These investigations target the leadership of the criminal organization and all associated criminal enterprises. The goal of these investigations is to disrupt or dismantle the entire criminal organization, resulting in the imposition of lengthy prison terms and the seizure of the organization's illicit assets. Increasingly these investigations are conducted by FBI-led joint task forces with federal, state and local law enforcement agencies. The long-term nature of the investigations and the associated sophisticated techniques require a substantially greater expenditure of funds to support the investigations.

The criminal organizations and groups targeted by the FBI are sophisticated, mobile and use modern, commercially-available technology, such as wireless communications, encryption, and the Internet, to support their criminal enterprises. These groups are often organized on an international level and frequently coordinate their illicit schemes with other criminal organizations. This necessitates an increase in the FBI's operational case funds to allow investigators the same mobility and access to advanced technology as criminal organizations.

Criminal informant funding is a critical investigative tool that enables the FBI to fulfill investigative responsibilities by providing the information necessary to successfully counter challenges presented by complex and violent criminal organization. Criminal informant funding is used to pay for information and all the costs associated with cooperating informants and/or cooperating witnesses such as travel and housing.

The FBI requests $2,100,000 for case operational funds and the purchase of information. The FBI's Strategic Plan recognizes the importance of gathering, analyzing, and disseminating intelligence and of investigative efforts against crime groups with a regional, national, and/or international nexus. Information supplied by informants and cooperating witnesses often serves as the predicate for these types of major investigations. Leadership of organized crime groups, drug trafficking networks, and gangs seek to insulate their direct involvement in criminal activity; oftentimes the only avenue to obtaining direct evidence of these individuals involvement in crime is through the use of informants. Informants are one of the essential investigative tools required by the FBI when conducting these complex, long-term, and international investigations. Another critical investigative tool that is successful in targeting the leadership of criminal enterprises is lawful electronic surveillance. Criminal organizations of the type, scope, and complexity investigated by the FBI have both illicit wealth and intense internal loyalty (maintained by the fear of violent reprisal) that frustrate traditional law enforcement investigative efforts. To counter this challenge, the FBI uses investigative techniques such as court-approved telephone and microphone interceptions, interception of cellular telephone and pager devices, and pen register coverage of telephones and pager devices. Case operational funds also provides for other critical case needs. These include the rental and ancillary costs (utilities, furniture, etc.) of off-site space used for monitoring plants, covert vehicles, safe houses, and undercover operations; witness protection expenses and covert travel expenses; and costs lease lines and telephone expenses for court-approved interceptions of communications.

If the FBI is unable to adequately provide confidential funding for investigations, the ability to dismantle significant organizations will be severely affected. The importance of this these investigative tools to fighting crime is shown by the following cases:

- In 1999, an FBI cooperating witness was critical to initiating a significant undercover operation (UCO) targeting the drug trafficking and money laundering operations of the Oscar Roldan drug trafficking organization, which is associated with the Alberto Orlande Gamboa, also known as "Caracol," Colombian drug organization. Roldan, an independent Medellin, Colombia-based trafficker, operated a drug organization with cells in major metropolitan areas in the United States. As a result of this investigation, which involved extensive use of court-approved interception of communications, a total of 2,053 kilograms of cocaine was seized in six separate drug seizures. Additionally, $240,000 in real estate, $120,000 in vehicles, an aircraft valued at

$40,000 and $275,000 in U.S. currency, were also seized.

- A cooperating witness enabled the infiltration and successful investigation of the Alberto Valencia Drug Trafficking Organization (DTO). The Valencia DTO is part of the Miguel Angel Rodriguez-Orejuela Cali Cartel, which has imported multi-ton quantities of cocaine into the United States. Over 200 subjects involved in cocaine trafficking and money-laundering were identified, 21 subjects were indicted, and over two tons of cocaine were seized.

Item: TFS&S - Digital Body Recorders, $2,000,000

Audio recording technology has been, in the past few years, rapidly changing from an analog to a digital format. The investigative environment in which this technology has been deployed is becoming an increasingly high risk environment. In order to minimize the risk of discovery of the recording device, whether it is on a person or hidden within a concealment, it is imperative that the FBI take advantage of the technology afforded it through deployment of the Solid State Digital Recorder (SSDR). The ramifications of discovery range from safety of the wearer of the device to case compromise should the device be discovered. Off the shelf technology available to targets of FBI investigations/operations, as well as media coverage of numerous FBI investigative techniques utilized in past operations, substantially increase this possibility. Digital technology allows for much smaller devices, enhancing concealment techniques as well as minimizing the susceptibility to counter measure technology. The digital signal facilitates the intelligibility, post processing and enhancement requirements necessary for evidence in court room presentations.

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Presently, the FBI has 6,000 analog tape-based body recorders in its inventory that must be replaced by digital technology. The size of these recorders alone preclude them from being utilized in any high risk environment. As a result of their age and the lack of replacement parts, they are no longer considered dependable, reliable, or safe as an investigative technique. In addition, through liaison with a number of manufacturers in the magnetic tape industry, the FBI has learned that analog, reel-to-reel tape will no longer be produced by the end of calendar year 2000, shortly followed by the cessation of the audio cassette format. This industry decision will basically negate the utilization of analog recorders as a viable means for the FBI to collect audio evidence.

Base funding of $1,079,000 permits the acquisition of approximately 343 SSDRs depending on the type purchased. An enhancement of $2,000,000 is requested to deploy and support SSDRs in all field divisions. The total number of SSDRs required by the field offices for investigative use in 1999 totaled 2,459. With an enhancement of $2,000,000 per year, the FBI will be able to procure approximately 3,059 additional SSDRs by 2003. The following displays the number of SSDRs which could be procured with base and enhanced funding:

Actual and Planned SSDR Procurements, 1999 - 2003

	1999	2000	2001	Total
SSDRs procured with base funding	267	343	343	953
SSDRs procured with enhanced funding	*1,028	0	527	1,555
Total SSDRs procured	1,295	343	870	2,508

*Due to investigative priorities, funding was reprioritized from other technical procurement activities which were delayed until 2000, which allowed for the one time purchase of additional body recorders in 1999. The following displays performance measures for the body recorder program.

DECISION UNIT/PROGRAM: TFS&S - Digital Body Recorders
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To ensure the ability to gather critical evidence through the provision of body recorders.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Body Recorder Program Positions Body Recorder Non-personnel in $000s	Historical Data	3 $1,350	3 $1,350	3 $4,382*	3 $1,350	3 $3,350
Activities	SSDRs Required	Field requests	2,404	2,137	2,459	1,514	1,621
Outputs	SSDRS Deployed		262	267	1,295	343	870

A. Validation and Verification: Data is obtained directly from field office input/requests. All inputs/request are maintained in internal databases. Databases are regularly updated to ensure accuracy of status of data received. Data is dependent upon accurate reporting from field components.

*Due to investigative priorities, funding was reprioritized from other technical procurement activities which were delayed to 2000.

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With the requested enhancement, the FBI will be able to maintain a valuable investigative technology which provides essential evidence in many of the FBI's cases. Law enforcement generally, and the FBI specifically, is constantly being tasked to redevelop its investigative strategy to address barriers resulting from industry technology proliferation. Body recorders are used in a high percentage of criminal cases and produce evidence that may not otherwise be obtained, especially with the arrival of encryption. SSDR technology allows for a broader range of technical deployments to obtain this critical evidence.

Item: IMAT - Communications Assistance for Law Enforcement Act (CALEA) Implementation Support, $2,100,000

The FBI's CALEA implementation responsibilities include, but are not limited to: (1) developing consensus law enforcement electronic surveillance requirements for *all* telecommunications technologies; (2) facilitating the industry's design, development, and deployment of CALEA-compliant solutions; (3) identifying, publishing, and ensuring deployment of capacity requirements in accordance with Section 104 of CALEA; (4) assisting in the development of a uniform enforcement policy; (5) analyzing the merits of all available reimbursement mechanisms; and (6) developing a prioritized plan for the effective reimbursement of the industry for the deployment of CALEA solutions.

The FBI has taken a three-phased approach toward achieving CALEA implementation. Phase One (Descriptive) consists of working with telecommunications manufacturers and carriers to describe law enforcement's technical capability and capacity-related electronic surveillance needs. Phase Two (Resolution) consists of resolving and finalizing the legal and regulatory issues regarding implementation. Phase Three (Institutionalization) consists of ensuring CALEA compliance by working with carriers as solutions are deployed, assisting carriers as Systems Security and Integrity (SS&I) rules and procedures are adopted, and seeking enforcement against carriers for noncompliance. These phases remain consistent regardless of the specific telecommunications technology being pursued. The FBI's current focus is to drive wireline, cellular and broadband PCS into and through the third phase (deployment).

By 2001, issues currently before the Federal Communications Commission (FCC) regarding electronic surveillance technical requirements, telecommunications carriers' SS&I issues, and cost recovery rules and regulations will have been resolved. Among FBI responsibilities in 2001 will be the reimbursement of the telecommunications industry for deployment of new and innovative technical solutions for technologies currently being proposed and to assess compliance with these solutions across the country. The FBI, through its expanded technical initiative and law enforcement liaison programs, will be responsible for overseeing the development of technical solutions and ensuring that those solutions made available to law enforcement are, in fact, deployed in the 150 high-intercept areas in the United States. Additionally, the FBI will monitor crime trends and develop strategies to address increases in intercept

capacity in areas that have emerging intercept requirements.

The FBI will be responsible for ensuring that technical intercept capacity is available in specific areas of the country. The Final Notice of Capacity was published in the Federal Register on March 12, 1998. Accordingly, telecommunications carriers provided information that articulated to the FBI those areas in their respective networks that could not provide capacity as published in the referenced notice. Those telecommunications carriers indicating that they could not meet the capacity requirements are eligible for reimbursement for any modifications incurred in order to provide the required capacity to law enforcement. The telecommunications industry must be in compliance with the actual capacity requirements three years after publication of the Final Notice or March 12, 2001. The FBI anticipates extraordinary reimbursement activity will be required to address capacity requirements in High Intensity Drug Trafficking Areas (HIDTA) and the Southwest Border area of the United States.

As CALEA implementation efforts continue to progress, resource requirements have significantly increased. Current efforts require working with manufacturers as their software design and development processes are completed; evaluating solutions in conjunction with the law enforcement community; and assisting carriers, as necessary, to deploy the CALEA features in their networks. The FBI also works with telecommunications carriers as they assess their ability to meet their capacity requirements and to determine which carriers will be eligible to receive reimbursement based on law enforcement priorities. In the near term, the FBI must assist the DOJ in the development of a uniform enforcement process to address noncompliance for capability and capacity requirements. Finally, and most pressing, is the need to address other technologies and services covered by CALEA. By 2001, emerging technologies service providers of Enhanced Specialized Mobile Radio (ESMR), two-way paging, and Mobile Satellite Service (MSS) will have also grown and possibly exceeded the number of cellular and personal communications services (PCS) carriers today. These technologies fall within the scope of CALEA and require adherence to law enforcement technical requirements and capacity requirements.

The FCC's imposed June 30, 2000 deadline for telecommunications carriers to be in compliance with law enforcement's technical requirements and CALEA's deadline for the industry to comply with the published capacity requirements by March 12, 2001 have placed a significant burden on the FBI's limited funding resources to address current technologies (over 4,000 wireline, cellular and PCS telecommunications carriers providing service in the United States). The increase in funding requested is to accommodate the additional requirements for the testing and verification of manufacturer proposed CALEA solutions for wireline, cellular and PCS, and the necessary work that needs to be accomplished to address other technologies and services that must be in compliance with CALEA. These new technologies and services that must be addressed represent an increase of over 200% in the number of distinct technologies

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and services undergoing active CALEA implementation.

Additionally, without an increase in funding resources, the FBI will not be able to initiate critical new work efforts for telecommunications technologies and services other than wireline, cellular, and broadband PCS. As a result, the FBI will not be able to adequately address any of the technical, financial, programmatic, or strategic issues related to CALEA compliance for those new telecommunications technologies and services. Finally, as the June 30, 2000 capability compliance date nears the FBI will not be able to adequately provide the necessary deployment support to ensure that equipment, facilities, and services of highest priority to law enforcement is made compliant with CALEA.

Base non-personnel resources consist of $9,600,000. For 2001, a total of $11,700,000 will be required to support the proposed operational and contract activities of the FBI in support of CALEA, an increase of $2,100,000. The following displays the non-personnel funding required and available:

CALEA Implementation Requirements, 2001

Item	2001 est.
Contractor Support	$9,203,656
Facilities	807,344
Operational Expenses	1,689,000
Total	11,700,000
Less Base Funding	-9,600,000
Requirement	2,100,000

A total of $9,203,656 would be used to provide operational support, program management, prioritization and reimbursement planning, and technical expertise. Current subject matter expertise regarding telecommunications systems is provided by an outside contractor. Outside contractors provide subject matter expertise in the following CALEA Sub-programs: Interface, Standards, Solutions Assurance, Law Enforcement Liaison, Capacity, Prioritization and Reimbursement, and Regulatory. The current level of funding

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provides contractor support for approximately 52 subject matter experts.

Facilities expenses include space lease costs, travel, maintenance of facilities and equipment, telecommunications services, subscriptions, and related costs. Operational expenses represent primarily travel, temporary duty, and related expenses of state and local law enforcement participating in CALEA working groups or detailed to the FBI, training, and services. An additional $807,344 would provide facility costs. Finally, $1,689,000 would support the Law Enforcement Technical Forum, travel related to consultation, standards, regulatory and CALEA solution development activities.

The variety of multi-disciplinary issues which need to be addressed by the FBI include, but are not limited to: (1) developing and maintaining an environment in which effective liaison with the industry may take place in order to facilitate the industry's design, development, and deployment of CALEA compliant solutions; (2) developing consensus law enforcement electronic surveillance requirements for *all* telecommunications technologies required to comply with CALEA; (3) effectively educating and informing Congress and the FCC to ensure law enforcement's ability to conduct electronic surveillance is not compromised; (4) identifying, publishing, and ensuring deployment of capacity requirements in accordance with section 104 of CALEA; (5) providing support for all pending litigation against Rules and Notices promulgated by the Government; (6) developing a legally-based, persuasive argument to ensure that all necessary electronic surveillance capabilities are adopted by the industry or FCC; (7) developing a prioritized plan for the effective deployment and tracking of CALEA solutions; (8) analyzing the merits of all available reimbursement mechanisms, including those not originally envisioned by the legislation; (9) assisting in the development of a uniform enforcement policy for telecommunications carriers not in compliance with CALEA; and (10) establishing an outreach plan to pro-actively inform all CALEA stakeholders of implementation activities, roadblocks, and short- and long-term objectives.

DECISION UNIT/PROGRAM: Communications Assistance for Law Enforcement Act Implementation Support
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To preserve the existing capabilities of Federal, State, and local law enforcement agencies to lawfully conduct court-authorized electronic surveillance requirements and to effectively articulate law enforcement's electronic surveillance requirements and deployment priorities to the telecommunications industry.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Outputs/ Activities	Develop consensus on electronic surveillance requirements 1. % of targeted law enforcement technical community briefed and solicited for comment	Survey of law enforcement		100%	100%	100%	100%
	Identifying, publishing, and ensuring deployment of capacity 1. Number of telecommunications technologies for which capacity activities have been initiated	Record of activities		3	3	2	2
	Providing spt for litigation/developing a legally persuasive argument for all electronic surveillance requirements 1. % of legal analyses performed regarding litigation	Record of analyses performed		70%	70%	70%	80%
	Developing prioritized plan for deployment of solutions 1. Number of unique prioritization scenarios for maximizing electronic surveillance coverage for law enforcement req.	Record of developed scenarios		4	4	6	7
	Analyze the merits of all reimbursement mechanisms 1. Number of unique reimbursement scenarios for maximizing available funding	Record of developed scenarios		4	4	6	8

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Outputs/ Activities	Assist in the development of a uniform enforcement policy						
	1. % governmental consensus regarding enforcement policy for non-compliance with CALEA	Survey of gov't agencies		NA	NA	75%	100%
	2. % of the law enforcement community informed regarding FBI/DOJ enforcement policy	Survey of law enf.		NA	NA	50%	75%
	3. % of telecommunications industry informed regarding FBI/DOJ enforcement policy	Survey of industry		NA	NA	50%	75%
	Establish an outreach plan						
	1. % of law enforcement technical community informed regarding CIS activities and objectives	Survey of law enforcement		75%	75%	80%	90%
	2. % of law enforcement technical community educated regarding next tier of telecommunications technologies to undergo CALEA implementation	Survey of law enforcement		50%	50%	60%	75%

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Outcomes	Develop consensus on electronic surveillance requirements 1. % of targeted law enforcement technical community agreeing on electronic surveillance requirements 2. % of law enforcement developed electronic surveillance requirements incorporated into industry standards	Record of industry standard		100% 90%	100% 90%	100% 90%	100% 90%
	Identifying, publishing, and ensuring deployment of capacity 1. % of capacity requirements identified 2. % of capacity deployed	CIS Record CIS Record		66% NA	66% NA	50% 10%	50% 15%
	Providing support for litigation and developing a legally persuasive argument for all electronic surveillance requirements 1. % of completion towards the development of effective litigation strategy 2. % of completion of legal analyses performed regarding litigation	Record of litigation Record of analysis		50% 50%	50% 50%	75% 80%	80% 90%
	Developing prioritized plan for deployment of solutions 1. % of unique prioritization scenarios developed for maximum electronic surveillance coverage	Record of scenarios developed		25%	25%	40%	75%

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PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Outcomes	Analyze the merits of all reimbursement mechanisms 1. % analyses for the maximization of available funds through the development of reimbursement scenarios	Record of scenarios developed		25%	40%	50%	75%
	Assist in the development of a uniform enforcement policy 1. % governmental consensus regarding enforcement policy for non-compliance with CALEA	Survey of gov't agencies		NA	NA	75%	100%
	2. % of the law enforcement community informed regarding FBI/DOJ enforcement policy	Survey of law enforcement		NA	NA	50%	75%
	3. % of telecommunications carriers informed regarding FBI/DOJ enforcement policy	Survey of industry		NA	NA	50%	75%
	Establish an outreach plan 1. % of law enforcement technical community educated regarding CIS activities and objectives	Survey of law enforcement		75%	75%	80%	90%
	2. % of law enforcement technical community educated/ briefed regarding next tier of telecommunications technologies			50%	50%	60%	75%

Successful implementation of CALEA will provide for continued collection of vital intelligence through the use of lawfully authorized electronic surveillance, a fundamental capability integral in all three tiers of the FBI's strategic plan and national priorities. CALEA preserves law enforcement's ability to conduct lawfully-authorized electronic surveillance in order to ensure national security and public safety, while remaining cognizant of the public's right to privacy, and the policy of the United States to encourage the provision of new technologies and services to the public.

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Initiative: Counterterrorism

Decision Unit	Pos.	WYs	Amount ($000)
Other Field Programs (OFP)	...	...	*$4,600*
Forensic Services (FS)	...	...	*7,900*
Management and Administration (M&A)	...	...	*600*
Total	...	...	*13,100*

Dramatic changes in the international and domestic environments have produced credible and serious threats that were not present a few years ago. Each of these threats, which include the hostile efforts of international terrorists, the growing threat of the criminal use of weapons of mass destruction (WMD), and criminal acts perpetrated by domestic terrorist groups and associated individuals, present the FBI with a very clear, but very difficult threat. As the result of these emerging threats, the number of "players" capable of carrying out a devastating terrorist attack against the United States has greatly increased. One of the most alarming trends in terrorism today is the rise in the number of groups for which political or religious beliefs constitute sufficient motivation for terrorist attacks. To the individuals associated with and/or following the teachings of these groups, violence is often viewed as an end in itself. For individuals belonging to or following the teachings of terrorist groups, there is no incentive to moderate their violence. Rather, indiscriminate violence and mass casualties serve their ends by intimidating large population groups and instigating societal instability. Within the broad range of threats facing the FBI's Counterterrorism Program, the following are the most significant:

At the forefront of counterterrorism planning and preparation efforts is the threat of chemical and biological terrorism. Internationally, there is credible intelligence that terrorist organizations are attempting to obtain a WMD capability. Domestically, a growing number of "lone offender" and extremist splinter elements of right-wing groups have obtained or attempted to develop and employ chemical, biological or radiological materials. The fear generated by a WMD threat or attack fuels its continued use as an effective disruption tool available to both terrorists and criminals. As the public's awareness of WMD has increased, so has the number of threats, to include a dramatic increase in hoax anthrax threats.

Usama Bin Ladin, a Saudi-born multimillionaire, and his organization, Al-Qaida, are currently the most immediate threat to U.S. persons and interests around the world. On February 23, 1998, Bin Ladin issued a "fatwa", which was reissued in May of 1998, claiming that it is the duty of all Muslims to kill American "civilians and military" whenever possible. Usama Bin Ladin and his

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associates are currently under indictment in the Southern District of New York for various charges relating to their killing of US nationals employed by the US military who were serving in Somalia and on the Arabian Peninsula, as well as the killings of US nationals employed at the US embassies in Nairobi, Kenya, and Dar Es Salaam, Tanzania.

In responding to these threats, the FBI has placed a high priority on developing a much more comprehensive understanding of the intentions of terrorist groups and organizations and has initiated action designed to counter those efforts. These efforts require a closely coordinated effort between FBI field offices, the U.S. Intelligence Community (IC), and FBI Headquarters in the collection, analysis, and dissemination of information related to specific threats. In addition to partnerships being forged among our federal partners, the FBI and the interagency National Domestic Preparedness Office (NDPO) must continue to foster the promulgation and dissemination of cooperative domestic preparedness initiatives in support of state and local emergency responders.

To deal effectively with international and domestic terrorism, the FBI must concentrate on both *prevention and response*. To this end, the FBI has developed a five-level strategy which provides a framework to help focus FBI efforts to build maximum feasible operational capability in order to identify, prevent and deter terrorist activities. Level One of the strategy focuses on maximizing the FBI's capacity to respond to terrorist issues as they present themselves in FBI field offices. Level Two seeks to maximize the capacity of Headquarters to receive, react to and disseminate information pertaining to CT issues. Level Three is aimed at maximizing the proactive capability to fully utilize resources throughout the FBI in support of CT programs and initiatives. Level Four uses the establishment and maintenance of sound and productive relationships with external counterparts in the intelligence and law enforcement communities, defense establishments, foreign governments and state and local governments to obtain maximum support. Finally, Level Five seeks to build capacity by using all the necessary assets and capabilities of the FBI and external components of the U.S. Government to support and initiate complex domestic and international investigations and operations designed to get ahead of the threat by penetrating and neutralizing terrorist organizations. Each of the successive capability levels requires an increased sophistication and maturity because the issues to be addressed by the FBI become more complex at each level. The FBI is striving to develop maximum capability in all five levels to ensure successful identification, neutralization and penetration of targeted terrorist organizations to both prevent and effectively respond to terrorist activities.

The requested increases in this initiative would support the FBI's efforts in the identification, neutralization and penetration of targeted terrorist organizations. This initiative includes enhancements which expand Advanced Render Safe Teams for rapid deployment in each region (Level 1); enhance the level of funding to support the crisis management planning efforts in connection with the 2002 Winter Olympic Games in Salt Lake City, Utah (Level 4); provide base level funding for WMD preparedness (Level 4); improve and

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expand the FBI's program for state and local bomb technician training (Level 3/4); and increase guard support at select FBI facilities (Level 1).

Justification for Resources Requested

Item: OFP - Weapons of Mass Destruction (WMD) Preparedness, $3,500,000

An increase of $3,500,000 is requested for FBI WMD preparedness programs, including $1,294,000 for training conferences and assistance initiatives under the auspices of the National Domestic Preparedness Office (NDPO) and $2,206,000 for WMD countermeasures initiatives within the FBI's Counterterrorism Division.

NDPO Training Conferences. The National Domestic Preparedness Office (NDPO) was established to serve as the focal point for federal efforts in support of the state and local emergency response community. The NDPO assists state and local emergency response agencies by concentrating and targeting the expertise and assets of the federal government to reduce confusion and duplication of effort, as well as to improve the quality of assistance offered. The NDPO includes representatives from each federal agency with responsibilities, programs, or assets involving domestic preparedness, including the Department of Defense (DOD), Health & Human Services (HHS), Federal Emergency Management Agency (FEMA), Department of Energy (DOE), Environmental Protection Agency (EPA), Office of Justice Programs (OJP), Department of Transportation (DOT), Department of Treasury, and the National Guard Bureau, as well as representatives and experts from the state and local emergency responder community.

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The NDPO is organized around six program areas focused to establish, and maintain, a robust crisis and consequence management infrastructure within the United States capable of providing an effective response to a conventional, or non-conventional, attack. The six program areas are as follows; Planning, Training, Exercises, Equipment/Research & Development, Information Sharing and Outreach, and Public Health and Medical Services.

Funding totaling $563,000 is required to fund two principal stakeholders conferences, one major program conference, and six NDPO functional area conferences. In order for the NDPO to effectively accomplish its outreach responsibilities, it will be necessary for it to regularly sponsor conferences for its "stakeholders." These conferences will enable NDPO management to advise/consult with the "stakeholders" regarding ongoing and planned initiatives, as well as afford the NDPO an opportunity to implement a training regimen which will provide federal, state and local participants with the skills required to plan for and respond to an incident involving a

WMD. FBI personnel, contractors, employees from OGAs, and state and local experts will combine efforts to design and implement a well rounded schedule of advisory and training conferences. The estimated cost of the principal stakeholder's conferences is $85,000 per conference. The major program conference is estimated to be $85,500. The estimated cost of each of the six functional area conferences is $51,250.

NDPO Chemical/Biological Helpline. For 2001, the NDPO it is anticipated that the NDPO will assume responsibility for the Chemical/Biological Helpline currently funded by the Department of Defense. The Chemical/Biological Helpline provides emergency responders and planners across the United States with the information they need to plan, mitigate and prepare for the effects of a chemical or biological terrorist incident. The Helpline also offers technical assistance in non-emergency cases to local and state emergency responders. Dedicated operators are trained to listen and respond to questions from the field pertaining to CB preparedness issues, quickly retrieving the most current information relevant to the specific question. The CB Helpline is staffed weekdays from 9 a.m. to 6 p.m. Eastern Time, Monday through Friday. On weekends, holidays and after business hours, callers can leave a voice message. To assume helpline operations, an increase of $731,000 is required.

Chemical/Biological Hotline. The Chemical/Biological Hotline serves as an emergency resource for first responders to request technical assistance during a chemical or biological incident. For 2001, it is anticipated that the FBI will assume responsibility for the Chemical/Biological Hotline. The projected cost for the Hotline is $2,206,000 for both operations and contract technical expert services. The Hotline is a joint effort among the Coast Guard, FBI, FEMA, EPA, HHS and DOD. The National Response Center (NRC) is the entry point for the Hotline. The NRC receives basic incident information and links the caller to the DOD and FBI's chemical, biological and terrorism experts. These and other federal agencies can be accessed within a few minutes to provide technical assistance during a potential chemical or biological incident. If the situation warrants, a federal response action may be initiated. Trained operators staff the Hotline seven days a week, 24 hours a day. Available to the operations are medical experts and technical responders from Fort Detrick, Maryland.

The requested resource enhancement for 2001 would provide increased travel funding which would assist the NDPO in carrying out its primary function as a coordinating mechanism for the improvement of the state and local communities' capabilities to respond to a WMD incident. The FBI does not have sufficient funds to assume the costs of the proposed transfer of Chemical/Biological Hotline operations. The requested enhancements would allow for a smooth transition of the program without a degradation or disruption of the program's capabilities.

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Item: OFP-Winter Olympics Support, $1,100,000

Security and public safety planning is currently underway for the 2002 Winter Olympic Games in Salt Lake City, Utah. In connection with responsibilities for intelligence collection and crisis management, as set forth in PDD-39 and reaffirmed in PDD-62, for a national special security event (NSSE), the FBI is coordinating its efforts with the United State Secret Service, other federal, State, and local law enforcement and consequence management agencies. Endeavors are ongoing to establish adequate capabilities to house a joint operations center (JOC) and joint intelligence center, as well as to ensure that appropriate crisis management plans are developed and exercised. These planning and preparation efforts will reach their focal point during 2001. For 2001, the FBI requires an increase of $1,100,000 to fulfill its requirements to plan and provide security for the 2002 Winter Olympic Games. Funding requested would provide for specialized equipment ($386,750), telecommunications/office equipment ($515,250), and training exercises ($198,000).

Specialized equipment will be required to enable the FBI to fully address Olympic safety, security, and critical incident response requirements. For the 2002 Olympic Games, the FBI will be required to carry out this mission in a cold weather environment that will require specific equipment for such adverse conditions. The FBI would purchase, test, and evaluate this equipment during 2001 to simulate the same cold weather operational requirements. Obtaining this equipment one year before the Olympics will afford maximum familiarity with the equipment.

Telecommunications and related equipment are required to outfit the joint operations center to support intelligence and operations. This equipment includes: communications (mobile radio, venue, and pager systems), computer workstations, printers, cryptographic equipment, facsimiles (secure and standard), copies, lease telephone lines and circuits, satellite communications uplink, and radio repeaters.

In order to insure that federal, state, and local law enforcement officials are prepared for all contingencies and all systems and plans are interoperable, on-site exercises will be held in 2001. Approximately 86 FBI personnel from outside the Salt Lake City area will be traveling to Salt Lake City to participate in these exercises at a cost of $618 per person ($500 airfare, $118 per diem). To ensure that the state and local law enforcement community can engage in exercises that go beyond the normal shift requirements, $145,000 is requested to subsidize state and local law enforcement agencies participating in these exercises.

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DECISION UNIT/PROGRAM: Other Field Programs/Counterterrorism
DOJ CORE FUNCTION 1: Investigation and Prosecution of Criminal Offenses
DOJ STRATEGIC GOAL 1.3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the U.S. and abroad when directed at U.S. citizens or institutions).
DOJ PERFORMANCE GOALS 1.3.1-1.3.3: Prevent, investigate, and prosecute terrorist acts and improve response capability to terrorist acts.

TIER 1: National and Economic Security
STRATEGIC GOAL: Prevent, disrupt, and defeat terrorist operations before they occur.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Plan	1999 Actual	2000 Plan	2001 Plan
Inputs	1. Total CT workyears	BFA	2,269	2,616	2,619	2,644	2,644
	2. Total CT budget authority ($000)		$254,031	$298,093	$298,664	$309,324	$327,939
Activities/ Outputs	Level One - Field Reactive						
	1. Number of Terrorist Investigations	MAR	9,046	†	10,151	†	†
	2. Terrorist Arrests	ISRAA	131	†	127	†	†
	3. Terrorist Convictions		133	†	104	†	†
	Level Two - Headquarters Reactive						
	1. % of CT Exec. level mgmt who have received Crisis Mngt Training	CT Program	-	N/A	100%	100%	100%
	2. CT Training - Number of Classes		148	N/A	154	157	157
	3. CT Training - Number of Students		6,453	N/A	6,663	6,637	6,637
	Level Four - Interagency Reactive						
	1. FBI WMD Training - Number of Classes		5	N/A	1	1	1
	2. FBI WMD Training - Number of Students		200	N/A	250	250	250
Outcomes	Terrorist Incidents Prevented*	CTD	12	†	5	†	†

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A. Data Validation and Verification:
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.
* In order to officially receive credit for terrorist act preventions, FBI Field Divisions must send an official memorandum to FBIHQ that describes the details of their major Counterterrorism investigations. An official "terrorist incident prevented" is a "documented instance in which a violent act by a known or suspected terrorist group or individual with the means and a proven propensity for violence is successfully interdicted through investigative activity." The Assistant Director of the Counterterrorism Division gives final approval to the classification of any Counterterrorism investigation as a prevention.

The resources requested to support the 2002 Winter Games would ensure that the FBI possesses the ability to adequately prepare the public safety infrastructure in Salt Lake City to meet the demands to both preempt and mitigate the potential for threats and acts of terrorism directed at this major event. The funding for equipment and travel would contribute significantly to law enforcement's ability to operate at peak levels of efficiency and capability in a cold weather environment. Purchasing equipment one year in advance would contribute to proficiency and familiarity, which in turn will translate into a more capable and responsive law enforcement supporting the 2002 Olympic Games.

Item: FS-Hazardous Devices School permanent base funding, $2,900,000

The Hazardous Devices School (HDS) is the only formal domestic training school for state and local law enforcement to learn safe and effective bomb disposal operations. Located at Redstone Arsenal, Huntsville, Alabama, the HDS is managed by the FBI's Bomb Data Center. Facilities and support are provided by the U.S. Army through an Interagency Support Agreement. The purpose of the HDS is to prepare civilian public safety bomb technicians to locate, identify, render safe, and dispose of improvised hazardous devices, including those containing explosives, incendiary materials and materials classified as weapons of mass destruction (WMD). This program also includes training in the use of specialized equipment and protective clothing needed for the safe disposal of explosive materials. Bomb technicians are trained at HDS to deal with the criminal aspects of bombing matters including proper procedures at a bombing crime scene, and the unique elements associated with bombing investigations.

The bomb technician profession is an evolving one with regard to threat, technologies used by bomb builders, and the technologies in rendering safe and safety standards. Current bomb technologies are capable of producing more lethal bombs than those constructed 15 years ago. The deployment of a bomb today is rarely accomplished with a warning. HDS has adjusted its training to meet the challenge of today's threat. The Attorney General's Five Year Interagency Counterterrorism and Technology Crime Plan recognizes the importance of improving state and local capabilities in this area. The plan calls for increased availability of pre and post-blast technical training for first responders, and better preparation of bomb technicians to address incidents involving a combination of explosives and chemical, biological or radiological agents.

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The HDS is the only location where bomb technicians receive their basic training and are certified as bomb technicians in accordance with the standards established by the National Bomb Squad Commanders' Advisory Board (NBSCAB). It is also where all technicians return for mandatory recertification every three years.

HDS reviews all applications for accreditation submitted by bomb squads across the country for compliance with standards set by NBSCAB. In addition, the HDS began teaching a WMD Emergency Actions Course for Bomb Technicians in close coordination with the National Domestic Preparedness Office, to better prepare bomb technicians to recognize and respond to incidents involving WMD materials; a Robotics Course, designed to enhance the robot operating skills of bomb technicians through a program designed around the theory of robotics, maintenance and repair, practical problems and evaluated exercises, and an Executive Management Course designed specifically for the non-Bomb Technician supervisor or commander responsible for the bomb squad. This course has proven to be effective in providing a greater understanding of the limitations and capabilities of bomb technicians and their equipment as well as reinforcing compliance with the standards set by NBSCAB for certification and accreditation.

The FBI anticipates training 1,335 students in 2001. To train at this capacity, $4,600,000 will be required. Base level funding for the HDS is $1,700,000. The FBI requests an additional $2,900,000 for HDS training programs. Program costs for 2001 include: $1,200,000 for student travel; $2,900,000 for Department of the Army reimbursement (includes instructor wages); and $500,000 for equipment, supplies, training materials and explosives.

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DECISION UNIT/PROGRAM: Forensic Services/Hazardous Devices School
Department of Justice Core Function: Assistance to Tribal, State, and Local Governments
Strategic Goal: Improve Domestic Preparedness
Annual Performance Goal: Provide training and grants for the procurement of equipment to local jurisdiction, states, and territories in order to improve the nation's capacity to respond to terrorist incidents involving weapons of mass destruction.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report	Performance Plans			
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals/1	2000 Plan/2	2001 Plan
Inputs	HDS personnel	BDC	3	3	3	3	3
	HDS operational funding		$3,700	$6,900	$7,129	$3,600	$4,600
Activities/ Output	Basic New Bomb Technician Course	BDC	247	264	286	288	288
	Recertification Course		152	304	182	576	640
	WMD Course		386	540	852	400	80
	Robot Course		...	120	71	72	72
	Executive Mgt. Course		53	105	76	120	120
	Advanced Diagnostic Course		...	72	...	...	...
	Special Agent Bomb Technician (SABT)		10	10	10	10	10
End Outcome	Percent increase in national preparedness for domestic terrorist events*	BDC	10	13.4	13.5	12.8	12.1

A. Data Validation and Verification
1. Includes obligation of prior-year carryover funding.
2. Includes carryover balances from prior-year funding.
* Based on number of bomb technicians trained in the basic course vs. the number of bomb technicians in the nation, accounting for attrition.

B. FY 1999 Performance Report:
Though performance goals were not met in some areas, performance goals were exceeded in others. The variation is based on state and local demands for training.

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Item: FS - Counterterrorism Research and Development, $5,000,000

The greatest present and future challenges facing the FBI are the rapidly evolving and increasingly complex technological threats associated with criminal, terrorist and counterintelligence problems. In 1999, the FBI Laboratory responded to numerous incidents involving suspected chemical or biological threats. The FBI must adapt to be adequately prepared to quickly respond, assess and counteract these threats. The FBI Laboratory conducted a strategic assessment of current capabilities to include instruments, methods, and research. The Laboratory has identified a number of critical technological and staffing needs necessary to provide value-added products in support of FBI national program goals. FBI field investigative personnel and Laboratory program managers are working cooperatively to develop new approaches to support investigative requirements. The degree to which the FBI is able to anticipate challenges and develop the capacity and capability to address them will be a major determinant of the FBI's success and effectiveness in the future. Lack of planning and decisive action now will leave the FBI overwhelmed by the challenges of the next decade.

There is a pressing need for the FBI to play a leadership role in designing, acquiring, and operating the technical infrastructure necessary to effectively deal with terrorist threats, including those that involve biological, chemical or nuclear materials. Significant enhancements of FBI resources have been used in the past year to add Special Agent and support staff to greatly improve counterterrorism operational capabilities. Those investments need to be balanced with improved technical systems to rapidly identify toxic materials at the scene of an incident, resolve any issues of public safety, and through forensic examinations support investigative efforts toward attribution and prosecution.

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The FBI Laboratory can significantly contribute to accomplishments of the FBI's national priority objectives by executing several strategies. Specifically, there must be more effective utilization of existing capabilities to address present investigative requirements, development of new capabilities to meet future requirements and greater emphasis on a "best practices" program focus on every aspect of FBI operations. Accomplishment of these strategies will ensure that applied science and technology capabilities are optimal and available to assume a more critical role in long-term operations.

There must be greater attentiveness and receptivity to innovative ideas and emerging technologies. For example, the FBI has responsibility for coordinating responses to terrorism in the U.S. involving weapons of mass destruction. Biological agents are one such class of weapons potentially available to terrorists. There is a necessity to develop rapid DNA-based methodologies for the detection of infectious and pathogenic microorganisms which may have been dispersed by a terrorist or other criminal.

The FBI Laboratory is recognized as a world leader in the scientific analysis of evidence. Since its inception in 1932, the FBI Laboratory has consistently strived to enhance its services to the law enforcement and criminal justice communities through the research, development, and deployment of new or advanced forensic techniques and protocols. Through the Forensic Science Research Unit (FSRU), located at the FBI Academy in Quantico Virginia, the FBI Laboratory conducts research to develop new techniques of forensic analysis. For instance, the FSRU was instrumental in the pioneering development of forensic DNA applications that are accepted by courts nationwide and the use of laser technologies for latent fingerprints. However, as the scientific and technical aspects of forensics continue to become more challenging and complex, it has become increasingly difficult for the FBI to stay on the cutting edge of technology. In order for the FBI Laboratory to meet 21st century challenges, it must develop a sufficient research and development (R&D) funding base.

The R&D base level funding for the FBI Laboratory is $400,000. The 1998 Justice Appropriations Act provided one-time funding of $5,000,000 from the Attorney General's CT Fund for FBI Laboratory research and development. The focus of this funding is for explosives detection and CT research. The FBI initiated 17 CT R&D projects with the Department of Energy (DOE) and is funding 11 CT projects with industry and academia. With these funds, the FBI initiated CT R&D projects in a variety of explosives detection and forensic science areas, including: portable instrumentation and sensors for rapid detection and analysis of explosives and hazardous materials; enhanced exploitation of trace materials and other evidence; analytical databases to support trace materials and other highly discriminating or informative analyses of evidence; miniaturized robots or sensor packages for surveying, imaging and documenting large or dangerous crime scenes (i.e., bombing incidents); safe handling, sampling, assessment and tracing of evidence; rapid diagnostics for on-site analyses of biological hazards; and methods and techniques for the safe conduct of traditional forensic analyses of physical evidence contaminated with biological or chemical agents or materials. Many of these initiatives are multi-year efforts. A permanent funding base must be available to provide the uninterrupted support for these on-going R&D initiatives. Currently, 10 of the DOE projects and all 11 projects with industry and academia are active; seven DOE projects have been completed. The following chart depicts a summary of the counterterrorism projects that were initiated and funded with 1998 Attorney General Counterterrorism Fund monies.

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Status of FBI Laboratory Counterterrorism Research and Development Projects

Project	Description of Deliverables	Deliverable Due	Status
MANPADS Expert Forensic System	Integrated Resource Database and Investigator's Guidelines	4/99	Delivered

Handheld Ion Mobility Spectrometer	Handheld Ion Mobility Explosives Detector	4/99	Delivered
Explosives Damage to Metals	Metallographic Examination Procedures for Explosives Debris	9/99	Delivered
Standoff Explosives Detection by Microwaves	Proof of Principle Microwave-Based Explosives Detector	1/00	Delivered
3-D Imaging and Ranging	Handheld Crime Scene 3-D Measurement and Imaging System	1/01	On-Target
Serial Number Restoration	Metallographic Non-Destructive S/N Recovery Methods	9/99	Delivered
Elemental Profiling of Metals as Evidence	Laser Ablation ICP/MS Metal Fragment Analysis Procedures	9/00	On-Target
Statistical Treatment of Class Evidence	Enhanced "Match" Criteria Statistical Procedures	6/00	On-Target
Enhanced Trace Evidence Discrimination	Fiber Dye Identification Methods by Capillary Electrophoresis	3/00	On-Target
Small Robotic Vehicle Evaluation	Small Haz-Mat Crime Scene Robotic Vehicle	9/99	Delivered
Solid Phase Micro Extraction	Solid Phase Micro Extraction Field Test Kit and Procedures	4/99	Delivered
Trace Botanical Identification	Grass Stain ID using Hypervariable Chloroplast DNA	2/00	On-Target
Degradation of Drugs in Embalmed Tissue	Identify Post-Mortem Drug/Formaldehyde Reactions	9/00	On-Target
Automation of MtDNA	Laboratory Robotics for Automated MtDNA Analysis	3/00	On-Target
Crime Scene Reconstruction	3-D Video Crime Scene Documentation Software	2/00	On-Target
Active Thermography for S/N Restoration	Thermal Imaging Equipment for Serial Number Restoration	3/00	On-Target

Veterinary Science Resources	Compilation of National Veterinary Resources	9/99	Delivered
Institutional Knowledge Preservation	Subject Matter Expert-Tacit Knowledge Preservation	3/00	On-Target
Event Counters	Vulnerability Attacks for Electronic Sensors	3/00	On-Target
Rapid DNA Profile Identification	Raman Spectral Database of Hazardous Materials	3/00	On-Target
Sem X-Ray Spectral Database	SEM X-Ray Spectral/Digital Image Database Software	12/99	Delivered
Raman Spectral Database	Raman Spectral Database of Hazardous Materials	12/99	Delivered
Development of Distance Learning Modules	Crime Scene Management Web-Based Training	2/00	On-Target
Latent Fingerprints in Blood	Chemical and Spectral Enhancement of Bloody Latents	12/99	Delivered
Flourescent Cyanoacrylates	Polymerization Studies and Colored Superglue	9/99	Delivered
Database of 5,000 MtDNA Sequence	Database of 5,000 MtDNA Samples	9/00	On-Target
Facial Reconstruction	Computerized Facial Reconstruction Software	3/00	On-Target
First Responder Web-based Training	Contaminated Individuals/Evidence Handling	1/00	Delivered

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A strategic review of the current capabilities of the FBI Laboratory has identified a number of technological gaps in critical areas. The current base level funding is inadequate to meet the increasing demands for forensic investigative support of counterterrorism, drugs, environmental crimes and violent crimes. The forensic community at large looks to the FBI Laboratory for increasingly sophisticated and state of the art methods and technologies for the examination of evidence. For a number of the R&D initiatives, the FBI requires outside expertise and resources. The Laboratory R&D initiatives require a substantial increase in base level funding to efficiently and effectively support these efforts. To support the Laboratory's CT R&D efforts, $5,000,000 is requested.

Success in this area will be measured by:

- The ability to identify, assess, develop, and implement an aggressive and comprehensive CT R&D program to fully exploit advanced technologies within the national laboratories, private industry, and academia;
- Development or procurement of value-added products which are integral to counterterrorism prevention, detection, and

deterrence;

- More robust evidence collection leading to more successful operations, arrests and convictions. In field identification, threat assessment and abatement capabilities are improved;
- Completely exploit scientific and technical evidence for all probative information. Field agents receive more timely analysis of evidence;
- Improved applied science and engineering technology transfer between the FBI Laboratory and other law enforcement, military and intelligence, national labs and the forensic community; and
- Increase the number of cases solved using techniques introduced within last 12 months.

Without additional resources and funding, the FBI will not be adequately prepared to meet and counteract the rapidly evolving and increasingly complex technological threats associated with terrorist activities. The FBI must adapt to be adequately prepared to meet and counteract these threats. The degree to which the FBI is able to anticipate challenges and develop the capacity and capability to address them will be a major determinant of the FBI's success and effectiveness in the future. Lack of planning and decisive action now will leave the FBI overwhelmed by the challenges of the next decade. Without continued funding for ongoing projects and new initiatives, improvements in the FBI Laboratory's handling of evidence in counterterrorism cases will be negatively impacted. This will severely impede or compromise the investigation of these crimes. Moreover, this will jeopardize the response of law enforcement, first responders and public safety personnel near the crime scene.

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Item: M&A - Contract Guard Services, $600,000

The FBI is committed to upholding the standards contained in the Department of Justice (DOJ) report of June 1995 entitled "Vulnerability Assessment of Federal Facilities." The security vulnerabilities for each field office and resident agency are being assessed as current leases expire. The FBI is relocating field offices and resident agencies to sole tenant facilities to maintain an acceptable security risk level.

As new leases are attained, guard services must be provided to ensure the safety of the facilities and the personnel assigned to them. However, base level funding for the expansion and relocation of field offices and resident agencies has not kept pace with the FBI's requirements in this area, and the General Services Administration (GSA) does not pay for the enhanced level of security (Level 4) required for the FBI to maintain an acceptable level of security. As the FBI addresses space-related issues, the shortfall in funds needed to provide 24-hour guard service for sole tenant structures continues to be a significant security concern. Twenty-four hour security

guard services cost $200,000 annually per field office. The number of sole tenant facilities provided contract guard services has increased from 11 in 1997, to 13 in 1998, 18 in 1999, and 20 in 2000. An increase of $600,000 will allow the FBI to hire contract guard services for three additional field office locations. This enhancement will allow the FBI to continue to address the need for contract guard services and provide the minimum standard security requirement at FBI facilities nationwide.

Initiative: Violent Crimes

Decision Unit	Pos.	FTE	Amount ($000)
Other Field Programs (OFP)	*31*	*16*	*$3,234*
Forensic Service (FS)	*...*	*...*	*1,405*
Total	*31*	*16*	*4,639*

The focus of the Violent Crimes budget initiative is to enhance task force operations, the examination of evidence, and victim witness assistance in Indian Country (IC). The FBI has criminal jurisdiction in Indian Country (IC) for major crimes under the IC Crimes Act (18 USC 1152), the IC Major Crimes Act (18 USC 1153) and the Assimilative Crimes Act (18 USC 13). Thirty-two field offices have some degree of investigative responsibility in IC, ranging from exclusive federal jurisdiction -- 19 field offices -- to concurrent federal and state jurisdiction. The Violent Crime Control and Law Enforcement Act of 1994 expanded federal criminal jurisdiction in IC in such areas as guns, violent juveniles, drugs and domestic violence. Under the Indian Gaming Regulatory Act, the FBI has jurisdiction over any criminal act directly related to casino gaming, even in those states in which there is otherwise no federal jurisdiction in IC. Other crimes occurring in IC for which there is federal jurisdiction include civil rights violations, environmental crimes, public corruption and government fraud. Although the violent crime rate declined significantly nationwide between 1992 and 1997, violent crime rose sharply in IC. A study published in February 1999 by the Bureau of Justice Statistics/DOJ, indicated that the rate of violent victimization among American Indians is more than twice as high as the national average. The homicide rate in IC remains three times greater than the national average. Crimes against children continue to plague IC. Youth gangs are a threat to safety in IC and drug trafficking is becoming a major problem. As a result, the majority of the FBI's personnel resources are being used to address the high volume of violent crime and crimes requiring proactive investigative approaches are largely unaddressed.

For 2001, the FBI is requesting increases totaling 31 positions (16 workyears) and $4,639,000, including: $634,000 for Safe Trails Task Force (STTF) operations; $1,405,000 for examination of evidence resulting from crimes committed in IC; and $2,600,000 for 31 Victim Witness Specialists to be assigned to FBI Resident Agencies (RA's) serving IC.

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Justification for Resources Requested

Item: OFP-Safe Trails Task Force Overtime, $634,000

The FBI has sought to devise partnerships and strategies with its tribal and Bureau of Indian Affairs (BIA) law enforcement counterparts to investigate all federal crimes occurring in IC. One strategy was the adoption, in 1994, of the Safe Streets Task Force (SSTF) concept for use in IC to maximize the use of limited FBI, tribal and BIA personnel resources to effectively address significant violent crime problems of mutual concern and responsibility. The first Safe Trails Task Force (STTF) - Operation Safe Trails - was implemented in the Phoenix Field Office to work on the Navajo Nation in Arizona. Of the 313 informations and indictments (I/I) and 292 convictions/pre-trial diversions (C/PTD) obtained by the Phoenix Field Office in IC related investigations between 1995 and 1998, Operation Safe Trails - comprised of 5 FBI agents and 15 tribal law enforcement officers - were responsible for 138 (44%) of the I/I and 134 (45%) of the C/PTD.

By partnering five of its agents with its tribal law enforcement counterpart in a multi-agency task force environment, the FBI benefitted from the investigative efforts of 20 persons to investigate violations of federal law on the Navajo Nation in Arizona. Criminal Investigators from the Navajo Nation Department of Law Enforcement routinely conduct investigations and present them to the United States Attorney's Office for prosecution without having an FBI agent participate in every stage of the investigation. As of August 19, 1999, 5 approved STTFs eligible for overtime funding are operating in Gallup, NM; Carson City, NV; Green Bay, WI; Flagstaff, AZ; and Monticello, UT. Five more task forces are operating in Riverton, WY; Rapid City, SD; Tucson, AZ; Phoenix, AZ; and Glasgow, UT, some of which have asked to be formally approved as STTFs so they, too, will be eligible to receive overtime funding. As of August 19, 1999, there are 31 FBI agents, 2 BIA criminal investigators, 49 tribal and 19 local and state law enforcement officers participating on the 10 task forces. In some areas of IC, an obstacle to the full-time participation of tribal law enforcement officers on STTFs is the lack of tribal financial resources to pay overtime to its investigators. For some tribal law enforcement agencies, diverting limited financial resources to pay overtime to a full-time STTF participant decreases the resources available to the agency to provide other necessary policing services to the tribal community it serves. In order for the FBI and tribal law enforcement agencies to take advantage of pooling limited personnel resources, funding to pay overtime for tribal criminal investigators to participate full-time on the STTFs is critical.

For 1999, $198,580 of Violent Crime Reduction Trust Fund and Asset Forfeiture Fund moneys provided to support SSTFs was used to pay for the overtime of 22 tribal and 3 state and local officers participating on 4 of 5 approved STTFs. Funding was not available for 2 tribal and 2 local law enforcement officers participating on the fifth approved STTF. Although a critical need in IC was fulfilled by redirecting funding to STTFs, it was done at the expense of the SSTF Initiative. Because of the redirection of funding to STTFs, the

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number of participants eligible to receive overtime on existing SSTFs had to be limited and some SSTFs were denied overtime funding reimbursement in 1999. The solution is not to redirect funding from SSTF but to appropriate funding for STTFs to address the unique rural crime problems in IC.

The FBI requests $634,000 to pay overtime for non-federal law enforcement officers participating full-time on STTFs as it is anticipated that, in 2001, there would be 65 tribal, state and local law enforcement officers working full time on 10 to 12 STTFs and eligible to receive overtime reimbursement. The overtime costs were projected based upon an estimated individual overtime rate of $9,750 per officer (25 percent of the 2001 pay rate of a GS-10 step 1 employee).

The following table shows Safe Trail Task Forces and accomplishments for 1998 through 2001

Other Field Programs: Indian Country / Safe Trails Task Forces							
Performance Indicator Information		Performance Report and Performance Plans					
			FY 1999 Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Number of STTFs Established** (cumulative)	FBI	6	10	8	11	12
Output/ Activities	Number of Investigative Matters Opened to STTF	ACS	NA	*	*	†	†
Intemediate/ Outcome	Informations and Indictments obtained by STTFs	ISRAA	85	†	171	†	†
	Convictions and Pre-Trial Diversions obtained by STTFs	ISRAA	79	†	145	†	†

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Outcomes	Percentage Increase in the number of criminal matters investigated by FBI, tribal and BIA personnel resources, through established STTFs (Baseline 2000)		NA	*	*	†	†
Outcomes	Percentage Increase in the number of information, indictments, convictions and pre-trial diversions obtained through the STTFs.	ISRAA	NA	*	*	†	†

A. Data Validation and Verification:
* The caseloads for STTFs are included in the total for all matters in IC. New reporting is being developed to separate the caseloads for the STTF.
**Figures include formally approved and formed but not yet approved taskforces.

ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. (U)

MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. (U)

FBI - The Safe Streets Task Force of the FBI and the Special Investigations and Initiatives Unit provide this data. This data is verified through the FBI inspection process. Inspections occur on a 2 to 3 year cycle.

B. FY Performance Report:
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

C. Issues Affecting Selection of FY 2000 and 2001 Plans
† In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

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The formation and use of STTFs in IC provides assistance to and training of the tribal law enforcement entities. It helps build the law enforcement capacity of tribal law enforcement to more adequately and thoroughly address the violent crime problems in their communities. As FBI agents work with tribal law enforcement officers in the STTF setting, the tribal law enforcement officers learn how to conduct legally sufficient Federal investigations, develop and present cases to the United States Attorney for prosecution and participate in the prosecution independent of an FBI agent's participation in every stage of the investigation. As a result, more investigative resources should be available to focus more on proactive investigations such as white collar crime, gaming and identifying and dismantling Indian youth gangs and organized groups trafficking drugs to and through IC. In addition, by appropriating funding specifically to pay overtime costs for non-federal law enforcement agencies to participate full time on STTFs, the FBI's capacity to address other national violent crime problems through its SSTF concept will not be diminished.

Item: FS-Indian Country Contract Forensic Exams with State Laboratories, $1,405,000

An urgent problem exists regarding the examination of forensic evidence collected in IC cases. Before an arrest can be made or an indictment can be obtained in the investigation of a violent crime case (i.e. murder, violent assault and sexual assault of adults and children), biological evidence obtained from the scene of the crime must undergo timely forensic examination(s). In other instances, arrests are made and timely results of forensic examinations are required because of speedy trial act provisions. In federal districts in which prosecutors cannot rely on continuances being granted because forensic exam results have not been received, it is routine for evidence to be sent to either commercial laboratories or state crime laboratories -- principally because the FBI Laboratory cannot currently provide timely turnaround for forensic examination of evidence obtained in IC violent crime cases. The problem became so acute for the Phoenix Field Office that the FBI established a contract with the Arizona Department of Public Safety Laboratory for the examination of forensic evidence collected at IC crime scenes at an annual cost of $450,000.

The FBI Laboratory is working to increase its capacity and to reduce turnaround time and case backlogs. Both of these depend on increasing laboratory space and the number of qualified examiners. The Laboratory's new facility at Quantico will provide much greater space for forensic examinations, but will not be ready for occupancy before Winter/Spring 2002. While the Laboratory's cadre of qualified examiners is expanding at a continuous pace, it will likely remain insufficient to provide acceptable turnaround time for all IC cases for several more years.

Base resources consist of $450,000 used for a forensic contract with the Arizona Department of Public Safety Laboratory.

The need for contracts with three more accredited, full-service state crime laboratories to conduct forensic exams on IC evidence gathered in the Minneapolis, Albuquerque and Salt Lake City Field Offices was identified in FY 1999. Between 1994 and 1998, 76%

(5,970) of the 7,832 cases opened by the FBI in IC were opened in the Albuquerque, Minneapolis, Phoenix and Salt Lake City Field Offices. The need is due to a lack of capacity by the FBI Laboratory to provide timely turnaround on forensic examinations of evidence from IC. The problem is anticipated to continue through at least 2002. The projected annual cost for the three contracts is $1,405,000. Funding the IC Forensic Exam Initiative will reduce the FBI Laboratory's significant backlog of forensic evidence examinations and provide timely results in support of pending and future criminal cases.

Item: OFP-Victim and Witness Specialists, 31 positions, 16 workyears, and $2,600,000

The FBI's Victim Witness Assistance (VWA) Program was established to ensure FBI conformity with the Federal victims rights laws as defined in 42 USC Sections 10606 and 10607. The FBI is mandated by the Crime Control Act of 1990, the Attorney General Guidelines for VWA and its own policy to identify and assist all victims and witnesses, where applicable, of federal crime in which the FBI is the primary investigative agency. The preponderance of cases in IC investigated by the FBI are violent crimes. Because almost all of them are investigated by agents assigned to resident agencies (RAs) -- 97% of the 1,830 cases opened in 1998 -- the FBI seeks to hire 31 Victim and Witness Specialists (VWSs) to work in its IC RAs to coordinate the needs of victims and witnesses with the needs of individual investigative, social service and medical agencies. Generally speaking, professional support personnel are not assigned in the RAs. As a result, the agents are responsible for conducting the investigations and providing VWA and services, many of which could just as effectively be provided by VWS. The addition of 31 trained VWS would enable the FBI to increase the type and quality of services provided and give the FBI the ability to bridge the gap between the social, legal and investigative issues relevant to Native Americans who are not accustomed to participation in the federal judicial system.

Many families in IC reside away from population centers and do not have reliable means of transportation to travel lengthy distances. Because victims and witnesses of violent crime in IC often live long distances from the offices and courtrooms of the government attorneys, magistrates and judges in which they must appear as participants in the judicial process, it is the agents who provide the transportation. It is not unusual for an agent working in the Minot, ND, RA to travel 600 miles round trip to transport a victim of a crime on the Turtle Mountain Indian Reservation to Fargo to testify at the grand jury. A child sexually abused on the Ft. Peck Reservation in Montana must be transported 350 miles to Billings for a medical examination and evaluation necessitating making arrangements for an overnight stay, lodging and meals - logistics which seem insurmountable to a parent or care giver who does not often leave the reservation. As a result, it is the agent who provides the transportation and makes the lodging arrangements. In each of these circumstances, trained VWSs could provide these services, allowing agents focus on conducting other investigations.

To be effective, the VWSs must be located close enough to the victims and witnesses to be able to provide meaningful assistance and

services. They should be familiar to the Native American communities they serve and their role as helpers perceived as a positive one. In March 1999, two VWSs began a federal law enforcement-based IC Demonstration Project on the Crow and Northern Cheyenne Indian Reservations in Montana and on the Navajo and White Mesa Indian Reservations in southern Utah.

The VWS in the Billings, MT, RA, is a licensed clinical social worker and was a therapist specializing in the area of sexual abuse treatment. She helped to implement an adult and juvenile sex offender treatment program in cooperation with the United States Probation Office on three area Indian reservations. She represents the FBI at Crow and Northern Cheyenne Child Protective Team Meetings. She assists agents in crucial initial interviews of sexual abuse victims. Her early involvement is beneficial because victims are not required to repeatedly give statements to individuals considered strangers. She is an active member of the Crow Sex Offender Registration committee, drafting legislation to allow the tribe to register all sex offenders on the reservation. Because of her work, the Native American community is coming to see the FBI as having not only an investigative function but expressing a genuine concern for the victims.

The VWS in the Monticello, UT, RA, has been extremely successful in reaching out to juvenile victims because of her previous education and job as an elementary and high school counselor. During after-school group activities, children have divulged information to her about sexual abuse. Her ability to listen for information from children and their family members has often overcome a significant challenge frequently encountered by law enforcement -- the reluctance to cooperate because of guilt and confusion. Group activities she organizes help children overcome the trauma of being victims of crime. The activities build the children's self-esteem and confidence which makes them stronger and better witnesses. A study conducted in 1993 suggested that child victims/witnesses who are better prepared and relaxed are more credible, thus enabling the prosecutor to present stronger cases that produce more convictions. Spending time with the children assures them that someone cares and they are more willing to cooperate with law enforcement. During medical examinations, which can be extremely traumatic, particularly for young children, she provides them support. She often transports children for pre-trial meetings and trial. She spends time with children who are needed to testify before trial to ensure they are properly clothed, fed and cared for.

She goes with victims and witnesses to the bank to cash the checks they have received as reimbursement for witness expenses, an experience which can sometimes be traumatic for individuals from reservation communities because they are unfamiliar with banks. Following the successful conviction of subjects, she encourages and assists victims to write letters to the sentencing judge so they are able to express their views. After a case has been adjudicated, she provides follow-up care to the child victim, whose life has been forever altered, and the family to help them rebuild their lives.

These are examples of the types and quality of services that the FBI should be providing to victims and witnesses of crime throughout

IC but is unable to do so because of a lack of qualified and certified VWSs. A great deal of time is spent arranging logistics for interviews, examinations, and court preparations as well as handling the specific needs of each victim and witness. Unfortunately, the agents are not always able to make the numerous personal contacts necessary to ensure that the needs of victims and witnesses are addressed. Time, distance and other factors prohibit such contacts in many, if not most, cases. The VWA Demonstration Project has been so successful in improving the FBI's delivery of services that the FBI wants to replicate it throughout its IC RAs.

Currently, there are four VWSs assigned to work in IC. Of the four, two are funded by the Office for Victims of Crime (OVC) at DOJ. The funds, provided through an inter-agency agreement between OVC and the FBI Victim Witness/Community Outreach Unit, allowed the Salt Lake City Field Office to hire two contract VWSs to address issues on Indian reservations in southern Utah and south-central Montana. For 2001, the FBI is requesting 31 VWSs for assignment to IC RAs.

A VWS can enhance the FBI's ability to communicate and develop rapport with the Native American community. With a trained VWS dedicated and sensitive to the needs of Native American victims and witnesses but who also understands and can work within the framework of the federal criminal justice system, the FBI has the ability to bridge the gap between the social, legal and investigative issues relevant to Native Americans. With 31 VWSs assigned to IC RAs, more Native American victims will have more information about the investigation and the overall legal process. Liaison within reservation communities would be strengthened, cases presented for prosecution would be much stronger and the entire judicial system would perform more effectively as a result of the involvement of trained VWSs. In addition, the 31 VWSs would allow for agent time that is currently being used to provide VWA to be returned to investigative work.

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Initiative: Technology/Cyber Crimes

Decision Unit	Pos.	WYs	Amount ($000)
Forensic Services (FS)	*100*	*50*	*$11,371*
White Collar Crime (WCC)	*8*	*4*	*612*
Technical Field Support & Services (TFS&S)	*0*	*0*	*7,000*
Total	*108*	*54*	*18,983*

In recent years, technological advances have fundamentally changed the way of life in this country. Computers and computer technology provide the avenue through which an enormous amount of data can be stored and for which previously unavailable information, services, and opportunities can be conveniently accessible from any computer. With these advances, an opportunity for criminal activity arises. Technology use by criminals is common to most areas of FBI jurisdiction, including investigations of terrorism, drug trafficking, white-collar crimes, and other crimes with an international nexus. The Technology/Cyber-Crimes Initiative is designed to address these issues as it combines intelligence and criminal investigative strategies into a focused request. Specifically, the Computer Analysis and Response Team request focuses on computer forensic examinations, data exploitation, and searches for all crime areas and computer facilitated crimes, while the Cryptanalysis Program request focuses on data interception and clandestine communications. Finally, the White-Collar Crime request focuses on Intellectual Property Rights violations.

In support of investigative priorities, the FBI will continue to play a key leadership role in the law enforcement community by developing and supplying scientific technical services and approaches to improve the effectiveness of the FBI while linking them directly to the strategic areas of emphasis. This request integrates support resources with technological upgrades which will significantly enhance investigative and counterintelligence effectiveness and efficiency.

Justification for Resources Requested

Item: FS - Computer Analysis and Response Team (CART), 100 positions, 50 FTE, $11,371,000

The FBI's CART program serves three essential functions that are inter-dependent and involves both field and Headquarters components. CART examiners: (1) extract data from computer and network systems and conduct forensic examinations and on-site field support to all FBI investigations and programs where computers and storage media are required as evidence, (2) provide technical

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support and advice to field agents on a daily basis, and (3) assist in the development of technical capabilities that provide timely and accurate forensic information.

The computer forensic process has three distinct phases: acquisition; examination; and presentation. Acquisition involves recognizing and seizing electronic data of an evidentiary value from a computer or network. Examination is the process of documenting the evidence, then locating, identifying, and extracting the pertinent data. Presentation requires the formatting of relevant and technical evidence for investigators and prosecutors. Both the examination and presentation phases may require the examiner to recreate a network system to be used as evidence in the investigation. During the examination phase, the Automated Computer Examination System (ACES), a data exploitation tool developed by the FBI Laboratory, provides a standardized computer evidence tool to scan thousands of files for identification of known format and executable program files.

Documents, records, and other paper files have been seized as evidence, forensically examined, and entered into court to assist in the prosecution of individuals spanning the spectrum of criminal/terrorist activities. Among today's criminals, computers and electronic media, are fast becoming the evidentiary equivalent of yesterday's paper files. The very nature of digital computer technology (i.e. the ability to store vast quantities of data, images, and other information on various storage media) makes these files more expansive. Large storage devices, complex networks and distributed data are now commonplace among business professionals as well as the general populace. The FBI must develop the capacity to address new technologies used by criminals. Due to the rapid change in technology, this capacity necessitates the on-going development of better investigative and forensic tools and techniques for examiners to use or it may find that the examiners have become obsolete in their knowledge base.

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Due to growing demand for data forensics support, the FBI is converting existing part-time field CART personnel to full-time CART examiners. As of January 2000, the FBI will have 26 full-time CART personnel at FBI Headquarters and 62 full-time and 54 part-time CART personnel in the field, for a total of 142 trained CART personnel. Despite the conversion of part-time examiners to full-time status, the workload for this program continues to outpace resources available. To remedy this situation, the FBI is requesting an increase of 100 CART positions, including: $7,113,000 to hire train, and equip 83 field examiners and $1,458,000 to hire, train, and equip 17 FBI Headquarters examiners. The current backlog for a forensic exam is 10 months; without additional resources in 2001, the backlog is expected to reach a minimum of 11.4 months.

The FBI's CART examiners conducted forensic examinations in support of approximately 2,500 cases during 1998 and approximately

2,000 cases in 1999. With the anticipated increase in high technology crime and the growth of private sector technologies, the FBI expects 50 percent of its caseload to require at least one computer forensic examination. In the future, the CART program managers anticipate between 6,000 and 8,500 cases requiring computer forensic examinations. This workload would increase due to the increases in the sizes of the storage media (hard drives, etc.) utilized to store data that could be vital to FBI investigations.

The digital storage capacity of personal computers has increased substantially over the last few years. Computer industry analysts expect this trend to continue at an even more accelerated rate. During the third and fourth quarters of 1998, the computers available on the market had between 6 gigabytes (Gb) and 8Gb hard drive capacity. 24Gb hard drives are rapidly becoming the standard drive for almost all new computers, only adding to the workload of gigabytes to search and examine per case. In addition, larger commercial off-the-shelf (COTS) hard drives are available to replace and enhance storage capacity. In other words, these COTS hard drives have doubled in capacity every year from 4.3Gb in 1997, to 8.4 Gb in 1998 to the 17Gb hard drives in 1999. 40Gb hard drives are currently available for reasonable prices at most computer superstores and mail order companies. This trend of increasing hard drive capacities is expected to continue. By the end of 2000, it is anticipated that 60Gb or 80Gb hard drives will become commonplace.

In 1998, a sampling of 641 completed searches and examinations yielded 47 cases where total evidence to be examined was 16Gb or greater per case. In two instances, the case involved over 100Gb to be searched and examined. With the increase in storage capacities, the amount of workload experienced by the CART examiners increases proportionately. Although storage capacity is not the only factor influencing workload, it plays an integral part considering the fact that as hard disk capacities increase, the amount of data that can be stored by the user increases. At the present time, not only is there ample storage available on the average computer sold, but the cost per Gb continues to drop on a weekly basis.

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The net impact for the FBI CART examiners and agents in the field is an overwhelming increase in the level of effort required to conduct forensic examinations. A 25Gb hard drive submitted for examination may not always contain 25Gb of data; however, the CART examiner must examine every bit of data, and area of the media, in order to completely examine the evidence. The chart below depicts the impact on the backlog combining the overwhelming increase in the number of cases, the size of the storage drives and amount of computer evidence per case.

Additionally, the FBI is requesting an increase of $2,800,000 for ACES. In 1998, the FBI invested $1,300,000 of funds appropriated for Counterterrorism and Technology Crime research and development to develop data exploitation tools for use in forensic examinations.

The FBI acquired the services of a contractor to develop ACES. As of March 1999, ACES development was completed and FBI examiners began training with ACES. ACES is being used by CART examiners to support the comprehensive analysis of computer evidence. ACES automatically scans and reviews all personal computer files for their format and type. ACES will verify that certain program, batch, or executable files are for computer operation and do not represent a file in which potential evidentiary material is stored. ACES provides a menu-driven, graphical interface for all tools and utilities used during an examination and maintains an activity record of the actions of the examiner and the results of all examination utilities. Results obtained from each examination utility can be easily passed to additional analysis utilities as appropriate to the examination. ACES provides tracking and statistical compilation during each examination. This provides crucial documentation for use during examiner testimony and will strengthen that testimony by providing a blueprint for consistently reproducible test results. Statistics are also important to develop an understanding of the amount and type of evidence processed and to track trends in the use of computers for criminal intent.

Computer operating systems and applications software are continually updated and modified by industry. Similarly, the FBI must be able to update and upgrade ACES to keep pace with these changes, otherwise, ACES will lose its value as a forensic technique. For 2001, the FBI requests $2,800,000 for the ACES program, including: $2,000,000 for ongoing ACES development; $300,000 for annual software license requirements, $300,000 for hardware; and $200,000 to support the development of a national forensic software library for commercial off-the-shelf software. The FBI intends to provide ACES to all FBI field offices, as well as other federal, State, and local law enforcement.

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DECISION UNIT/PROGRAM: LABORATORY DIVISION/COMPUTER ANALYSIS AND RESPONSE TEAM (CART)
Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.4.3 High Technology/"Computer Crime"
Annual Performance Goal: Increase the capability of the FBI and DEA to acquire, examine and present computer evidence

PERFORMANCE INDICATOR INFORMATION				PERFORMANCE REPORT AND PERFORMANCE PLANS			
					Performance Report	Performance Plans	
pe of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	A. Positions						
	Headquarters (Full-time)	BPMS	26	26	26	26	43
	Field (Full-time and Part-time)	BPMS	95	116	116	116†	199
	Total CART Examiners		121	142	142	142	242
	B. Comparable Workyears	CART		95	95	104	154**
	Exam Requests	CART	2,500	3,500	3,500	5,000	6,000
Outputs/ Activities	CART Capacity (Exams)	CART	1,260	1,900	1,900	2,080	3,080
	CART Personnel Trained***	CART	121	142	142	142	242
Outcomes	Examinations Supporting:	CART					
	Violent Crime Major Offenders		27%	44.8%	42.1%	29%	29%
	White Collar Crime		50%	36%	41.8%	55%	50%
	Organized Crime		5%	4.8%	4.8%	2%	2%
	Domestic Terrorism		3%	3.1%	1.3%	2%	2%
	National Security / NIPC		9%	9.4%	4.4%	9%	15%
	Miscellaneous		6%	1.9%	5.7%	2%	2%
	Backlog -Cases****	CART	1,240	1,600	1,600	2,920	2,920
	Backlog - Months****	ECs	11.8	10.1	10.1	16.8	11.4

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	A. Data Validation and Verification *Measure of net workyears available accounting for CART personnel training, administrative, and other responsibilities in relation to time committed for computer forensic examinations. **New personnel lapsed at 50%. ***Includes training for new CART employees and re-certification training for on-board examiners. ****Estimate based on average number of exams performed by CART Field Examiners. Note: Productivity and workload cannot be measured as a linear function for forensic computer exams. A unit of work today will be 3.5 times larger in 2001 as a result of increased storage space and media types. This requires an increase in the number of examiners required to perform computer forensic exams. However, additional funding is also required to improve automated processes available for computer forensic exams in order to keep pace with changing technology, including password recovery, encryption recognition, and utility enhancements. Without additional examiners and enhancement of existing automated tools such as ACES, productivity advancements will never be realized and the FBI will no longer be effective in the pursuit of criminals who commit crimes using computer storage media.
	B. FY 1999 Performance Report: The FBI has identified a requirement for additional personnel and funding to promote the success of the CART program. An acceptable goal for turnaround time is approximately two months. The CART program was not able to meet its goal of two months due to insufficient personnel and non-personnel resources required to examine, report, and testify on items of evidentiary interest. The perpetual lack of sufficient CART resources will continue to cause significant delays in case processing and will hinder the normal investigative process as all programs experience an increase in forensic evidence to be examined and searched. The current backlog for a forensic exams is 10 months; the backlog for 2000 is expected to reach a minimum of 16.8 months.
	C. Issues Affecting Selection of FY 2000 and 2001 Indicators: † Includes conversion of 95 part-time CART personnel to 62 full-time per 2000 Congressional language. FY 2000 ad 2001 indicators represent the same performance measures and are based upon the same assumptions.

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In the Congressional Budget Office's January 1999 Report to the Senate and House Committees on the Budget titled: The Economic and Budget Outlook: Fiscal Years 2000-2009, net premium outlays for Medicare in 1998 were $3.5 billion lower than had been predicted by the CBO. One reason given for this dramatic savings was due to "changes in the behavior of health care providers after several well-publicized antifraud initiatives" (page 37). One of the cases cited was the 1997 Columbia Health Care case in which CART played a major role. The Columbia case involved 40 field and FBI Headquarters CART examiners and covered 17 hospitals. The magnitude of the forensic exams thus far involves the imaging of 116 hospital computer systems/networks and raw data on 1,150 disks. This translates into the production of at least 30 CD's comprised of 650 megabytes (Mb) per CD, of pertinent evidence extracted to support the case.

The FBI also used the CART program during a long-term espionage investigation. During that investigation, over 1,000 3.5" floppy

diskettes were duplicated. The examination of the diskettes, by a CART field examiner resulted in the discovery of hidden computer code which contained encrypted clandestine communications. This case has, to date, been one of the largest espionage investigations to utilize CART expertise. It was determined that 95% of the evidence resulting from the investigation was stored electronically. The investigation and subsequent arrest of ten individuals has since yielded additional espionage investigations.

In three recent criminal cases, the CART examiner's expertise enabled the timely arrest of a perpetrator before further harm came to a child. Cases involving a kidnaping and minors abducted via the use of an Internet chat room have required the immediate availability of the examiner's expertise. However, the impact resulting from lack of immediate availability could have been substantial. Recent forensic exams involving extortion, hacking and public corruption cases were able to either build a case sufficient enough to go trial or to initiate an investigation. Evidence retrieved from a computer forensic exam often prevents cases from remaining stagnant. In instances where a CART examiner is not available to conduct a forensic search, case agents sometimes attempt to conduct remedial examinations because of time-sensitivity. Consequently, a case in 1996 resulted in contamination of forensic evidence that prevented it from being admissible in court. The defendant was released because no other admissible evidence was available.

Without an enhancement of CART personnel to conduct computer forensic exams and searches, as well as the technical expertise needed to prepare technical affidavits and testifying in court, not only the computer crime squads, but all FBI programs will have difficulty meeting their mission. Significant delays in case processing will hinder the normal investigative process as all programs experience an increase in forensic evidence to be examined and searched.

Item: WCC - Intellectual Property Rights (IPR) Center, 8 Positions (2 agents), 4 FTE and $612,000

As the world moves from the industrial age to the information age, the United States' economy is increasingly dependent on the production and distribution of Intellectual Property. Currently, the United States is the world leader in the development of creative, technical and intellectual property. Intellectual Property Rights (IPR) infringement includes both violations of the Economic Espionage Act (theft of trade secrets) as well as traditional copyright and trademark violations. Copyright violations primarily encompass computer software, recorded music and video piracy, while trademark violations primarily encompass the counterfeiting of certain products and brand name goods. Each of these violations has a significant impact on the United States. As a result of this, IPR was named one of the FBI's WCC priorities.

Without question, the United States is the world leader in the development of creative, technical and intellectual products. These

products have essentially supplanted tangibles such as steel and wheat as our economic lifeblood. Violations of IPR laws affect a broad range of United States industries. Many of these industries have a direct and tangible impact on the economic well being of the United States. Of primary concern is the development and production of trade secret information. The American Society of Industrial Security estimated the potential of losses at $2 billion per month in 1997. According to the International Intellectual Property Alliance, copyright piracy cost an estimated loss of $10.8 billion to United States copyright industries during 1997. In addition, the International Anti-Counterfeiting Coalition estimates that the cost due to the trademark infringement in the world to be $250-350 billion annually. Furthermore, IPR infringements cheat the United States Government of tax revenues and add to the trade deficit. While the economic costs of IPR infringements are staggering, there are other, often more dangerous, ramifications. Many types of profitable products are counterfeited using inferior materials and quality controls. Examples include airplane and automobile parts, infant formula, children's toys, pharmaceuticals, and birth control pills. Many criminal organizations use the proceeds from these activities to fund violent or terrorist activities.

An important component of IPR involves international treaties and their obligations. The most important and persuasive of these treaties is the Trade Related Aspects of Intellectual Property Rights Accord of 1994. The Accord provides for the establishment of standards for protection of a full range of IPR and the enforcement of those standards. With regard to the enforcement requirement, the Accord requires that "enforcement procedures must be such as to permit effective action against any act of infringement of intellectual property rights, and that the remedies available must be expeditious in order to prevent infringements and they must constitute a deterrent to further infringements." Clearly, effective enforcement is a mandate of the Accord. More important than simply being obligated to the bare minimums of the Accord, the United States sets the world example for IPR enforcement.

A growing percentage of all significant IPR violations now have an Internet element. Thousands of web sites are solely designed to distribute pirated material. The potential damage to United States IPR owners from this type of theft is dramatic and is escalating daily. It is imperative that the FBI develop a coordinated and effective response to this problem. There are a number of investigative hurdles that are specific to Internet based IPR crime. The location of the subject is often not fully identified until well into the investigation.

External data demonstrate the rising trend of this crime problem. The United States Customs Service seizure data shows an alarming increase in IPR seizures. Since 1994, there has been a steady increase in both the number and value of IPR seizures. From 1997 to 1998 in particular, the number of seizures rose from 1,943 to 3,409 and the value of those seizures rose from $54.1 million to $75.9 million. The data clearly show a tremendous volume of infringed goods being imported and illegally distributed throughout the

country. Also, in most instances, no further criminal investigation is undertaken once a shipment is seized, due to limited investigative resources.

Finally, the lack of credible or consistent enforcement by Federal law enforcement has yielded considerable evidence that criminals perpetrating these types of crimes perceive them as low risk and high reward. In a recent case, a subject who had posted pirated software on the Internet told investigators that "friends had told him the FBI had better things to do than enforce these laws." In another case, an Asian gang in Los Angeles chose to distribute over $30 million worth counterfeit Microsoft software rather than traditional criminal activities due to the high profit potential and low risk.

The FBI requests an increase of $612,000 and eight positions (two agent and six investigative support) to participate in the multi-agency IPR Center. The concept of the IPR Center was jointly developed by the FBI, the Department of Justice, and the USCS, and is designed to enhance the overall investigation of IPR violations by United States law enforcement. All other government agencies having responsibility for IPR matters, including the United States Trade Representative, Department of Commerce Patent and Trademark Office, and the Copyright Office, will be invited to participate in the joint center.

The IPR Center is expected to open in 2000 with an initial focus on: (1) working with private industry and assuring the referral of quality cases to the Center; (2) encouraging law enforcement agencies to work in concert on cases which warrant joint investigations; and (3) gaining support of the Assistant United States Attorney's Office to aggressively pursue IPR cases. Through the analysis and review of existing cases which would be handled at the IPR Center, it is anticipated that there would be a sizable number of spinoff cases identified and referred to field offices. The production, distribution and retail sale of infringing illegal products covers many jurisdictions. Often, these links and relationships are not fully explored or investigated. It is anticipated that analysts at the Center would identify links and criminal relationships that have not been identified in the past. This information will then be used to initiate additional cases.

The IPR Center would focus on the intelligence and analytical requirement of IPR cases. It would coordinate the sharing of IPR information among federal agencies and state law enforcement authorities. The IPR Center would assist in providing a coordinated intelligence flow of information for use by the field components. It would also conduct analytical evaluations, assist in determining trends and would provide support to investigative operations. All available sources of Intellectual Property (IP) intelligence would be combined into a consolidated and dedicated IP intelligence base. This information would include Customs seizure data, FBI case information and private industry information. The IPR Center would also seek to integrate the sharing of this information to other

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foreign and domestic law enforcement.

DECISION UNIT/PROGRAM: White-Collar Crime / Intellectual Property Rights (IPR)
Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.4 Reduce White-Collar Crime including public corruption and fraud.
Annual Performance Goal: Increase in Potential Economic Loss Prevented due to IPR Infringement

PERFORMANCE INDICATOR INFORMATION

			Performance Report			Performance Plans	
Type of Indicator	**Performance Indicator**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Plan**	**2001 Plan**
Inputs	1. # of agents assigned to IPR Center	WCC	N/A	N/A	N/A	1	3
	2. # of support assigned to IPR Center	Program	N/A	N/A	N/A	1	7
Outputs	2. Arrests and Locates		64	N/A	59	†	†
	3. Informations and Indictments		73	N/A	55	†	†
	4. Convictions and Pre-Trial Diversions	ISRAA	86	N/A	62	†	†
	5. Recoveries and Restitutions ($000).		$15,862	N/A	$59,808	†	†
	6. Fines ($000)		$225	N/A	$215	†	†
Activity	7. Number of Investigative Matters pending beginning of period	MAR	212	N/A	334	†	†
	8. Number of Investigative Matters opened		525	N/A	340	†	†
	9. Number of Investigative Matters closed		403	N/A	237	†	†
Outcomes	10. Potential Economic Loss Prevented ($000)	ISRAA	$167,032	N/A	$586,594	5% increase from 1999 level.	Further 5% increase from1999 level

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A. Data Validation and Verification: MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR are traced back to source documents contained in the FBI files.
B. FY 1999 Performance Report: None
C. Issues Affecting Selection of FY 2000 and 2001 Indicators: None
D. Additional Footnotes: † In accordance with the Attorney General's Guidance of not projecting targeted levels of performance for certain indicator types.

The anticipated benefit of the additional resources will be in the identification, disruption and dismantlement of the organized groups of criminals involved in the large scale production and distribution of counterfeit, pirated and other infringing products. In addition, inasmuch as these IPR crimes are precursors to more serious crimes and funding mechanisms for organized crime groups, another indirect benefit of this enhancement will be the disruption of those enterprises. Furthermore, the additional resources will enable the FBI to participate with U.S.C.S. in the establishment of the IPR Intelligence Center. Once established, the IPR Center will provide a stream of case specific Intellectual Property intelligence to the field components of the plan, thereby enhancing its' effectiveness.

Item: TFS&S - Counter-Encryption Technology Equipment, $7,000,000

On a daily basis, the media announces that many existing data security products are no longer secure (e.g., Netscape mail-password protection broken, Digital Video Disc encryption scheme, and Ground System Mobile cellular phone encryption algorithm), and that stronger encryption is the only means to protect government, business and citizens from unwanted intrusion. In response, today's leading communications products are incorporating advanced cryptographic capabilities to counter a wide array of threats from both domestic hacking and organized intelligence efforts. Both Microsoft and Macintosh have already established strong encryption within their newest operating systems software (i.e., Windows 2000 and OS9). IBM has announced it's marketing of "...the world's most secure commercial PC..." These products, and hundreds of others now being sold or poised to enter the market, are thwarting law enforcement's ability to access court authorized communications intercepts or obtain plaintext from seized media.

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The widespread use of digitally-based telecommunications technologies, and the unprecedented expansion of computer networks incorporating privacy features/capabilities through the use of cryptography (i.e., encryption), has placed a tremendous burden on the FBI's electronic surveillance technologies. The use of complex and high speed digital communications presents technological challenges that were non-existent only a few years ago. Today, the most basic communications employ layers of protocols, formatting, compression and proprietary encoding applications which have the effect of masking and hiding the content of communications. In addition, the expansion of electronic commerce and concerns for privacy have brought about new concepts and developments in affordable and robust encryption products for private sector use. These cryptographic systems provide robust security to conventional and cellular telephone conversations, facsimile transmissions, local and wide area networks, communications transmitted over the Internet, personal computers, wireless communications systems, electronically stored information, remote keyless entry systems, advanced messaging systems, and radio frequency communication systems. The potential use of such encryption products by a vast array of criminals and terrorists to conceal their criminal communications and information poses an extremely serious threat to effective law enforcement and ultimately to public safety and national security.

The FBI is already encountering strong encryption in criminal and national security investigations. In 1999, 53 new investigations encountered encryption. The successful analysis of encrypted communications can require an array of highly complex software and hardware systems, as well as efforts of highly skilled scientists, mathematicians, analysts and engineers. The need for a law enforcement cryptanalytic capability is well documented in several studies, including the National Research Council's Committee Report entitled "Cryptography's Role in Securing the Information Society." Specifically, the Committee recommended that high priority be given to the development of technical capabilities, such as signal analysis and decryption, to assist law enforcement in coping with technological challenges. The Attorney General's Five-Year Interagency Counter Terrorism and Technology Crime Plan identified the development of a non-classified decryption capability to facilitate the use of evidence in court as a top requirement. On September 16, 1999, the Administration acknowledged the accelerated pace of encryption developments and its effect upon law enforcement, commerce and the financial markets. As part of the plan to both support and respond to this advancing technology, the Administration announced the relaxation of export restrictions on encryption to allow United States businesses to compete abroad; at the same time the Administration announced support for the FBI's Technical Support Center, a centralized civilian resource for engineering, processing and decrypting lawfully intercepted digital communications and electronically stored information.

No base funding exists for development of counter-encryption technology and support services associated with a centralized civilian resource. Funding totaling $7,000,000 is requested to provide encryption technology equipment and services to further develop the Cryptanalysis Laboratory's Initial Operating Capability (IOC). The FBI will utilize the requested funding to acquire hardware and

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software tools, technologies and systems, technical experts and support services in order to develop four programs: 1) Analytical Engineering; 2) Signal Analysis Research; 3) Counter-Encryption Deployment Program; and 4) Industry Assisted Technology Transfer. The FBI will work with existing national laboratories and other government agencies to ensure all available resources are utilized in executing all processing functions. The technology implemented will combine commercial off-the-shelf (COTS), government off-the shelf (GOTS) and custom-developed products. This approach will prevent the duplication of effort while providing a cohesive civilian processing capability for use by federal, state and local law enforcement. The following chart displays performance measures for this enhancement.

DECISION UNIT/PROGRAM: TECHNICAL FIELD SUPPORT AND SERVICES/Encryption/Technical Support Capability
DEPARTMENT OF JUSTICE CORE FUNCTION: Investigation and Prosecution of Criminal Offenses
STRATEGIC GOAL: Supports Goals 1 - 5
COMPONENT ANNUAL PERFORMANCE GOAL: To provide the technical support capability to serve as a centralized civilian resource for engineering, processing and decrypting lawfully intercepted digital communications and electronically stored information.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	Technical Systems Non-personnel Funding	Preliminary design plans	$0	$0	$0	$0	$7,000,000
Activities	1) Analytical Engineering Tasks 2) Signal Analysis Research Efforts 3) Counter-Encryption Deployments 4) Industry Assisted Technology Transfers	Electronic Surveillance Strategic Plan	N/A	N/A	N/A	N/A	40 8 10 12
Outputs	1) Systems Analyzed 2) Design Plans 3) Systems designed/deployed 4) Critical specifications/information obtained	Electronic Surveillance Strategic Plan	N/A	N/A	N/A	N/A	40 4 10 12

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			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
End Outcome	1) Capabilities established 2) Prototype Developed 3) Investigations Supported design/deployed 4) Capabilities applied	Electronic Surveillance Strategic Plan	N/A		N/A	N/A	10 4 20 8

A. Data Validation and Verification: Preliminary Design Plans - Data for the preliminary designs was part of an A&E done for the Encryption Program in which technical equipment and basic requirements were set forth by the FBI. This data is dependant up the continuing emergence of Encryption Technology.

Electronic Surveillance Strategic Plan - The Electronic Surveillance Strategic Plan is updated every year and includes the EST's Strategic goals and mission. The Plan includes Near Term, Mid Term, and Long Term Success Factors. The driving force is the direction and sophistication of private industry and the modernization of the criminal element.

The FBI's Counter-Encryption program will enhance law enforcement's readiness and effectiveness in addressing domestic terrorism, protection of the national infrastructure, and the challenges posed by emerging domestic and international criminal activities. The requested funding for equipment will provide direct support to field investigations and law enforcement efforts in responding to the new uses and proliferation of encryption and complex electronic communications. Currently, the FBI is experiencing exponential growth in the number of investigations requiring technical support in efforts to obtain plaintext from encrypted evidence. In particular, the FBI has encountered encryption in almost every type of investigation to include most notably: terrorism, foreign counterintelligence, drug, organized crime, and violent crime/child pornography investigations. The Administration's plan for a centralized civilian resource to support federal, state and local law enforcement demands a commitment of resources. Without the requested funding, the increasing number of technical requests for assistance cannot be addressed.

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Initiative: Law Enforcement Services

Decision Unit	Pos.	WY	Amount $000
Forensic Services (FS)	*5*	*2*	*$6,699*

For 2001, the FBI is requesting a total of 5 direct positions (2 FTE) and $6,699,000 to provide enhanced law enforcement services to federal, state, and local law enforcement and criminal justice agencies: $5,335,000 for the Federal Convicted Offender DNA Database (FCODD) and $1,364,000 for the National Integrated Ballistics Identification Network (NIBIN).

Justification for Resources Requested

Item: FS-Federal Convicted Offender DNA Database Program, 5 positions (2 FTE) and $5,335,000

The DNA Identification Act, included in the Violent Crime Control and Law Enforcement Act of 1994, authorized the FBI to establish an index containing DNA records from persons convicted of crimes; samples recovered from crime scenes; and samples recovered from unidentified human remains. The FBI's Combined DNA Identification System (CODIS) allows state and local crime laboratories to store and match DNA records. The Anti-Terrorism and Effective Death Penalty Act of 1996 authorized the Director of the FBI to "expand the CODIS to include Federal crimes and crimes committed in the District of Columbia." No other federal agency or crime laboratory is authorized to establish such a capability. No funding has been appropriated to establish a federal DNA offender database.

The 1998 Justice Appropriations Act directed the FBI to provide a plan to Congress to support the implementation of a program that requires a federal prisoner convicted of a criminal offense involving a victim who is a minor or a sexually violent offense to provide a DNA sample for inclusion in a law enforcement DNA database prior to the prisoner's release from incarceration. The plan included draft legislation needed to implement the plan. That report was submitted to Congress in January, 1999. The proposed Federal Convicted Offender DNA Database (FCODD) would be implemented upon receiving legislative authority and funding.

To implement the FCODD, $335,000 for five positions, including one Program Manager and four Examiners, is requested to manage and type database samples from the population of federally convicted offenders. Also, an increase of $5,000,000 is requested for the implementation and start-up costs of the FCODD. The FCODD supporting network is composed of two software components. First, the FBI requires a sample tracking system for the FCODD. This system will monitor the sample receipt and disposition; include

information about the sample contributor (e.g., prison ID number, name); include the sample's CODIS number; and when the sample was analyzed. Secondly, a software component is required to perform the actual DNA analysis. The software will be written and supported by Perkin-Elmer, a company that provides instrumentation, software, and materials for DNA analysis. The recurring cost of operating the FCODD is estimated at $1,300,000.

The requested resources would allow the FBI, with the assistance of other federal agencies, primarily the Federal Bureau of Prisons (BOP), to collect and type approximately 20,000 DNA samples, comprising approximately 15,000 samples from the current federal inmate population, and approximately 5,000 samples from persons convicted of violent crimes in federal courts during 1999 and every year thereafter, once legislation to implement such collection is enacted. The FBI Laboratory's Report to Congress pursuant to P.L. 105-229 includes draft legislation that is required to authorize the collection of DNA samples from federal, military, and District of Columbia convicted offenders for analysis and entry of the DNA data into the national DNA database. Additionally, the FBI will analyze and enter all DNA profiles generated from federal convicted offenders into the national CODIS database. After the backlog is exhausted, it is estimated that approximately 3,000 federal convicts per year will have committed offenses qualifying for inclusion of their DNA profile into the CODIS database.

The FBI Laboratory will consult and coordinate the collection of DNA samples with all affected agencies. Procedures for the collection of samples specify promulgation of each agency's responsibility in regulations. To ensure standardization of the collection, chain of custody and analysis processes, the FBI will provide the DNA sample collection kits, DNA analysis, and input of DNA data into the CODIS database.

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All 50 states have enacted legislation that requires blood samples to be taken from felons convicted of various qualifying offenses. Implementation of the FCODD and placement of DNA profiles from federal offenders into the CODIS system will provide a valuable and currently overlooked population of DNA profiles to the National DNA Index System. DNA profiles from federal convicted offenders will be shared nationwide at the federal, state and local level. The addition of FCO profiles to the CODIS system will undoubtedly lead to the resolution of many violent criminal cases which would otherwise remain unsolved. The purpose of the FCODD program is to ensure that offenders convicted of these violent crimes are not missing from a national DNA database, thereby enhancing the nation's ability to solve violent crimes.

DNA analysis has had a dramatic impact in linking crimes together and then providing compelling evidence when these cases go to trial. On the state level, DNA analysis has demonstrated its ability to instantly identify repeat offenders. Implementation of the FCODD will enable investigators to quickly exclude suspects because their Federal Convicted Offender (FCO) profile did not match the crime scene evidence. Additionally, the FCODD may have a significant impact in solving violent crimes committed in the District

of Columbia and on Native American Reservations. Currently, violent offenders convicted in the District of Columbia and on government reservations do not have DNA samples collected and stored in any DNA database. Individuals with prior qualifying convictions may be quickly identified in these locations that may not otherwise be suspects in the investigation. These individuals will be in the federal and national databases because their blood was drawn as the result of a prior federal conviction. The FCODD match can be immediately followed up through further investigation. Finally, serial cases are easily identified because of such DNA analysis.

Item: National Integrated Ballistics Identification Network (NIBIN) connectivity, $1,364,000

On December 2, 1999, the FBI and the Bureau of Alcohol Tobacco and Firearms (BATF) entered into a Memorandum of Understanding (MOU) for joint-agency implementation of the NIBIN, a single federal ballistics imaging system. Both agencies will work together to provide a coordinated vision and implementation plan for NIBIN which will employ a single image format. Past attempts to achieve interoperability were stifled by incompatible hardware and software and a lawsuit between developers. In addition, the National Institute of Standards (NIST) put three years of effort into developing a workable solution for system interoperability, but with no success. NIBIN is designed to combine the best features of the BATF's Integrated Bullet Identification System (IBIS) and the FBI's DRUGFIRE system. The foundation and front-end, user interface, of the system is designed to function like IBIS while the back-end, analysis portion, is designed to function like DRUGFIRE.

Base resources consist of one position and $4,200,000 in nonpersonnel funds.

The new NIBIN MOU delineates defined roles for each agency. As a result, the FBI is responsible for installation of a nationwide communications network and connections between system sites. The FBI requires $1,364,000 in 2001 to provide the additional communications infrastructure required to implement the new unified ballistics system.

Under the new NIBIN MOU, the FBI will be responsible for installing and connecting the NIBIN across the country with appropriate high-speed telecommunications lines and hardware for nationwide coverage. The FBI's Criminal Justice Information Services-Wide Area Network (CJIS-WAN) will be the telecommunications vehicle for the new system. The FBI will also assume responsibility for any costs associated with connectivity between the ballistics imaging systems and the network. The FBI will generate and disseminate statistical and/or activity reports relative to the network communications system. Finally, the FBI will be responsible for developing and distributing support databases (e.g. standard ammunition, trigger locks, and firearm and ammunition recall), independent of the unified IBIS, for forensic firearms examiners and others requiring this information.

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The BATF will have overall responsibility for Crime Gun and Firearms Manufacturers Operations. Crime Gun and Firearms Manufacturers Operations responsibilities include, but are not be limited to, design of the field architecture necessary to support the crime gun network and development of a plan for the replacement of existing DRUGFIRE systems with the unified IBIS and other systems to store replicated data. This means the BATF will be responsible for hardware and software development and installation, training, security, maintenance, user protocols and support, and quality control. The BATF will also provide image capture, storage, or access to any computerized ballistic images/data stored on acquisition stations, primary servers, or other servers containing replicated data. Additionally, the BATF may design and maintain ancillary databases necessary to support or enhance the Crime Gun or Firearms Manufacturers Operations. Systems will be replaced by priority as determined by the BATF in consultation with the FBI. The redeployments will be completed at BATF expense, subject to availability of funds and execution of the standard MOU.

The BATF's work begins with determining the priority order for replacing DRUGFIRE units. Priority will be determined on crime rates, lab workload, and usage trends. Today, the top 40 DRUGFIRE units produce 80 percent of total volume and have generated 93 percent of the total hits. The hardware and software at each DRUGFIRE site will be upgraded. The BATF plans to replace 10 DRUGFIRE units in 2000, 73 DRUGFIRE units in 2001, and 68 DRUGFIRE units in 2002. This will complete replacement of the 151 existing DRUGFIRE units. In addition, the DRUGFIRE evidentiary database will be reformatted in the IBIS image format. This plan is proposed in order to provide a seamless transition for DRUGFIRE and IBIS users.

The existing NIBIN Board, comprised of officials from both agencies and a state representative, will facilitate the transition process. As the transition proceeds, but prior to NIBIN being turned on, the FBI will maintain responsibility for maintenance or support costs associated with transitioning DRUGFIRE units. As noted above, the transition is expected to take three years, with 2000 representing commencement of the joint agency effort. The FBI requires funding for connectivity activities to ensure a smooth transition to the unified system occurs.

Special Analysis: Health Care Fraud Enforcement (Reimbursable)

Decision Unit	Pos.	WYs	Amount ($000)
White-Collar Crime (Health Care Fraud Reimbursable)	*48*	*24*	*$12,000*

More than $1 trillion is spent on health care each year in this country, roughly 15 percent of the Gross National Product. This amount is expected to double within the next 10 years. The General Accounting Office, as well as industry experts, have conservatively estimated that 10 percent of all health care costs is attributable to fraud, waste and abuse i.e: $100 billion per year. Based simply on the enormity of its expenditures, the health care industry is quite susceptible to fraudulent activity which, if not aggressively pursued, can and will have a significant detrimental effect on the finances of the U.S. health care system.

Fraudulent billings submitted to the health care insurers and medically unnecessary services performed simply to generate billings are prevalent in every geographical area in the country. This fraudulent conduct may include double billing, receipt and payment of kickbacks, billing for more comprehensive services than provided or upcoding and seeking reimbursements for personal expenses and other non-covered costs. As one successful Health Care Fraud (HCF) investigation after another has been conducted, the FBI has come to realize that previous estimates of the magnitude of the crime problem may have been grossly understated. Each investigation seemingly uncovers a new scheme to defraud the U.S. healthcare system, and patterns emerge that encompass a much wider area than originally expected. The FBI is currently engaged in the investigation of widespread, corporate-driven fraud by Columbia/HCA, the largest white-collar crime investigation in FBI history. This investigation is extremely labor intensive and is creating many unforeseen travel and other non-personnel costs. Other national-scale investigations of National Medical Corporation and Beverly Enterprises are requiring large, long-term commitments of personnel resources by several field divisions which will continue through 2001.

One region that has experienced a particularly high incidence of HCF is Florida. Fraudulent schemes in the Southern District of Florida have drained billions of dollars from federal and state health care plans including, but not limited to, Medicare, Medicaid, Tricare /Champus, Department of Veterans Affairs, and the Office of Personnel Management. It is estimated that the federal government overpaid hospitals, doctors and other health care providers $2.5 billion in questionable Medicare claims from Florida in 1997, out of the $26.9 billion in Medicare funds paid nationally in the same period. The FBI, in concert with the Executive Office of United States Attorneys, the Department of Health and Human Services-Office of Inspector General and the United States Attorney's

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Office-Southern District of Florida, has committed resources to participate in a two year pilot project to create a centralized storage facility to maximize federal, state, and local investigative coordination and cooperation in combating the high density health care fraud. This facility will serve as a central repository for federal health care fraud investigations. It will provide a secure storage area for documents and evidence, and will aid federal, state, and local prosecutors and investigators in working together to ensure coordination, cooperation, and avoid duplication in the investigation of health care fraud cases.

The health care industry is a highly technical field with unique laws, regulation and operating systems which vary amongst the health care insurers. Those having prior experience and the resultant expertise in the industry would be better positioned to pursue HCF investigations. Additionally, the FBI is also the only federal law enforcement agency responsible for investigating HCF in the private sector, as well as in the public sector. As a result, the FBI utilizes its HCF resources over a wider range than all other law enforcement agencies. HCF investigations are very document intensive and require experts to interpret the various data gathered. Further, the demands of nationwide investigations such as Columbia/HCA are incurring huge unforeseen costs in terms of travel, equipment, and evidence and document handling.

The FBI receives funding for most of its health care fraud enforcement investigations under the provisions of the Health Insurance Portability and Accountability Act of 1996. Prior to the Act, these positions and funding were directly appropriated to the FBI. For 2000, the FBI received $76,000,000 in funding, which was used to fund 415 agent and 313 support reimbursable positions. For 2001, the FBI will be provided $88,000,000. This amount is $12,000,000 above the level for 2000 and will allow the FBI to increase its investigative effort against health care fraud by 48 new positions (30 agents and 18 support). The 18 support positions requested are allocated as follows: 8 investigative, 4 CART examiners, 3 technical, and 3 clerical. Overall, the FBI will use this funding to support a total of 445 agent and 331 support positions. The 2001 funding will also be used for investigative costs associated with HCF investigations. These costs include computer and photocopy equipment needed by field offices to help the field work with evidence gathered during the Columbia/HCA investigation. In addition, the FBI will allocate $577,000 as part of an interagency pilot project in the Southern District of Florida to create a central repository for storing evidence related to HCF investigations.

DECISION UNIT/PROGRAM: White-Collar Crime/ Health Care Fraud
Department of Justice Core Function: Investigation and Prosecution of Criminal Offenses
Strategic Goal: 1.4 Reduce White-Collar Crime including public corruption and fraud.
Annual Performance Goal: Medicare cost savings for targeted goods and services where egregious fraudulent billing is suspected.

Performance Indicator Information		PERFORMANCE REPORT AND PERFORMANCE PLANS						
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Inputs	# Field Agent Positions provided by HIPAA	BFA	340	380	380	415	445
	# Field Support Positions provided by HIPAA	BFA	229	271	271	313	331
Activities	Number of Investigative Matters Pending at Beginning of Period	MAR	2,582	†	2,801	†	†
	Number of Investigative Matters Opened	MAR	1,463	†	1,551	†	†
	Number of Investigative Matters Closed	MAR	1,244	†	1,333	†	†
Outputs	Information and Indictments	ISRAA	690	†	686	†	†
	Recoveries & Restitutions ($000)	ISRAA	$137,955	†	$314,085	†	†
	Fines ($000)	ISRAA	$9,950	†	$46,858	†	†
	Arrests and Locates	ISRAA	354	†	372	†	†
	Convictions and Pre-Trial Diversions	ISRAA	526	†	582	†	†
Outcomes	Medicare Expenditures Relating to Clinical Laboratory Tests (1997 Baseline = $2.174 billion)	HCFA	$.866 billion *Claims processed through 6/30/98*	$1.957 billion	$.770 billion *Claims processed through 6/30/99*	$1.848 billion	$1.739 billion

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			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
	Medicare Expenditures Relating to all Ambulance Services (1997 Baseline = $1.685 billion)	HCFA	$1.667 billion	$1.517 billion	$.599 billion *Claims processed through 6/30/99*	$1.432 billion	$1.348 billion
	Home Health Agencies Expenditures (1997 Baseline = $4.512 billion)	HCFA	$2.611 billion *Claims processed through 12/99**	$4.061 billion	$.547 billion *Claims processed through 6/30/99*	$3.835 billion	$3.610 billion
	A. Data Validation and Verification: BFA - Budget Formulation Application (BFA). The FBI's Budget Accounting system which accounts for congressionally authorized budget authority, positions and work-years. MAR - The FBI's Monthly Administrative Report (MAR) is a system that tracks the number of cases opened, pending, and closed within any given time period. Data is verified through the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. ISRAA - The FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) is a centralized database through which the FBI tracks statistical accomplishment of cases from inception to closure, e.g., arrests, locates, informations, indictments, and convictions. Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified though the FBI's inspection process. Inspections occur on a 2 to 3 year cycle, depending on funding. Using statistical sampling methods, data in the MAR is traced back to source documents contained in the FBI files. HCFA - The Department's data source for the Health Care Fraud performance goal reflect Health Care Financial Administration (HCFA) fraud targets. The Medicare costs measurements for this performance goal include payments for all clinical lab tests and ambulance services billed to Medicare during the reported period. A new DOJ indicator being measured for FY 2001, Home Health Agencies fraud costs reflect three targeted states: Florida, Texas, and Louisiana. Validation and verification of the data takes place primarily at its collection point, HCFA. The FBI reviews the data received from HCFA for consistency and reliability. Since data from HCFA is provided on a calender year, billings can be received up to one year after services. Therefore, complete FY 1999 data will not be available until CY 2001. Changes in the Medicare payment system affecting an identifiable area due to legislative or regulatory action (e.g., implementation of a prospective payment system) would invalidate any comparison to data for previous years.						

			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
	B. FY 1999 Performance Report The above measures include billings for all clinical lab tests and all ambulance services billed to Medicare during the reporting period. The FBI, working in conjunction with other agencies such as the Office of the Inspector General for the Dept. of Health and Human Services (OIG-HHS), found that fraudulent billings of these services were rampant across the country. Since data from HCFA is provided on a Calendar Year (CY), billings can be received up to one year after service. Therefore, complete FY 1998 data will not be available until CY 2000 and complete FY 1999 data will not be available for sometime. * HCFA believes that Home Health Agencies have under-reported during the first half of 1998.						
	C. Issues Affecting Selection of FY 2000 and 2001 Indicators: FBI is constantly directing its attention to new targets in health care fraud investigations, and the current performance report reflects an updated list of HCF fraud targets. The FBI has recently increased its attention to fraud in Home Health Agencies in Florida, Texas, and Louisiana. The Durable Medical Equipment (DME) previously reported in 2000 will only achieve further reductions through regulatory enforcement, so these items have been dropped from the data list for the FBI performance indicators.						
	D. Additional Footnotes: † In accordance with the Attorney General's guidance of not projecting targeted levels of performance for certain indicator types. 1) "Plan" data for Clinical Laboratory Tests, Ambulance Services and Home Health Agencies was developed by taking a five percent reduction each year subsequent to 1997 (the baseline established) i.e. 1999 "Plan" data represents a 10 percent reduction from the 1997 baseline expenditures.						

The additional personnel and nonpersonnel resources will allow the FBI to continue to effectively combat Health Care Fraud. The anticipated benefit of the additional personnel and nonpersonnel resources will be in the reduction of monies lost due to fraudulent billings. This increase will enable the FBI to continue working large scale HCF investigations and make significant headway in accomplishing both its program plan and strategic objectives.

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Federal Bureau of Investigation
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Initiatives																											
	Counterintelligence			Information, Collection, Mngm't and Analysis			Training			Investigative Support			Counterterrorism			Violent Crimes			Technology Crimes			Law Enforcement Services			Total		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Criminal Enterprises	...	...	...	...	...	$5,000	...	...	...	...	...	$2,100	...	...	...	...	...	...	...	...	...	...	...	...	...	...	$7,100
White-Collar Crime	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	4	$612	...	...	...	8	4	612
Other Field Programs	138	69	$19,115	59	30	13,389	...	...	...	...	...	...	...	...	$4,600	31	16	$4,639	...	...	...	...	...	...	228	115	41,743
Criminal, Security, and Other Investigations	*138*	*69*	*19,115*	*59*	*30*	*18,389*	...	...	...	...	...	*2,100*	...	...	*4,600*	*31*	*16*	*4,639*	*8*	*4*	*612*	...	...	...	*236*	*119*	*49,455*
Training, Recruitment, and Applicant	...	...	...	...	...	...	...	...	$5,300	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,300
Forensic Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7,900	...	...	...	100	50	11,371	5	2	$6,699	105	52	25,970
Information Management, Automation and Telecommunications	...	...	...	15	7	40,838	...	...	...	...	...	16,434	...	...	...	...	...	...	...	...	...	...	...	...	15	7	57,272
Technical Field Support and Services	...	...	...	...	...	15,000	4	2	1,195	...	...	2,000	...	...	...	...	...	...	...	...	7,000	...	...	...	4	2	25,195
Criminal Justice Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Law Enforcement Support	...	...	...	15	7	55,838	*4*	*2*	6,495	...	...	18,434	...	...	*7,900*	...	...	...	*100*	*50*	*18,371*	*5*	*2*	*6,699*	*124*	*61*	*113,737*
Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	600	...	...	...	...	...	...	...	...	...	...	...	600
Program Direction	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*600*	...	...	...	...	...	...	...	...	...	...	...	*600*
Total	138	69	19,115	74	37	74,227	4	2	6,495	...	...	20,534	...	...	13,100	31	16	4,639	108	54	18,983	5	2	6,699	360	180	163,792

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Federal Bureau of Investigation
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal, Security and Other Investigations							
	Organized Criminal Enterprises Increases		White Collar Increases		Other Field Programs Increases		Criminal, Security and Other Subtotal	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS-15	...	...	...	...	...	...	...	...
GS-14	...	...	...	...	...	...	...	...
GS-13	...	...	...	...	7	$441	7	$441
GS-12	...	...	...	...	...	...	...	...
GS-11	...	...	...	...	47	2,076	47	2,076
GS-10	...	...	2	$88	65	2,787	67	2,873
GS-9	...	...	6	219	66	2,409	72	2,628
GS-8	...	...	...	...	...	...	...	...
GS-7	...	...	...	...	32	955	32	955
GS-6	...	...	...	...	11	295	11	295
GS-5	...	...	...	...	...	...	...	...
Total positions and annual rate	...	...	8	305	228	8,963	236	9,268
Lapse (-)	...	...	(4)	(153)	(113)	(4,484)	(117)	(4,637)
Other personnel compensation	...	...	...	17	8	519	8	536
Total workyears and personnel Compensation	...	...	4	$169	123	$4,998	127	$5,167
Personnel benefits	...	...	...	61	...	1,777	...	1,838
Travel and transportation of persons	...	...	...	16	...	1,138	...	1,154
Transportation of things	...	...	...	13	...	318	...	331
GSA rent	...	...	...	...	...	...	...	...
Rental payments to others	...	...	...	...	...	...	...	...
Comm., utilities, and misc. charges	...	...	...	19	...	650	...	669
Printing and reproduction	...	...	...	...	...	...	...	...
Advisory and assistance services	...	...	...	1	...	3,113	...	3,114
Other services	...	$7,100	...	107	...	4,940	...	12,147
Research and development contracts	...	...	...	...	...	...	...	...
Operations/maintenance of facilities	...	...	...	...	...	...	...	...
Operations/maintenance of equipment	...	...	...	3	...	76	...	79
Supplies and materials	...	...	...	12	...	376	...	388
Equipment	...	...	...	211	...	24,357	...	24,568
Land and structures	...	...	...	...	...	...	...	...
Total program workyears and obligations changes requested, 2001	...	$7,100	4	$612	123	$41,743	127	$49,455

Federal Bureau of Investigation
Salaries and Expenses

Status of Congressionally Requested Studies, Reports and Evaluations

1. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit a spending plan for the increase of $3,399,000 provided for training, equipment, supplies and technology upgrades for Computer Analysis Response Team (CART) teams. A specific date was not given, but the report must be received by Congress before funds will be released. The spending plan is being prepared.

2. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit an implementation plan for the reallocation of not less than 25 agents to specified reservations to investigate non-Indian sexual predators targeting females on Indian Reservations. The FBI is in the process of completing this report.

3. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit a report on the success of the FBI's investigative efforts in Indian Country with regard to sexual assaults on Indian reservations. This report will be submitted by August 1, 2000.

4. The Conference Committee accompanying the Consolidated Appropriations Act (H. Rpt. 479) directs the FBI submit a report on the FBI's actions to fully implement the Housing Fraud Initiative. The report was submitted to Congress on January 11, 2000.

5. The Senate Appropriations Committee report accompanying the Department of Commerce, Justice, and State the Judiciary, and Related Agencies Appropriations Act, 2000 (S. Rpt. 106-76) instructs the FBI to submit a report on the circumstances of Operation Silver Shovel. The report was submitted to Congress on January 11, 2000.

6. The Conference Committee report accompanying the Department of Justice Appropriations Act of 1998 (H. Rpt. 105-405) directs the FBI to submit a threat assessment prior to the FBI opening or expanding a Legat office. The most recent threat assessments were submitted in April 1999.

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7. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit a complete listing of all information technology projects, stage of development and deployment, 1999/2000 funding levels, and out year cost projections through 2003. The FBI is in the process of completing the report.

8. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) instructs the FBI submit to an update to the listing of information technology projects to reflect the President's 2001 budget request. An updated report will be submitted.

9. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit quarterly reports which delineate the funded and the actual agent and non-agent staffing level of each decision unit. The FBI is preparing the first quarterly report.

10. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit the final blueprint for the creation of the National Domestic Preparedness Office (NDPO). The NDPO blueprint was submitted to Congress on December 30, 1999.

11. The Senate Appropriations Committee report accompanying the Department of Commerce, Justice, and State the Judiciary, and Related Agencies Appropriations Act, 2000 (S. Rpt. 106-76) directs the FBI to submit a report on preparations that have been made to protect U.S. athletes at Olympic games. The report was submitted to Congress on December 2, 1999.

12. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the NDPO to conduct an assessment of the assistance currently provided to state and local bomb technicians under the OJP state and local bomb technician equipment and other programs, the relationship of this program to other state and local first responders assistance programs, and the extent to which state and local bomb technician equipment needs have been integrated into, and addressed, as part of a state's overall counter terrorism plan. The NDPO is in the process of completing this report.

13. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to submit a report on actions being taken to remedy staffing within the NIPC. The FBI is preparing the requested report.

14. The Conference Committee report accompanying the Department of Justice Appropriations Act of 1998 (H. Rpt.105-405) requests that the FBI submit an evaluation of Title Five Exemption Authority (TFXA) the demonstration project. This report is due on March 31, 2000.

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14. The House and Senate Appropriations Committees reports (H. Rpt.105-48 and S. Rpt. 105-405) directs the FBI to report quarterly on IAFIS and on NCIC 2000. The FY 1999 second quarter IAFIS report was submitted to Congress on January 11, 2000. The FBI is working on the third quarter IAFIS report. The final NCIC 2000 report was submitted to Congress on January 11, 2000.

15. The Conference Committee report (H. Rpt. 105-825) requests the FBI report on criminal background checks for nursing facilities and home health care agencies. The FBI will submit the report by October 21, 2000.

16. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) instructs the FBI not to obligate any ISI funding ($60,000,000 from 1999 and $20,000,000 from 2000) until approval of a new plan is given by the Committee for the ISI plan. No funds have been obligated. The FBI is in the process of completing a revised ISI plan.

17. The Conference Committee report accompanying the Consolidated Appropriations Act (H.Rpt. 106-479) directs the FBI to comply with the Senate instructions [H. Rpt. 106-479] regarding (1) the adequacy of (investigator and) examiner training and (2) the development of a master plan regarding current and planned capabilities to combat computer crimes and intrusion. The FBI is working on complying with the Senate instructions and will develop a master plan.

Federal Bureau of Investigation
Salaries and Expenses/Construction
2001 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Initiative	Ranking
Other Field Programs	1	Counterintelligence	1
White-Collar Crime	2	Information Collection, Management and Analysis	2
Organized Criminal Enterprises	3	Training	3
Technical Field Support and Services	4	Investigative Support	4
Forensic Services	5	Counterterrorism	5
Information Management, Automation, and Telecommunications	6	Violent Crimes	6
Criminal Justice Services	7	Technology/Cyber Crimes	7
Training, Recruitment, and Applicant	8	Law Enforcement Services	8
Management and Administration	9		

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Federal Bureau of Investigation
Salaries and Expenses
Detail of Permanent Positions by Category
FY 1999 - 2001

Category	FY 1999		2000		2001			
			Total		Program Increases		Total	
	Author-ized*	Reim-bursable	Auth.**	Reimb.	Auth.	Reimb.	Auth.	Reimb.***
Criminal Investigative Series (1811)	10,687	1,011	10,687	1,046	65	30	10,752	1,076
Fingerprint Identification (072)	440	380	440	317	...	...	440	317
Other Miscellaneous Occupations (001-099)	505	141	505	141	114	...	619	141
Social Sciences, Economics, and Kindred (100-199)	1,220	15	1,220	24	...	...	1,220	24
Personnel Management (200-299)	428	9	428	9	...	...	428	9
General Administrative and Clerical (300-399)	5,809	819	5,818	761	126	10	5,664	1,051
Biological Sciences/Accounting & Budget (400-599)	528	6	533	6	5	...	538	6
Medical/Engineering & Architecture Groups (600-899)	731	72	747	72	12	...	723	108
Legal Services (900-999)	1,493	3	1,493	3	...	...	1,493	3
Information & Arts/Business & Industry Groups (1000-1199)	1,097	30	1,097	39	...	...	1,097	39
Physical Sciences/Library Groups (1300-1499)	383	19	383	20	...	...	383	20
Mathematics (1500-1599) and Education (1700-1799) Groups	294	...	294	...	1	...	295	...
Equip. (1600-1699), Supply (2000-2099), & Transportation (2100-2199) Group	227	3	227	3	...	...	227	3
General Investigative Series/Quality Assurance (1800-1910)	1,331	495	1,441	504	37	8	1,236	754
Ungraded Positions	520	35	520	35	...	...	520	35
Total	25,693	3,038	25,833	2,980	360	48	25,635	3,586
Washington	7,671	1,312	7,811	1,177	76	...	7,329	1,735
U.S. Field	17,840	1,726	17,840	1,803	284	48	18,124	1,851
Foreign Field	182	...	182	...	...	...	182	...
Total	25,693	3,038	25,833	2,980	360	48	25,635	3,586

* Includes the transfer out for the National Drug Information Center function (188 positions) plus the transfer (423 positions) of the National Instant Criminal Background Check System (NICS) from reimbursable to direct funding.

** Reflects the transfer of 135 additional positions) for the NICS function from reimbursable to direct funding due to Congressional action on the 2000 budget.

*** Reflects the transfer (558 positions) of the NICS function from direct to reimbursable funding, consistent with Administration's proposal for the NICS user fee.

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Federal Bureau of Investigation
Salaries and Expenses
Summary of Special Agents and Support Positions/Workyears
FY 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Increases /(Decreases)						2001 Request Level					
	Agent		Support		Total		Agent		Support		Total		Agent		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Organized Criminal Enterprises	2,182	2,182	1,854	1,811	4,036	3,993	...	...	...	...	...	...	2,182	2,182	1,854	1,811	4,036	3,993
White Collar Crime	2,519	2,519	1,811	1,661	4,330	4,180	2	1	6	3	8	4	2,521	2,520	1,817	1,664	4,338	4,184
Other Field Programs	5,378	5,314	5,079	4,883	10,457	10,197	63	32	165	83	228	115	5,441	5,346	5,244	4,966	10,685	10,312
Training, Recruitment and Applicant	353	345	669	639	1,022	984	...	...	...	...	...	...	353	345	669	639	1,022	984
Forensic Services	72	70	646	607	718	677	...	...	105	55	105	55	72	70	751	662	823	732
Information Management, Automation, and Telecommunications	21	21	569	534	590	555	...	...	15	7	15	7	21	21	584	541	605	562
Technical Field Support and Services	20	19	221	210	241	229	...	...	4	2	4	2	20	19	225	212	245	231
Criminal Justice Services	18	18	2,272	2,164	2,290	2,182	...	...	(558)	(558)	(558)	(558)	18	18	1,714	1,606	1,732	1,624
Management and Administration	124	118	2,025	1,906	2,149	2,024	...	...	...	...	...	...	124	118	2,025	1,906	2,149	2,024
Total	10,687	10,606	15,146	14,415	25,833	25,021	65	33	(263)	(408)	(198)	(375)	10,752	10,639	14,883	14,007	25,635	24,646

REIMBURSABLE POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Increases /(Decreases)						2001 Request Level					
	Agent		Support		Total		Agent		Support		Total		Agent		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Organized Criminal Enterprises	592	592	389	389	981	981	...	...	...	...	...	...	592	592	389	389	981	981
White Collar Crime	415	397	313	292	728	689	30	33	18	42	48	63	445	430	331	322	776	752
Other Field Programs	...	...	2	2	2	2	...	...	...	...	...	...	...	...	2	2	2	2
Training, Recruitment and Applicant	39	39	167	167	206	206	...	...	...	...	...	...	39	39	167	167	206	206
Information Management, Automation, and Telecommunications	...	...	184	184	184	184	...	...	...	...	...	...	...	...	184	184	184	184
Technical Field Support and Services	...	...	2	2	2	2	...	...	...	...	...	...	...	...	2	2	2	2
Criminal Justice Services	...	...	876	767	876	767	...	...	558	558	558	558	...	...	1,434	1,325	1,434	1,325
Management and Administration	...	...	1	1	1	1	...	...	...	...	...	...	...	...	1	1	1	1
Total	1,046	1,028	1,934	1,804	2,980	2,832	30	33	576	600	606	621	1,076	1,061	2,510	2,392	3,586	3,453

Federal Bureau of Investigation
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 EOY Inventory	1999 Acquired	1999 Disposed	1999 End-of-Year	2000 Acquired	2000 Disposed	2000 End-of-Year	2001 Acquired	2001 Average Cost	2001 Disposed	2001 End-of-Year
Direct Purchase:											
Large sedan	1,847	345	187	2,005	150	150	2,005	150	$23,000	150	2,005
Midsize sedan	6,229	852	924	6,157	540	520	6,177	532	20,500	330	6,379
Compact sedan	2,260	253	347	2,166	170	160	2,176	180	17,500	180	2,176
Subcompact sedan	77	39	29	87	50	50	87	40	16,000	40	87
Station wagon	100	2	16	86	5	...	91	10	20,000	10	91
Van:	706	86	12	792	60	60	792	100	24,000	100	792
Ambulance	1	...	...	1	...	...	1	...		...	1
Bus	2	...	...	2	...	...	2	...		...	2
Trucks:											
2-wheel drive	160	107	33	234	40	40	234	100	22,000	100	234
4-wheel drive	1,449	441	280	1,610	200	200	1,610	295	29,000	265	1,640
Other	132	4	28	108	20	20	108	25	30,000	25	108
Subtotal, purchased	12,963	2,141	1,856	13,248	1,235	1,200	13,283	1,432	22,490	1,200	13,515
Leased:											
Large sedan	80	15	15	80	15	15	80	15		15	80
Midsize sedan	120	15	15	120	15	15	120	15		15	120
Compact sedan	45	15	15	45	15	15	45	15		15	45
Station wagon	15	5	5	15	5	5	15	5		5	15
Van	45	15	15	45	15	15	45	15		15	45
Special Purpose:											
4-wheel drive	45	15	15	45	15	15	45	15		15	45
Trucks:											
Pickup	40	15	15	40	15	15	40	15		15	40
Other	10	5	5	10	5	5	10	5		5	10
Subtotal, leased	400	100	100	400	100	100	400	100		100	400
Seized or no cost excess*:											
Limousine	5	...	...	5	...	...	5	...		...	5
Large sedan	208	27	41	192	40	20	212	40		20	232
Midsize sedan	302	31	61	272	70	20	322	70		20	372
Compact sedan	134	22	24	132	10	10	132	10		10	132
Subcompact sedan	14	...	4	10	5	5	10	5		5	10
Station wagon	7	...	1	6	5	5	6	5		5	6
Van	128	15	26	117	15	10	122	15		10	127
Trucks:											
2-wheel drive	139	21	18	142	15	10	147	15		10	152
4-wheel drive	344	40	37	347	30	15	362	30		15	377
Other	228	35	38	225	10	5	230	10		5	235
Subtotal, seized	1,507	181	250	1,448	200	100	1,548	200		100	1,648
Total Vehicles	14,870	2,432	2,206	15,096	1,535	1,400	15,231	1,732		1,400	15,563

* The majority of seized vehicles are lien free, no cost to acquire.

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Federal Bureau of Investigation
Salaries and Expenses
Schedule of Aircraft

Type of Aircraft	1998	1999			2000			2001			
	End-of-Year Inventory	Acquired	Disposed	End-of-Year	Acquired	Projected Disposed	End-of-Year	Acquired	Average Cost	Projected Disposed	End-of-Year
Direct Purchase:											
Fixed Wing:											
Single engine	78	2	0	80	0	0	80	0		0	80
Twin engine	0	0	0	0	0	0	0	0		0	0
Turbo prop	2	1	0	3	0	1	2	0		0	2
Helicopter:											
Single engine	5	1		4			4				4
Multi engine	4	0	0	4	0	0	4	0		0	4
Subtotal, purchased	89	4	0	91	0	1	90	0		0	90
Leased:											
Fixed Wing	26	0	0	26	0	2	24	0		0	24
Helicopter	0	0	0	0	0	0	0	0		0	0
Subtotal, leased	26	0	0	26	0	2	24	0		0	24
Seized or No Cost Excess:											
Fixed Wing:											
Single engine	8	0	0	8	0	0	8	0		0	8
Twin engine	0	0	0	0	0	0	0	0		0	0
Turbo prop	8	0	0	8	0	0	8	0		0	8
Jet engine	0	0	0	0	0	0	0	0		0	0
Helicopter:											
Single engine	14	0	1	13	0	0	13	0		0	13
Subtotal, seized excess	30	0	1	29	0	0	29	0		0	29
Total Aircraft	145	4	1	146	0	3	143	0		0	143

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Federal Bureau of Investigation
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Pos.	WY	Amount
2000 Appropriation Enacted	25,833	25,021	$3,089,868
Government-wide .38 percent rescission pursuant to H.R. 3425	...	...	(60)
Transfer to Wireless Management Office	...	...	(50,000)
2000 Appropriation Anticipated	25,833	25,021	3,039,808
Adjustments to base:			
Transfers to and from other accounts:			
NICS change from direct to fee funded	(558)	(558)	(67,735)
Total, transfers	(558)	(558)	(67,735)
Increases:			
2001 Pay Raise	...	...	54,546
Annualization of 2000 Pay Raise	...	...	28,123
Annualization of additional positions approved in 1999	...	...	6,187
Annualization of 2000 Positions (Net)	...	3	228
Transfer of CSRS Employees to FERS	...	...	15,925
Increased Federal Emplyee Health Insurance Costs	...	...	11,786
GSA Rent	...	...	21,662
Lease Expirations	...	...	1,177
Antenna Fees	...	...	1,306
Accident Compensation	...	...	924
GSA Blue Pages	...	...	62
Travel Management Fees	...	...	909
National Archives and Records Project	...	...	1
Total, increases	...	3	142,836
Decreases:			
Nonrecurral MtDNA-nonpersonnel related items	...	...	(1,139)
Total, decreases	...	...	(1,139)
2001 Base	25,275	24,466	3,113,770
Program Changes	360	180	163,792
2001 Estimate	25,635	24,646	3,277,562

Federal Bureau of Investigation
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm Pos.	Work-years	Amount
Transfers to and from other accounts:			
1. National Instant Check System (NICS)..... For 2001, funding for NICS will transfer pending the establishment of a user fee for firearms purchases.			(558)
Total, transfers to and from other accounts.....			(558)
Increases:			
1. 2001 pay raise..... This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $54,546,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($40,924,500 for pay and $13,621,500 for benefits totaling $54,546,000).	...	...	54,546
2. Annualization of 2000 pay raise..... This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent, which became effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the	...	...	28,123

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		Perm. Pos.	Work-years	Amount
	approved increase of 4.8 percent. The amount requested, $28,123,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($21,060,000 for compensation and $7,063,000 for benefits)			
3.	Annualization of Additional Positions Approved in 1999 ..... This provides for the annualization of 332 additional positions requested in the enacted 1999 appropriation for the White-Collar Crime, Other Field Programs, Forensic Services, and Technical Field Support and Services programs. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a 2 year progression to the journeyman level. This request includes an increase of $6,187,000 for full year costs associated with these additional positions. The request includes $4,489,000 for compensation and $1,698,000 for benefits.	...	...	6,187
4.	Annualization of five additional positions approved in 2000	...	3	$228

	Approved 2000 Increase	Annualization Required
Annual salary rate of five approved positions.....	$ 358	
Less Lapse.....	(207)	$207
Net Compensation.....	151	207
Other Personnel Compensation.....	6	8
Associated employee benefits.....	41	55
Travel and Transportation of Personnel.....	6	10
Equipment Rental, Utilities.....	12	(1)
Other Contractual Services:		
25.2 Other Services.....	46	6

			Perm. Pos.	Work-years	Amount
25.4 Operation and Maintenance of Facilities..	19	(19)			
Supplies/Materials.....	3	3			
Equipment.....	52	(41)			
Total costs subject to annualization.....	336	228			

5. Transfer of CSRS employees to FERS retirement system..... 15,925

This request provides for the increase in Federal Employee retirement system (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of the employees, and the increased Government costs of FERS benefits. The request includes $15,925,000 for benefits.

6. Increased Federal Health Insurance Costs..... 11,786

This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $11,786,000 for these costs.

7. General Services Administration (GSA) rent..... 21,662

GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $21,662,000 is required to meet our commitment to GSA. The costs associated with GSA rent were

		Perm. Pos.	Work-years	Amount
	derived through the use of the automated system, which uses the latest inventory data and reflecting a 6 percent increase over 2000 levels.			
8.	Lease Expirations..... GSA now requires all agencies to pay relocation costs associated with lease expirations. Based on prior experience, the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $1,177,000 is requested for the FBI.	...	...	1,177
9.	Antenna Fees..... GSA will charge the Department antenna fees in 2001. The fees include all current antennae utilized by Justice components that have antennae atop their buildings. Funding of $1,306,000 is requested for the FBI.	...	...	1,306
10.	Accident Compensation..... This increase reflects the estimated billing from the Department of Labor for the actual costs in 1998 of employees' accident compensation, which will be billed for in 2000. The 2000 increased cost will be $924,000.	...	...	924
11.	General Services Administration (GSA) Blue Pages..... Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings	...	...	62

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		Perm. Pos.	Work-years	Amount
	has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $62,000 is requested for the FBI.			
12.	Travel Management Center Fees..... In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car, and other reservation made. The Department's total cost for travel management center fees is estimated at $2,500,000. Funding of $909,000 is requested for the FBI.	...	...	909
13.	National Archives and Records Administration (NARA)..... The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's 2001 estimated costs total $6,599,584, an increase of almost $300,000, based on current records maintained by NARA. Funding of $1,000 is requested for the FBI.	...	...	1
Total, increases.....		...	3	142,836

	Perm. Pos.	Work-years	Amount
Adjustments to Base Decreases:			
1. Nonrecurring costs for 2000 increases..... In 2001, a total of $1,139,000 for one-time costs will nonrecur from the Mitochondrial DNA non-personnel enhancement of $2,500,000.	...	...	(1,139)
Total, decreases.....	...	...	(1,139)
Total, adjustments to base.....	...	3	141,697

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Federal Bureau of Investigation
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
Executive Level I, $157,000	0		0		0		0	
Executive Level II, $141,300	1		1		1		0	
Executive Level III, $130,200	0		0		0		0	
Executive Level IV, $122,400	0		0		0		0	
Executive Level V, $114,500	0		0		0		0	
ES-6, $130,200	17		17		17		0	
ES-5, $130,200	29		29		29		0	
ES-4, $130,200	97		97		97		0	
ES-3, $126,825	60		60		60		0	
ES-2, $121,264	0		0		0		0	
ES-1, $115,811	1		1		1		0	
GS-15, $84,638-110,028	442		442		442		0	
GS-14, $71,954-93,537	1,716		1,716		1,715		(1)	
GS-13, $60,890-79,155	6,834		6,843		6,843		0	
GS-12, $51,204-66,564	2,397		2,425		2,411		(14)	
GS-11, $42,724-55,541	2,282		2,292		2,296		4	
GS-10, $38,885-50,554	2,298		2,311		2,339		28	
GS-9, $35,310-45,900	1,300		1,375		1,137		(238)	
GS-8, $31,968-41,557	935		935		935		0	
GS-7, $28,866-37,522	2,700		2,700		2,732		32	
GS-6, $25,976-33,768	2,460		2,460		2,470		10	
GS-5, $23,304-30,292	1,447		1,452		1,433		(19)	
GS-4, $20,829-27,080	108		108		108		0	
GS-3, $18,555-24,120	49		49		49		0	
Ungraded positions	520		520		520		0	
Total, appropriated positions	25,693		25,833		25,635		(198)	
Average ES Salary		$124,369		$130,096		$130,200		
Average GS Salary		$50,391		$52,712		$54,904		
Average GS Grade		10.59		10.74		10.86		

Federal Bureau of Investigation
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears & personnel compensation	24,672	$1,263,117	24,871	$1,340,807	24,496	$1,385,737	(375)	$44,930
11.3 Other than full-time permanent	150	6,754	150	2,809	150	2,809	0	0
11.5 Other personnel compensation	3,214	195,812	3,306	209,284	3,314	215,379	8	6,095
Overtime	*405*	*20,381*	*375*	*18,913*	*375*	*17,551*	*0*	*(1,362)*
Law Enforcement Availability Pay	*2,731*	*158,736*	*2,853*	*159,010*	*2,861*	*166,604*	*8*	*7,594*
Other Compensation	*78*	*16,695*	*78*	*31,361*	*78*	*31,224*	*0*	*(137)*
11.8 Special personal services payments	0	0	0	0	0	0	0	0
Total	28,036	1,465,683	28,327	1,552,900	27,960	1,603,925	(367)	51,025
Reimbursable workyears:								
Full-time permanent	[2,834]		[2,832]		[3,453]		[621]	
Other than permanent	[361]		[350]		[359]		[9]	
Other Object Classes:								
12.0 Personnel benefits		421,918		425,512		472,661		47,149
13.0 Benefits to former personnel		84		359		359		0
21.0 Travel and transportation of persons		74,760		65,950		63,412		(2,538)
22.0 Transportation of things		9,276		13,699		14,117		418
23.1 GSA rent		209,726		234,453		0		(234,453)
23.2 Rental payments to others		33,523		12,333		14,182		1,849
23.3 Comm., util., & other misc. charges		84,596		101,953		113,272		11,319
24.0 Printing and reproduction:		4,279		3,101		2,996		(105)
25.1 Advisory and assistance services		7,182		10,730		13,681		2,951
25.2 Other services		234,310		287,582		294,849		7,267
25.3 Purchases of goods & svcs from Gov't accounts		0		35		255,943		255,908
25.4 Operation and maintenance of facilities		26,639		20,258		20,428		170
25.5 Research and development contracts		5,315		4,854		9,764		4,910
25.7 Operation and Maintenance of Equipment		25,407		20,100		19,854		(246)
26.0 Supplies and materials		51,306		61,452		56,620		(4,832)
31.0 Equipment		284,834		307,800		319,517		11,717
32.0 Land & structures		230		1,922		1,422		(500)
42.0 Insurance claims and indemnities		456		490		490		0
91.0 Unvouchered		0		70		70		0
Total obligations		2,939,524		3,125,553		3,277,562		152,009
Unobligated balance, start of year		(79,877)		(86,745)		(1,000)		
Unobligated balance, recoveries		(4,609)		0		0		
Unobligated balance, end of year		86,745		1,000		1,000		
Unobligated balance, expiring		23,357		0		0		
Total requirements		2,965,140		3,039,808		3,277,562		
Relation of Obligation to Outlays:								
Total obligations		2,939,524		3,125,553		3,277,562		
Obligated balance, start of year		684,276		590,865		768,865		
Obligated balance, end of year		(590,865)		(768,865)		(1,130,865)		
Adjustments in expired accounts		(6,000)		0		0		
Adjustments in unexpired accounts		(4,609)		0		0		
Outlays		3,022,326		2,947,553		2,915,562		

Department of Justice
Federal Bureau of Investigation
Construction
Estimates for Fiscal Year 2001
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Federal Bureau of Investigation
Construction
Justification of Proposed Changes in Appropriations Language

The 2001 budget estimates include proposed changes in the appropriations language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Construction

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; [$1,287,000] *$3,187,000*. (Department of Justice Appropriations Act, 2000, as enacted by section 100(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

Explanation of changes: Proposed funding level of $3,187,000 reflects recurring base of $1,287,000 for necessary maintenance and upgrades at the FBI Academy, plus an increase of $1,900,000 to continue the FBI Academy Firearms Range Modernization Project.

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Federal Bureau of Investigation
Construction
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
1. Criminal Security, and Other Investigations															
a. Organized Criminal Enterprises	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
b. White-Collar Crime	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
c. Other Field Programs	...	...	...	...	...	...	...	...	...	...	...	$1,046	...	...	$1,046
Subtotal	...	...	...	...	...	...	...	...	...	...	...	1,046	...	...	1,046
2. Law Enforcement Support															
a. Training, Recruitment, and Applicant	...	...	$1,287	...	...	...	...	...	...	...	...	22,668	...	...	23,955
b. Forensic Services	...	...	...	...	...	...	...	...	...	...	...	110,204	...	...	110,204
c. Information Management, Automation and Telecommunications	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
d. Technical Field Support & Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
e. Criminal Justice Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	1,287	...	...	...	...	...	...	...	...	132,872	...	...	134,159
3. Program Direction															
a. Management and Administration	...	...	...	...	...	...	...	...	...	...	...	4,660	...	...	4,660
Total	...	...	1,287	...	...	...	...	...	...	...	...	138,578	...	...	139,865

Reprogrammings: None

Transfers: None

Unobligated Balance Brought Forward: The $138,578,000 reflects a $4,000,000 rescission of prior year unobligated balances.

The FBI brought forward $142,578,000 from prior year appropriations for the following projects:

	Year	Amount
Other Field Programs:		
FBIHQ Command Center	1996	1,043,000
CIRG Aviation Hangar	1998	3,000
Training, Recruitment, and Applicant:		
FBI Academy Range Modernization	1996	14,404,000
FBI Academy Upgrades	1996	6,892,000
FBI Academy Upgrades	1997	85,000
FBI Academy Upgrades	1998	1,287,000
Forensic Services:		
FBI Laboratory	1996	37,293,000
FBI Laboratory	1997	40,352,000
FBI Laboratory	1998	32,559,000
Management and Administration:		
Real Property Initiative	1998	4,000,000
Renovation of the Los Angeles Field Office	1998	4,660,000
		142,578,000
1999 rescission of prior year unobligated balances		
Real Property Initiative	1998	(4,000,000)
1999 unobligated balance brought forward		138,578,000

Federal Bureau of Investigation
Construction
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Criminal Security, and Other Investigations							...	...	...			
a. Organized Criminal Enterprises	...	...	...	...	...	...	...	...	...	...	...	...
b. White-Collar Crime	...	...	...	...	...	...	...	...	...	...	...	...
c. Other Field Programs	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	...	...	...	...	...	...	...	...	...	...
2. Law Enforcement Support												
a. Training, Recruitment, and Applicant	...	...	$1,287	...	...	...	...	...	...	...	...	$1,287
b. Forensic Services	...	...	9,000	...	...	($9,000)	...	...	...	...	...	...
c. Information Management, Automation and Telecommunications	...	...	...	...	...	...	...	...	...	...	...	...
d. Technical Field Support & Services	...	...	...	...	...	...	...	...	...	...	...	...
e. Criminal Justice Services	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	10,287	...	...	(9,000)	...	...	...	...	...	1,287
3. Program Direction												
a. Management and Administration	...	...	...	...	...	...	...	...	...	...	...	...
				...	...	...	...	...	...			
Total	...	...	10,287	...	...	(9,000)	...	...	...	...	...	1,287

Congressional Appropriation Action on 2000 Request. Congress provided recurring base funding for necessary maintenance and upgrades at the FBI Academy ($1,287,000). Funding proposed for modernization of the Hazardous Devices School in Redstone, Alabama ($9,000,000) was not provided.

Reprogrammings: None proposed or pending.

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Federal Bureau of Investigation
Construction
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	...	...	$1,287
2001 Base	...	...	1,287
Program Changes (See Program Narrative for Details)	...	...	1,900
2001 Estimate	...	...	3,187

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Criminal, Security, and Other Investigations	...	...	...	...	...	...	...	...	...	...	...	...
2. Law Enforcement Support	...	...	$1,287	...	...	$1,287	...	...	$3,187	...	...	$1,900
3. Program Direction	...	...	...	...	...	...	...	...	...	...	...	...
Total	...	...	1,287	...	...	1,287	...	...	3,187	...	...	1,900

Federal Bureau of Investigation
Construction
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Program	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Criminal, Security, and Other Investigations:																		
Organized Criminal Enterprises	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
White-Collar Crime	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other Field Programs	...	...	$1,046	...	...	$1,042	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	1,046	...	...	1,042	...	...	...	...	...	...	...	...	...	...	...	...
Law Enforcement Support:																		
Training, Recruitment, and Applicant	...	...	23,955	...	...	2,253	...	...	$1,287	...	...	$1,287	...	...	$3,187	...	...	$1,900
Forensic Services	...	...	110,204	...	...	109,988	...	...	...	...	...	...	...	...	...	...	...	...
Information Management, Automation, and Telecommunications	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Technical Field Support & Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal Justice Services	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	134,159	...	...	112,241	...	...	1,287	...	...	1,287	...	...	3,187	...	...	1,900
Program Direction:																		
Management and Administration	...	...	4,660	...	...	1,750	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	...	...	139,865	...	...	115,033	...	...	1,287	...	...	1,287	...	...	3,187	...	...	1,900

Federal Bureau of Investigation
Construction
Program Performance Information
(Dollars in Thousands)

ACTIVITY: LAW ENFORCEMENT SUPPORT

Training, Recruitment, and Applicant	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	...	...	$ 1,287
2001 Base	...	...	1,287
2001 Estimate	...	...	3,187
Increase/Decrease	...	...	1,900

BASE PROGRAM DESCRIPTION

In 1996, the FBI began an initiative to perform necessary maintenance and upgrades to the facilities of the FBI Academy located in Quantico, Virginia. The FBI Academy complex has grown from a new agent training facility to a multi-agency training complex meeting new agent, basic, advanced, and specialized training requirements of the FBI and the Drug Enforcement Administration (DEA). The primary complex of buildings was completed in 1972 and designed to support 700 students and 300 staff. The FBI Academy complex now includes not only the FBI's Training Division, but also the Engineering Research Facility (ERF), Forensic Science Research Training Center (FSRTC) and Critical Incident Response Group (CIRG). The current facility supports approximately 1,200 students and 1,200 staff. With the relocation of the FBI Laboratory in Spring 2001, these numbers will grow to approximately 1,300 students and 2,000 staff.

The existing FBI Academy campus includes classrooms, offices, and dormitory buildings; indoor and outdoor firearms ranges; a practical problems training center; a tactical and emergency vehicle operators course; library; dining hall and warehouse, service, and support facilities. The significant growth and increasing age of the Academy are placing a significant stress on facilities. Among the recurring maintenance and upgrade projects needed are upgrade of the HVAC systems, exterior masonry waterproofing, asphalt repairs, and a number of structural changes necessary for compliance with the Americans with Disabilities Act. These needs are covered by base funding of $1,287,000.

Item: TRA, FBI Academy Firearms Range Modernization, $1,900,000

Over the last several years the FBI has been engaged in an effort to modernize its firearms range facilities at the FBI Academy. The existing firearms ranges need modernization to increase capacity, minimize environmental impact, and improve the safety of FBI and DEA firearms training. Additionally, the existing ranges are unable to satisfy requested training needs. The existing outdoor ranges have been used, virtually unchanged, since the early 1950s. The FBI has developed a master plan for modernization of its entire firearms training facility. The master plan, which is based upon the FBI and DEA's basic firearms training requirements, as well as more specialized Critical Incident Response Group (CIRG) requirements, guides the FBI in planning its range resources in a manner which efficiently meets FBI Academy firearms training needs. The total cost of the modernization project was estimated in the master plan at $62,185,000. Because of the scope of the master plan, the need to ensure the availability of ranges for training during the period of construction, and the incremental availability of funding, the project has been divided into multiple phases.

Phases I and II of the Firearms Range Modernization project are designed to modernize the FBI's outdoor range facilities. As planned, Phase I included three 25-yard all-weather ranges and lead abatement. Phase II, as planned, included one 50-yard all-weather range, a stress obstacle course and combat training facility, and partial lead abatement. The current cost estimate for construction of the first two phases is approximately $38,850,000. To date, the FBI has received a total of $26,850,000 for Phases I and II of the project. In 1996, the FBI was appropriated $16,850,000 for Phase I, and the 1999 budget provided $10,000,000 from the Department of Justice Working Capital Fund for Phase II.

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The FBI has completed an environmental assessment of the project, finalized the range master plan, and completed architectural & engineering design. In October 1999, the FBI awarded a contract for construction of the first two phases. In order to award a contract within available funding, the FBI limited the scope of Phases I and II to three 25-yard all weather ranges, lead abatement, construction management services, and a stress obstacle course. One of the bidders on the project has since challenged the outcome of the bid process and issued a protest to the contract award. Construction of the first two phases will begin immediately after resolution of this issue and is scheduled for completion approximately 18 months after the start of construction.

2001 Requirements

Given the challenge to the construction award for Phases I and II, as well as the time required for completion after construction begins, no funds are being requested in 2001 for the major enhancements in Phase III of the master plan. However, the FBI requests a total of $1,900,000 to continue to address safety and environmental concerns.

$1,200,000 is requested to construct an ammunition storage facility to properly and safely store ammunition used for Academy firearms training. Due to the lack of a permanent, consolidated storage facility the FBI currently stores the Academy's ammunition in two makeshift facilities that were initially designed as temporary structures. As a result, current ammunition storage practices at the Academy do not meet Department of Defense safety standards, which is a requirement due to the Academy's location at the U.S. Marine Corps base, Quantico, Virginia. Construction of the requested ammunition storage facility would allow the FBI to consolidate ammunition storage from the current makeshift facilities into a new permanent structure that meets these safety requirements. FY 2001 funding of $700,000 would continue necessary site lead abatement, which must be completed prior to the start of Phase III.

Firearms proficiency is a core skill that all FBI agents are expected to achieve and maintain while serving the American public. With inadequate firearms training, some agents may be unable to handle dangerous situations involving firearms successfully. The enhancement of $1,900,000 would support lead remediation costs and allow for the construction of a dedicated ammunition storage facility that would allow the FBI to properly and safely store ammunition used for Academy firearms training.

Federal Bureau of Investigation
Construction
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Initiative Training		
	Pos.	WY	Amount
Criminal, Security, and Other Investigations:			
Organized Criminal Enterprises	...	...	...
White-Collar Crime	...	...	...
Other Field Programs	...	...	...
Law Enforcement Support:			
Training, Recruitment, and Applicant	...	...	$1,900
Forensic Services	...	...	...
Information Management, Automation and Telecommunications	...	...	...
Technical Field Support and Services	...	...	...
Criminal Justice Services	...	...	...
Program Direction:			
Management and Administration	...	...	...
Total	...	...	1,900

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Federal Bureau of Investigation
Construction
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Training, Recruitment, and Applicant	
	Pos.	Amount
Grades		
GS-15	...	...
GS-14	...	...
GS-13	...	...
GS-12	...	...
GS-11	...	...
GS-9	...	...
GS-7	...	...
GS-5	...	...
Total Positions and Annual Rate	...	...
Lapse (-)	...	...
Other Personnel Compensation	...	...
Total Workyears and Personnel Compensation	...	...
Personnel benefits	...	...
Travel and transportation of persons	...	...
Transportation of things	...	...
GSA rent	...	...
Rental payments to others	...	...
Comm., utilities, and misc. charges	...	...
Printing and reproduction	...	...
Advisory and assistance services	...	...
Other services	...	...
Operations/maintenance of facilities	...	...
Research and development contracts	...	...
Operations/maintenance of equipment	...	$700
Supplies and materials	...	...
Equipment	...	...
Land and structures	...	1,200
Total Program workyears and obligations changes requested, 2001	...	1,900

Federal Bureau of Investigation
Construction
Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

Project:	Funds Status: Construction Account — Fiscal Year	Amount	Total Funding	Total Current Cost Estimate or Actual	Status as of January 2000: Oblig. to Date	Stage of Program	Estimated Activation Date
Expansion of Existing Facilities							
Renovation of Los Angeles Field Office	1998	$4,660	$4,660	$4,660	$1,750	The 17th floor will be renovated in two phases. Phase I began 10/99 with a contract awarded for design. The construction contract for Phase I will be awarded 2/00, with an estimated completion date of 8/00. Phase II construction is anticipated to begin in 11/00, and will will take approximately 6 months (05/01). Remaining funding will then be used to renovate floors 14, 15, & 16, which are scheduled for completion and activation in 12/02.	12/02
FBI Academy Firearms Range Upgrades	1998 1999 2001	16,850 10,000 * 1,900	28,750	40,750 **	25,850	A&E preliminary work for firearms range master plan completed. Initial Marine Corps review of environmental assessment completed. Project divided into three phases Phase I and II design completed. Phase I and II construction contract awarded 10/99. Currently, the award of the contract is being challenged by one of the bidders. As a result, the initial anticipated completion date of 4/01 will likely be delayed by some four to ten months depending on the outcome of the bid challenge process.	8/01-2/02
New Facilities							
FBI Laboratory	1996 1997 1998	57,089 40,352 32,559	130,000	130,000	129,784	Site for construction selected at FBI Academy. A&E was awarded 9/98. Design concept selected 2/97. Project divided into two phases. Phase I (garage, site clearing, etc.) construction is complete. Phase II (main building) construction began 9/99. Completion and activation expected 2/02.	2/02

* The $10,000,000 in FY 99 funding was made available from the DOJ Working Capital Fund.

** Current estimate for Phases I and II plus additional lead abatement and an ammunition storage facility. Does not include all Phase III costs.

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Federal Bureau of Investigation
Construction
2001 Priority Ranking

BASE PROGRAM		PROGRAM INCREASES	
Program	Rank	Initiative	Rank
Training, Recruitment, and Applicant	1	Construction	1

Federal Bureau of Investigation
Construction
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$1,287
2001 Base	...	...	1,287
Program Changes	...	...	1,900
2001 Estimate	...	...	3,187

Federal Bureau of Investigation
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actuals WY	1999 Actuals Amount	2000 Estimate WY	2000 Estimate Amount	2001 Request WY	2001 Request Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than full-time permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	...
Reimbursable Workyears								
Full-time permanent	...		...		...		...	
Other than permanent	...		...		...		...	
Other Object Classes								
12 Personnel benefits		...		...		...		...
13 Benefits to former personnel		...		...		...		...
21 Travel and transportation of persons		...		...		...		...
22 Transportation of things		...		...		...		...
23.1 GSA Rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Communications, utilities, miscellaneous charges		$682		...		...		...
24 Printing and reproduction		...		...		...		...
25.2 Other services		3,507		...		...		...
25.4 Operation & Maintenance of Facilities		3,964		$11,752		$1,987		($9,765)
25.7 Operation and maintenance of equipment		...		...		...		...
26 Supplies and materials		27		...		...		...
31 Equipment		44		...		...		...
32 Land and Structures		106,809		14,367		1,200		(13,167)
42 Insurance claims and indemnities		...		...		...		...
Total obligations	...	115,033	...	26,119	...	3,187	...	(22,932)
Unobligated balance, start of year		(142,578)		(24,832)		...		
Recission of unobligated balances		4,000		...		...		
Unobligated balance, end of year		24,832		...		...		
Total requirements		1,287		1,287		3,187		
Relation of Obligations to Outlays:								
Total obligations		115,033		26,119		3,187		
Obligated balance, start of year		18,000		115,033		139,608		
Obligated balance, end of year		(115,033)		(139,608)		(137,752)		
Outlays		18,000		1,544		5,043		

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Department of Justice
Drug Enforcement Administration
Congressional Budget Submission for FY 2001

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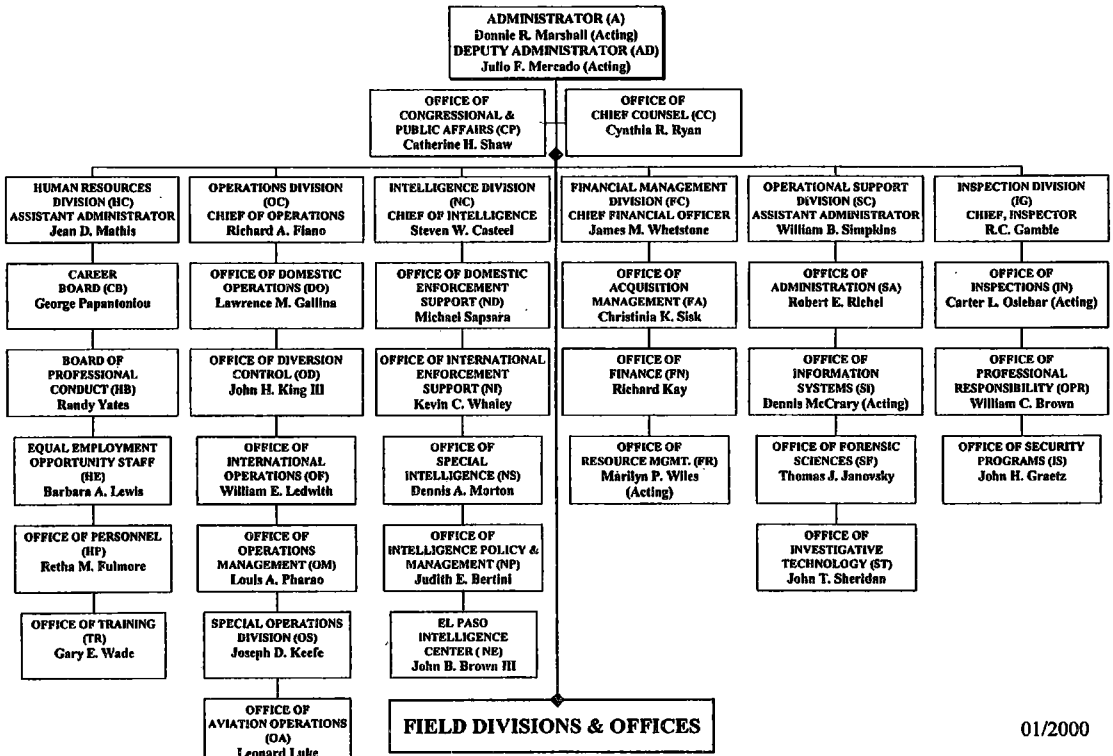
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DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION



01/2000

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Summary of Initiatives for FY 2001 Congressional Budget Estimate

Request	Positions								Position Funding	Non-personnel Funding	Total Cost
	SA	IS	DI	CH	PA	TC	Atty	Total			
Special Operations Division Initiative	11	3	0	0	1	3	0	18	$1,900,000	$1,200,000	$3,100,000
Intelligence Initiative	0	0	0	0	0	0	0	0	$0	$1,500,000	$1,500,000
Infrastructure Initiative	0	0	0	0	17	9	0	26	$1,234,405	$58,722,595	$59,957,000
TOTAL	**11**	**3**	**0**	**0**	**18**	**12**	**0**	**44**	**$3,134,405**	**$61,422,595**	**$64,557,000**

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Drug Enforcement Administration
Salaries and Expenses
Diversion Control and Construction
FY 2001 Congressional Budget Submission

SUMMARY STATEMENT

The Drug Enforcement Administration (DEA) requests a total of $1,456,809,000; 8,156 positions; and 8,066 FTE for Fiscal Year 2001, which is a modest increase over resources requested last year. However, this request is considered the minimum needed to make progress towards achieving the Office of National Drug Control Policy (ONDCP) and Department of Justice (DOJ) FY 2002 goals set forth in the respective strategic plans. For FY 2001, DEA seeks to increase its workforce by adding 11 new Special Agent positions and 33 support staff. DEA also seeks to enhance its resources to fund the new workforce and infrastructure enhancements, including $3,134,405 in personnel-related funds and $61,422,595 in non-personnel funding for a total of $64,557,000.

	Positions	FTE*	Funds (000)
Salaries & Expenses Base	**7,452**	**7,388**	**$ 1,303,209**
Drug Diversion Control Fee Account Base	**660**	**656**	**83,543**
Construction Base	**---**	**---**	**5,500**
FY 2001 Initiatives	**44**	**22**	**64,557**
Total	**8,156**	**8,066**	**$1,456,809**

* Does not include 1,017 Reimbursable FTE.

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Introduction

The mission of the Drug Enforcement Administration (DEA) is to enforce the Controlled Substances laws and regulations of the United States and to bring to the criminal and civil justice system those organizations involved in the growing, manufacturing and/or distribution of controlled substances destined for the United States. The DEA also recommends and supports non-enforcement programs aimed at reducing the availability of illicit controlled substances on both the domestic and international markets. To accomplish this mission, DEA works with international, federal, and state and local law enforcement partners to target and immobilize the organizations of major drug traffickers operating at all levels of the drug trade.

Because DEA is the only single-mission federal agency dedicated to drug law enforcement, the agency has, over the years, developed the ability to direct resources and manpower to identify, target and dismantle drug organizations headquartered overseas and within the United States. DEA's strategy to successfully accomplish these goals is straightforward, requiring that the agency's resources and manpower be focused on all three levels of the drug trade: the international, national/regional and local levels. Each of these categories represents a critical aspect of the drug continuum which affects communities across the nation.

The 9,000 dedicated men and women of the DEA are committed to improving the quality of life of the citizens of the United States. The agency directs and supports investigations against the highest levels of the international drug trade, their surrogates operating within the United States, and those traffickers whose violence and criminal activities destabilize towns and cities across the country. These investigations are intelligence-driven and frequently involve the cooperative efforts of numerous other law enforcement organizations.

DEA's strategy to successfully impact drug trafficking at all levels of operation is flexible and reflects the constantly-changing nature of the drug trade. In concert with the Department of Justice and the Office of National Drug Control Policy (ONDCP), DEA has crafted an innovative and effective program to keep pace with developments and shifts in the drug trafficking spectrum and bring both national and international drug traffickers to justice.

Drug Trafficking Threat to the United States

The heads of the most powerful drug trafficking organizations impacting the United States today are based in Mexico and Colombia. Believing they are safe from the U.S. justice system, they tightly control their operations by directing a large

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number of surrogates who carry out orders on U.S. soil. These operatives are responsible for the vast majority of the cocaine, heroin, methamphetamine and marijuana trafficking taking place in U.S. communities. Surrogates answering to drug lords based in Mexico also produce methamphetamine both in that nation and in the U.S., particularly in California. These producers and traffickers are responsible for over 75 percent of the methamphetamine that is available in U.S. communities today.

Traffickers based in Mexico pose a significant threat to the United States because of their power, influence and dominant status in the drug trade. Where once traffickers from Colombia controlled the vast majority of cocaine trafficking, traffickers from Mexico today are responsible for transporting cocaine into and throughout U.S. markets. The heads of organizations based in Colombia rely almost entirely on traffickers from Mexico to transport and distribute cocaine while they direct operations from the safety of their headquarters in Cali or Bogota. In one recent case entitled Operation Millennium, the director of a powerful Colombian organization wrongly believed that by distancing himself from his organization's U.S. operations, he would make himself immune from indictment.

The major organizations based in Mexico---the Arellano-Felix organization, the Amezcua Contreras brothers, the Amado Carillo Fuentes group and the Caro Quintero organization---all have a demonstrable negative impact on the United States. The leaders of these groups are routinely indicted in U.S. judicial districts for drug trafficking offenses committed on U.S. soil.

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In recent years, these traffickers have become more prominent in the drug trafficking trade within the U.S. They are responsible for manufacturing methamphetamine in Mexico and California and trafficking it to cities such as Des Moines, Boise, Atlanta and Salt Lake City. Major organizations based in Colombia and Mexico also rely on surrogates from Mexico to move multi-ton quantities of cocaine across the United States, including East Coast locations.

While traffickers from Mexico have a direct impact on drug trafficking trends in the United States, it is important to note that many major traffickers are still operating from Colombia where the cocaine and heroin trades are centered. The large-scale production of Colombian heroin has created major U.S. markets for this high quality product. In 1998, the latest year for which we have statistics, South American heroin comprised 62 percent of the heroin seized by federal authorities and analyzed by DEA's Special Testing and Research Laboratory. Cocaine production has also increased dramatically since 1994, and it is possible that Colombian cocaine yield could be as much as three times that of previous estimates.

None of the major drug traffickers headquartered overseas could operate without the assistance of national and regional drug trafficking organizations which are responsible for trafficking huge quantities of drugs into U.S. communities. These organizations are comprised of a network of operatives who transport, store and distribute drugs throughout the United States and whose activities are directed by drug lords based in foreign countries. In many cases, national and regional drug trafficking organizations are comprised of numerous cells whose directors are responsible for specific tasks such as communications, financial matters and/or logistics. These cell heads are sent to the United States, for a period of time, to carry out the business mandates of the top drug lords and are given specific tasks to accomplish. The national and regional drug syndicates have infiltrated many states and communities, bringing with them the crime and violence once limited to major urban areas. A survey of recent DEA investigations revealed that over 400 investigations stemming from Operations Reciprocity and Limelight involved drug traffickers from foreign countries who had set up operations in various cities across the United States.

Local violent drug trafficking organizations also operate across the United States and are responsible for eroding the quality of life in many American communities. Previously centered in major urban areas, violent drug trafficking groups are now part of the landscape in smaller cities and rural areas. Fueled in large part by methamphetamine production and trafficking, violent drug trafficking organizations are now affecting the crime rates in smaller cities such as Spokane, Washington and Cedar Raids, Iowa. While these local, violent groups appear to be unrelated to the large international drug trafficking organizations headquartered overseas, it is important to note that all of the cocaine and heroin that is trafficked by these groups is produced overseas and transported to the United States for eventual distribution on the local level.

Drug Abuse in America – The Changing Demographics

Although drug abuse among young people increased significantly over the past decade, recent statistics indicate that this trend may be stabilizing. Even with this positive trend, there continues to be sobering news brought to our attention daily regarding the state of drug use in smaller cities and rural areas, fueled by the proliferation of methamphetamine production and trafficking, and the increased availability of cheap, high-purity heroin from Colombia.

Although there has been a decrease in violent crime in major cities, due to vigorous law enforcement efforts, similar reductions in the violent crimes rate of smaller cities, and suburban and rural areas have not been realized. In fact, many smaller cities are now confronting the same problems that larger urban areas faced a decade ago. While 1998 violent crime rates decreased (-9.5%) in cities having populations between 250,000 and 999,999, significantly smaller

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decreases took place in suburban counties (-5%) and rural areas (-2%). Between 1997 and 1998, violent crime rates actually increased in a number of mid-sized communities.

A recent reported released by the Center on Addiction and Substance Abuse at Columbia University (CASA), indicates that eighth graders living in rural America are 79 percent more likely than their urban counterparts to use amphetamines, including methamphetamine. They are also 75 percent more likely to use crack cocaine, 52 percent more likely to use cocaine and 26 percent more likely to smoke marijuana, than young people in major urban locations.

The report also states that according to recent surveys, it is as easy for young people in rural areas and small cities to obtain drugs as it is for their urban counterparts. Additionally, from 1990 to 1998, smaller cities experienced a great deal more drug violations than larger cities; for instance, cities with populations of 25,000 to 50,000 people had three times as many drug violations as larger cities. In cities with fewer than 10,000 residents, the level of drug violations was six times higher than that found in larger cities.

The media has reported the tragic results of increased drug use in cities like Plano, Texas Orlando, Florida and Elkton, Maryland. Smaller cities are generally unable to meet the demands for social services and treatment placed on them when a methamphetamine or heroin epidemic hits. Additionally, law enforcement agencies are often unprepared to address the full range of issues associated with methamphetamine lab cleanups and investigations.

In the end, all three facets of the drug trafficking trade ---the international, national/regional and local levels---are interrelated and interdependent. As these different echelons of the drug trade in each of these levels work together, it is essential that our nation's the law enforcement response address all three levels simultaneously.

DEA's Strategy

In order to meet the enormous challenges posed by internationally-based narcotics traffickers and their surrogates within the United States, DEA has developed an effective strategy which makes use of the agency's unique skills and limited resources to achieve the maximum impact against international, national/regional and local drug traffickers through the use of intelligence-driven investigations.

DEA's strategy takes into account the current drug trafficking situation affecting the United States and identifies the characteristics and vulnerabilities of all three levels of the drug trade, targeting each of these levels simultaneously:

International Targets: This category is comprised of trafficking organizations based in foreign countries that are the primary source of supply for their surrogates within the U.S. Through DEA's International Operations program and the efforts of the agency's Special Operations Division (SOD) and numerous field divisions throughout the country, DEA targets these organizations and their members.

National/Regional Targets: These organizations operate domestically throughout the United States and are responsible for distributing drugs from international and domestic sources to U.S. communities. In many cases, these groups report directly to major drug lords overseas. They also operate on a national or regional basis, supplying several markets. The vast majority of DEA's cases fall into this category and investigations against members of these organizations are generated and supported by every DEA office in the United States.

Local Initiatives: Criminal organizations comprising this category generally deal in smaller quantities of drugs and are responsible for providing drugs to users within the United States. DEA generally works with state and local counterparts to identify and immobilize these organizations and to arrest the most violent members of these groups.

Using this strategy, DEA has successfully targeted significant traffickers and organizations in each of these categories. Over the past several years, major cases tied to each of these categories have resulted in the arrest of thousands of major violators.

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INTERNATIONAL TARGETS

Operation Millennium - Less than one month after the successful conclusion of Operation Impunity, an operation aimed at the highest level of the drug trade operating within the U.S., an important international law enforcement operation made headlines. Operation Millennium, a one-year operation designed to dismantle a Colombian-based transportation consortium believed to be responsible for supplying between 20 and 30 tons of cocaine per month to the United States and Europe, resulted in the arrest of more than 30 drug traffickers and money launderers, including alleged high-profile trafficker Alejandro Bernal Madrigal, and Fabio Ochoa. The operation also resulted in the seizure of over 13,000 kilograms of cocaine. Critical to the success of the operation was the unprecedented level of cooperation between DEA, the Colombian National Police, the Fiscal General of the Republic of Columbia, the U.S. Attorney's Office in Miami and the Justice Department's Criminal Division.

Operation Juno - Initiated after the seizure of approximately 386 kilograms of liquid cocaine concealed in a shipment of frozen fish destined for the United States, Operation Juno, which began in September 1996 and concluded in August 1999, was unique in that for the first time in drug enforcement history, the U.S. government set up an undercover brokerage firm to aid in intercepting drug dollars destined for the Colombian black market. Operation Juno resulted in over 40 arrests, the seizure of $10.0 million and warrants against 59 bank accounts at 34 U.S. banks and 282 accounts at 52 foreign banks. Monies in these targeted accounts were believed to total another $16 million. The investigation also resulted in the seizure of 3,601 kilograms of cocaine and 106 grams of hashish oil.

Operation Columbus – Concluding in October 1999, Operation Columbus was a multi-national, regional enforcement effort involving Colombia, Venezuela and Panama, and the island nations of the Caribbean. This operation focused on air, land and maritime interdiction, eradication and clandestine airstrip denial. The final arrest and seizure statistics for Operation Columbus were unprecedented for this region, resulting in more than 1,290 arrests, as well as the seizure of 900 kilograms of cocaine and nine kilograms of heroin. Over 38 weapons, 26 vehicles, 27 vessels, three laboratories and one aircraft were also seized. In addition, 1,097 metric tons of marijuana were eradicated. In the end, Operation Columbus struck a solid blow against the operations of Caribbean–based drug trafficking groups.

NATIONAL/REGIONAL TARGETS

Operation Impunity - This two-year investigation concluded in September, 1999, and resulted in the arrest of 109 individuals, including three major drug trafficking cell heads, linked to the Mexican-based Amado Carillo Fuentes organization. The operation was coordinated by DEA's Special Operations Division (SOD) which operated a combined investigative center involving the DEA, U.S. Customs Service, FBI and IRS. Besides substantially hindering the trafficking organization's ability to move cocaine and other drugs into, and around, the United States, Operation Impunity succeeded in seizing $19 million in U.S. currency, another $7.0 million in assets and well over 12,434 kilograms of cocaine and 4,800 pounds of marijuana.

Operation Heartland - Beginning in October 1997, this investigation targeted the Martin Chavez Organization, a multi-pound methamphetamine and marijuana importation and distribution operation that was responsible for transporting marijuana and methamphetamine from Mexico into the United States via the Juarez/El Paso, Texas corridor to the Oklahoma City , Oklahoma area. Over the next several years, the scope of this investigation spread to include DEA offices in Fresno (California), El Paso (Texas), Dallas (Texas) and Des Moines (Iowa). Information obtained as a result of the investigation resulted in the seizure of 47 pounds of methamphetamine, 525 pounds of precursor chemicals, 1,378

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pounds of marijuana, $47,500 in U.S. currency and the arrest of 22 individuals. Additional indictments are anticipated, including one for Chavez – currently a fugitive.

Mario Ibarra Sanchez Investigation - The Mario Ibarra Sanchez Organization was in charge of transporting and distributing large quantities of methamphetamine, amphetamine, heroin and cocaine for trafficking organizations operating in both Mexico and the United States. On November 11, 1998, DEA conducted an investigation, in conjunction with several state and local law enforcement agencies, that resulted in the issuance of nine federal search warrants and ten federal arrest warrants against members of the Sanchez organization . Those arrested included the cell leader and a significant methamphetamine laboratory operator based in Mexico. The investigation ultimately resulted in the seizure of 65.5 pounds of methamphetamine, 30.4 pounds of black tar heroin, 106.3 pounds of amphetamine, 154 pounds of cocaine and $156,600 in U.S. currency.

Omaha, Nebraska RET Deployment - In September 1999, the Des Moines Regional Enforcement Team (RET) deployed to Omaha, Nebraska to assist in a methamphetamine investigation. A court-authorized wire intercept was initiated on two cellular telephones utilized by the targeted organization. As a result of these efforts, the Omaha District Office, along with the Des Moines RET, identified individuals in Juarez, Mexico; El Paso, Texas; and Los Angeles; California, who were directly linked with the transshipment of cocaine, marijuana and methamphetamine to Omaha, Nebraska, for distribution purposes. On October 20, 1999, a Federal Grand Jury in Omaha, Nebraska indicted 19 individuals, 17 of whom were arrested. This indictment included the arrest of the primary targets, along with others, effectively dismantling the targeted organization in Omaha, Nebraska. Additionally, this investigation resulted in the seizure of six kilograms of cocaine; one pound of methamphetamine; 200 pounds of marijuana; and, $22,000 in U.S. currency. Evidence gathered during the intercept of telephones utilized by the targeted organization continues to be exploited for use in further investigations in California, Texas, Nebraska, and Mexico.

Operation Trinity - In October 1997, DEA, FBI, Customs and DOJ initiated Special Enforcement Operation Trinity, a joint strategy designed to target the primary domestic trafficking organizations that are controlled by criminal leaders in Colombia, Mexico and the Dominican Republic. The primary phase of Operation Trinity concluded on September 25, 1998; no new investigations were accepted after July 1998. At that time 220 cases were still active. Preliminary figures for all Operation Trinity investigations include over 1,260 arrests. Drug seizures total: 12.8 metric tons of cocaine, 63,370 lbs. of marijuana, 3,178 lbs. of methamphetamine, 127 lbs. of heroin, 108 lbs. amphetamine and over 137,600 pseudoephedrine tablets. Asset seizures total over $59.2 million in U.S. currency, $1.2 million in assets and 132 vehicles.

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Operation META - Operation META, which concluded in December 1997, targeted a major U.S. methamphetamine-trafficking organization that was supplied by the Amezcua-Contrera group from Mexico. This investigation combined the efforts of DEA, FBI, other federal agencies and state and local agencies from 17 U.S. cities in nine different states. It resulted in the arrest of 121 members of the trafficking ring and the seizure of 133 pounds of methamphetamine, 1,765 pounds of marijuana and 1,100 kilograms of cocaine. During the META raids, agents discovered and dismantled three methamphetamine labs that were each capable of producing more than 300 pounds of methamphetamine at a time. Operation META seizures were especially important because they alerted the law enforcement community to the growing methamphetamine problem in the United States.

Southern Frontier – In recent years, DEA has undertaken several successful operations in support of the agency's Southern Frontier Initiative. Operation Zorro II, Operation Reciprocity and Operation Limelight, each of which relied extensively on numerous court-ordered wire taps that were coordinated and monitored by area law enforcement, collectively resulted in the arrest of 156 individuals and the seizure of over 22,000 kilograms of illegal drugs and over $35 million.

LOCAL INITIATIVES

Mobile Enforcement Team Program – As a response to the overwhelming problem of drug related violent crime which has plagued communities and neighborhoods across the United States, DEA's Mobile Enforcement Team (MET) program was created in early 1995 as a means of dismantling drug organizations by securing the conviction and incarceration of those individuals dealing drugs and causing violence in these communities. Recent examples of MET program successes include the following:

- ***Phoenix, Arizona*** - From July 1998 until March 1999, the Phoenix Field Division MET worked closely with the Northern Arizona Street Crimes Task Force in targeting the Colimas and Costillo drug-trafficking organizations. The Colimas organization was responsible for supplying street-level dealers with multiple-pound quantities of methamphetamine. The Costillo organization, a polydrug trafficking group, had a reputation for extreme violence; some of its members had criminal histories, which included armed robberies, home invasions, assault, sex crimes, and child abuse. Using confidential sources, the MET was able to successfully infiltrate these two organizations and severely disrupt their operations. The nine month deployment, resulted in the seizure of seven operational and three dismantled methamphetamine labs, 44 grams of heroin, 22 pounds of marijuana, 500 dosage units of LSD, 40

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weapons, 18 motor vehicles, and $16,292 in U.S. currency. In addition, The MET secured 86 arrests, including the arrest of two primary targets: Jose Francisco Colimas and Ricardo "Duke" Castillo.

- ***Brownwood, Texas*** – At the request of local police, DEA's Dallas Division MET deployed to Brownwood, Texas from October 1998 to March 1999 in an effort to combat narcotics-related violence problems within this community. The five month deployment resulted in 22 federal indictments and 19 state arrest warrants. The initial sweep resulted in 38 arrests (20 federal and 18 state). In response to the operation, the Brownwood District Attorney stated, "This DEA MET deployment was significant in getting important drug dealers off the street and making a major impact. This is a perfect example of what happens when all parties cooperate and collaborate towards a common goal."

- ***Warren, Ohio*** - At the request of the local police chief, DEA's Detroit Division MET deployed to Warren, Ohio from January to May 1999 in an effort to target a significant increase in crack cocaine trafficking and related violence within this community. The primary deployment targets were members of a violent drug distribution organization operating in Warren. This five month deployment resulted in the arrest of 16 individuals (11 arrested on state charges that include mandatory sentences upon conviction); the execution of six search warrants; and, the seizure of 650 grams of crack cocaine. In addition, $8,100 in U.S. currency was seized, along with nine weapons including two semi-automatic handguns with laser sights and seven rifles. In addition, the primary targets of this deployment were also arrested.

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In order to meet the goals of DEA's Strategic Plan, DEA's FY 2001 budget request is comprised of three primary initiatives. These initiatives are as follows:

Special Operations Division -- $3,100,000 and 18 positions (including 11 Special Agents)
SOD-coordinated investigations enable DEA and its drug law enforcement counterparts to attack the command and control infrastructure of major drug trafficking organizations at their most vulnerable point, i.e. communications. Extensive coordination and communication are required between all echelons of drug syndicate operations. As DEA addresses emerging drug threats, requests for Title IIIs and intelligence assistance are expected to increase dramatically. Therefore DEA requires additional resources for SOD for the Southwest Border and for Financial Investigations. These enhancements will enable DEA to adequately support investigations by providing field agents with the latest intelligence and will facilitate the coordination of focused, multi-jurisdictional, comprehensive investigations.

Intelligence Initiative -- $1,500,000 in non-personnel funding
Intelligence driven investigations represent the best means of quickly and efficiently targeting, investigating and

dismantling major drug trafficking organizations. This initiative focuses exclusively on further providing DEA's intelligence program with the tools necessary to support virtually all facets of DEA's investigative requirements. Further development of DEA's drug intelligence and information sharing capabilities is vital in the effort to maximize federal, state, and local anti-drug assets. The resources requested through this initiative will provide additional support to drug law enforcement intelligence through the continued development of DEA's El Paso Intelligence Center Information System (EIS).

Infrastructure Initiative -- $ 59,957,000 and 26 positions (including 17 Professional/Administrative staff)
DEA's dynamic enforcement and intelligence missions continue to place great demands on the agency's key operational support programs. As such, critical investments in technology, for projects like FIREBIRD, and in programs such as the agency's Financial Management are essential to the successful performance of drug law enforcement. Without adequate infrastructure, DEA will not be able to support the growing number of Special Agents, Intelligence Specialists and Task Force Officers working actively to identify, target and dismantle drug trafficking organizations.

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Department of Justice
Drug Enforcement Administration
Congressional Budget Submission for Fiscal Year 2001

Section 2: Performance Plan
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INTRODUCTION

This Performance Plan sets forth the direction for the Drug Enforcement Administration (DEA) for Fiscal Year (FY) 2001. It provides the goals, strategies, and performance indicators by which this agency measures its progress toward serving the interests and welfare of American citizens. This document also provides information and data for the Department of Justice (DOJ) FY 1999 Performance Report, due March 31, 2000.

DEA is firmly committed to administering the programs for which it is responsible in the most efficient and effective manner possible. DEA's Strategic Plan is the key document outlining the goals and objectives that will guide our staff and managers. Its Annual Performance Plan (APP) establishes measurable performance target levels. Both of these plans are responsive to the requirements of the Government Performance and Results Act (GPRA) of 1993 and represent a commitment to achieving the desired outcomes.

DEA's leading role in drug law enforcement requires the agency to pursue organizations and individuals responsible for the production and distribution of illegal drugs worldwide and bring them to justice. DEA's legal mandate and professional responsibilities provide clear, concise, and dynamic leadership in the local, national, and international drug control effort. DEA uses both traditional and innovative drug control approaches to accomplish its primary mission of drug law enforcement. Domestically, DEA cooperates and coordinates with other federal agencies and state and local law enforcement organizations to reduce the availability of illegal drugs. Internationally, DEA provides assistance and liaison with drug law enforcement agencies worldwide to gain support from the host nations for drug control while assisting them in strengthening their enforcement-related efforts and capabilities.

Summary Statement

The DEA FY 2001 Congressional budget request of $1.46 billion and 8,156 positions represents a 8.7% increase over the FY 2000 enacted budget request of $1.34 billion. In FY 2001, the DEA seeks to enhance its workforce by adding 44 positions.

DEA's FY 2001 APP identifies attainable goals within the requested level of resources with results that can be demonstrated. The FY 2001 APP provides the direction and means for DEA managers to measure and report their performance, as required by the Government Performance and Results Act (GPRA) of 1993.

Planning Approach

The Strategic Management System (SMS) embodies the overarching strategy for DEA and provides the framework for articulating its strategic planning process over a multi-year time period. Its scope encompasses the full range of DEA field and headquarters elements and includes relationships with all drug control agencies, foreign and domestic.

DEA's FY 1994 SMS provides the blueprint for accomplishing the agency's goals and objectives. The Administrator's Vision is a key component of this system, followed by specific goals and objectives, that guides budget resources to accomplish them, and performance measures to gauge progress. The Administrator's Vision, strategic goals and objectives may change from year to year and therefore are short-term oriented. These components taken together form DEA's system for meeting the mandates of the Chief Financial Officer's (CFO) Act of 1990 and GPRA, which require linking agency performance to resource planning.

DEA Mission, Strategic Goals, and Their Relationship to the DOJ Strategic Plan and the ONDCP National Drug Control Strategy

DEA's FY 2001 budget request directly supports the overall law enforcement mission priorities, general goals and strategic approaches that are included in the Office of National Drug Control Policy (ONDCP) Strategy and Department of Justice (DOJ) Strategic Plan, FY 1998-2002, as well as DOJ's FY 2001 Summary Performance Plan. Specifically, DEA's FY 2001 budget request supports the following Strategies and Performance Goals reflected in DOJ Strategic Goal 1.2, "Reduce the Availability and Abuse of Illegal Drugs Through Traditional and Innovative Enforcement Efforts":

Strategies:

- Disrupt and dismantle major drug organizations, along all points of the production, transportation, and distribution chain.
- Increase foreign government support for the successful investigation and prosecution of drug cartel members.
- Gather, analyze, and disseminate intelligence regarding drug trafficking organizations and the availability and abuse of illegal drugs in order to support investigative and prosecutorial efforts.

Performance Goals:

A. Disrupt and Dismantle Major Drug Trafficking Criminal Enterprises.
B. Reduce the Quantity of Illegal Drugs.
C. Improve Intelligence Gathering Capabilities.

Furthermore, DEA's FY 2001 budget request also supports the following ONDCP Performance Measures of Effectiveness (PME's):

ONDCP Goal 2: Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

ONDCP Goal 2, Objective 1: Strengthen law enforcement to combat drug related violence, disrupt criminal organizations, and arrest and prosecute the leaders of illegal drug syndicates.

ONDCP Goal 5: Break foreign and domestic sources of supply.

ONDCP Goal 5, Objective 1: Produce a net reduction in the production of illegal drugs, especially methamphetamine.

ONDCP Goal 5, Objective 2: Disrupt and dismantle major international drug trafficking organizations and arrest, prosecute, and incarcerate their leaders.

ONDCP Goal 5, Objective 3: Support and complement source country drug control efforts and strengthen source country political will and drug control capabilities.

Additionally, DEA's FY 2001 APP continues the effort begun in FY 1999 to incorporate information on performance measurement that should lead to better accountability regarding actual results achieved. With each iteration of the APP, improvements continue to be incorporated, refining the number and focus of measures being collected. Several key performance measures addressed in the ONDCP strategy, not previously reported, continue to be developed.

DEA's current Vision, Mission Statement, Strategic Goals, and Strategic Objectives are provided on the next two pages of this Performance Plan.

DEA VISION

Excerpts from the Acting Administrator's Vision Statement
November 1999

The worldwide drug situation demands that DEA be strategically responsive. DEA's core competency remains targeting and attacking the leadership of major drug trafficking organizations. We must lead U.S. drug law enforcement by implementing intelligence-driven targeting and investigations through the increased collection and analysis of human and technical intelligence that identify the major drug threats. We must direct our investigative efforts against all of the major international trafficking organizations at every juncture in their operations. And in cooperation and coordination with our foreign, federal, state, and local partners, we will continue to lead a balanced attack against encroachments made by drug traffickers and help maintain peace and the rule of law in our communities.

We will develop a consistent, clearly stated strategy for the next century that embraces commitment to operations - and by extension multijurisdictional operations - that will be reflected in our approach to principle, integrity, training, and technology. The strategy will coherently integrate organization, resource allocation, leadership development, and interagency cooperation to ensure that we can contribute to the attainment of safer communities and neighborhoods throughout this nation.

DEA MISSION STATEMENT

To enforce the controlled substances laws and regulations of the United States (U.S.) and bring to the criminal and civil justice system of the U.S., or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the U.S.; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets. DEA's primary responsibilities include:

- Investigation and preparation for prosecution of major violators of controlled substances laws operating at interstate and national levels;
- Investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in our communities and terrorize citizens through fear and intimidation;
- Management of a national drug intelligence system in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information;
- Seizure and forfeiture of assets derived from, traceable to, or intended to be used for illicit drug trafficking;
- Enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances;
- Coordination and cooperation with federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit abuse-type drugs on the United States market through non-enforcement methods such as crop eradication, crop substitution, and training of foreign officials;
- Responsibility, under the policy guidance of the Secretary of State and U.S. Ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries; and
- Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs.

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DEA STRATEGIC GOALS

1. In order to safeguard Americans, DEA will disrupt/dismantle the leadership, command, control, and infrastructure of drug syndicates, gangs, and traffickers of illicit drugs that threaten Americans and erode the quality of life in our communities.
2. To reduce the impact of crime and violence that is the result of drug trafficking activity, DEA will provide federal investigative resources to assist local communities.
3. In order to facilitate drug law enforcement efforts directed against major drug trafficking organizations, DEA will cooperate and coordinate with our federal, state, local, and foreign law enforcement and intelligence counterparts.

DEA STRATEGIC OBJECTIVES

1. Attack the command and control of international and domestic drug trafficking organizations through the arrest, prosecution, conviction and incarceration of their criminal leaders and surrogates.
2. Concentrate enforcement efforts along the Southern Frontier to disrupt, dismantle and immobilize organized criminal groups operating from South America and Mexico.
3. Disrupt the communications capabilities of major drug traffickers by conducting sophisticated electronic intercept investigations and employing sophisticated, state of the art technologies.
4. Direct enforcement efforts at the threats posed by methamphetamine, heroin, and cocaine trafficking organizations; and a resurgence in marijuana trafficking.
5. Assist local law enforcement by deploying METs into communities where drug trafficking and related violent crime are rampant and the communities lack the resources to address the threat.
6. Prevent the diversion of controlled substances and control the distribution of chemicals used to manufacture illicit drugs.
7. Maintain a proactive intelligence posture to facilitate information sharing and develop new methods to structure and define drug trafficking organizations.
8. Support interdiction efforts to target drug transshipments destined for the U.S.
9. Seize and forfeit assets and proceeds derived from drug trafficking by reinvigorating money laundering investigations.
10. Intensify our demand reduction program to combat the rise in drug abuse by building on partnerships with civic and professional organizations.

Current Strategic Planning Efforts

Beginning August 30, 1999, the DEA Strategic Management Executive Committee (SMEC) met to initiate a strategic planning process for the agency. The Executive Committee is responsible for developing and clarifying the overall strategic direction for DEA, including its operational, operational support, and management support programs for the agency. An expanded strategic planning group met on October 19, 1999, including the original core SMEC and several Special Agent's in Charge of field divisions, and accomplished the following:

Strategic Goals and Measurement

- Approved and validated strategic objectives for the three operational focus areas

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- Tentative performance measures have been established for the international and national/regional operational areas
- Established working group to develop official DEA definition for *"disrupt"* and *"dismantle"*

Strategic Management

- Agreed to formally establish an executive planning and oversight committee from this group which will:
  - review and approve critical issues throughout the agency, including those strategic enforcement trends and external factors raised in the previous section
  - prioritize DEA-relevant committees, issues, etc., to ensure participation at appropriate levels
  - actively address operational support issues
- Approved proposed FY-2000 Targeting Process Pilot
- Established working group to develop proposal for reorganization of the Operations Division at Headquarters to effectively implement strategic plan

Presently, the Special Agents in Charge (SAC's) are required to develop an annual Field Management Plan (FMP) that serves as the "Operating Plan" for each of DEA's twenty-one Field Divisions. The current FMP structure does not establish a clear relationship between resources provided and operational performance. DEA envisions including specific performance indicators, to include goals for both resource utilization and operational performance, in each FMP, and therefore each SAC could be evaluated on the Division's ability to achieve the operational goals with the resources provided. The operational performance indicators will be directly linked to the goals and objectives identified through the evolving DEA strategic planning process as FMP's are updated.

The FMP's are utilized as part of DEA's Inspection process. IN staff will assess each Division's progress and success in meeting the performance targets indicated in the Division's FMP. IN assessments can assist managers in better understanding how resource allocation and utilization affect operational performance, and therefore could provide management with information that could be used to justify, adjust, and/or enhance field division resource allocations.

DEA also established a distinct Program Evaluation Unit within IN to assess programs and functions that cross organizational lines. The results of these evaluations will validate managerial action to ensure that agency-wide programs are efficiently and effectively meeting planned goals and objectives. DEA plans to utilize the information derived from these assessments and evaluations to make informed decisions during its Strategic, Budget, and APP planning processes.

Highlights of 1999 Mission Critical Results

Southern Frontier Initiative

Operation Impunity: On September 22, 1999, DEA, in concert with the FBI and the U.S. Customs Service (USCS), concluded a two year international investigation which culminated in the arrest of 109 individuals linked to the Amado Carillo Fuentes drug trafficking organization, headquartered in Mexico. Operation Impunity was a multi-jurisdictional, multi-agency complex investigation which tied drug trafficking activity within the U.S. to the highest levels of the cocaine trade operating today. This investigation was especially significant because it successfully targeted the syndicate's importation, transportation and distribution network; substantially hindering its ability to move cocaine and other drugs into and around this country. During the duration of Operation Impunity, over $25 million in U.S. currency and assets were seized, as well as over 12,434 kilos of cocaine and 6,177 pounds of marijuana.

The most critical aspect of the investigation was the identification and arrest of three major drug trafficking cell heads - individuals who are on the payroll of major drug lords who direct their operations within U.S. cities, and who worked for the Amado Carillo Fuentes organization, based in Juarez, Mexico. This organization moved hundreds of tons of Colombian

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cocaine from Mexico to McAllen, Texas and to other cities such as San Diego, Chicago, Atlanta, and New York. From there it was moved to other cities, such as Nashville, Miami, Detroit, Tulsa and Los Angeles, where it was distributed to domestic organizations who guaranteed its sale on the streets of U.S. communities. Traffickers based in Mexico and their U.S. affiliates communicated through various sophisticated means, taking full advantage of personal communication systems which the traffickers believed were safe from law enforcement attention. DEA's Special Operations Division (SOD) was integral to coordinating this high impact, multi-agency investigation.

San Jose, California Investigation: On June 9, 1999, the DEA San Jose Resident Office, with assistance form the San Mateo County Narcotic Task Force, seized 16.5 pounds of black tar heroin and one vehicle. The DEA had been conducting an Organized Crime Drug Enforcement Task Force (OCDETF) investigation into this black tar heroin trafficking organization based in Sunnyvale, California. The organization was responsible for transporting heroin from Apatzingan, Michoacan, Mexico to the bay area of San Jose, California by concealing the heroin inside the engines of vehicles. The investigation identified several vehicles associated with this organization. On June 5, 1999, the El Paso Intelligence Center (EPIC) notified DEA that a vehicle registered to the leader of the organization had crossed into the U.S. from Mexico through San Ysidro, California. DEA Special Agents followed the vehicle to a residence in Redwood City, California, and following the issuance of search warrant, seized 16.5 pounds of Mexican black tar heroin found hidden within the vehicle. To date this investigation has yielded the seizure of over 200 pounds of heroin from eight vehicles associated with the group.

Heroin

Beginning with a single OCDETF investigation, DEA's Boston Field Division targeted Wilfredo CORTEZ, a distributor of high quality heroin. There had been over 30 deaths from heroin in Lynn during 1998, and many of these deaths have been traced to heroin supplied by CORTEZ. Nine Title IIIs initiated on the CORTEZ Organization indicated his supplier is in New York City, who also supplies a trafficker in the New Orleans area. The organization's drug proceeds are laundered by purchasing used vehicles in the U.S. and shipping them to the Dominican Republic for resale. In July, the Federal Grand returned a 19-count indictment charging 24 members of this organization with various violations concerning the distribution of heroin. Additional indictments are anticipated and the investigation continues with the dual focus of identifying and prosecuting the sources of supply for the organization.

Methamphetamine Strategy

Alfredo GOMEZ and Felipe Hernandez-CARILLO Organizations: In November 1998, the DEA Casper, Wyoming and Glenwood Springs, Colorado offices began separate investigations targeting the Alfredo Gomez and Felipe Hernandez-Carillo organizations. Though independent of each other, together they were responsible for supplying the majority of multi-kilogram quantities of methamphetamine, cocaine, and marijuana to the western slope of Colorado and the Casper area. Title IIIs revealed that both organizations received drug shipments from the Borrayo Brothers organization, a methamphetamine and cocaine trafficking organization based in the Los Angeles area, thus the scope of the investigations was expanded to include DEA offices in Los Angeles as well as Cheyenne. The DEA Casper investigation culminated on February 26 with 13 arrests and seizure of $55,000 and 13 vehicles. On March 8, the Glenwood Springs investigation culminated with 1 arrest and seizure of 10 lbs. of cocaine. The Los Angeles investigation culminated on March 18 with 5 arrests and the seizure of methamphetamine solution, ephedrine and $12,060. The combination of investigations yielded seizure of $279,035, 14 vehicles and 7 weapons. Additionally, 1 fully operational clandestine methamphetamine laboratory and 1 fully operational pseudoephedrine laboratory were seized as well as 33 lbs. of methamphetamine, 51 gallons of methamphetamine solution, 22.5 kgs of cocaine, and 115 lbs. of marijuana. Forty-four individuals were arrested, including Felipe Hernandez-Carillo, whose operation was dismantled.

Los Angeles Investigation: On November 11, 1998, an investigation conducted by DEA's Los Angeles Field Division, in conjunction with several state and local law enforcement agencies, resulted in the issuance of nine federal search warrants and ten federal arrest warrants. All ten of those arrested were from Apatzingan, Michoacan, Mexico. The drugs this organization distributed were sold in Oregon, Washington, Arizona and Nebraska. Two of those arrested included the cell leader and the methamphetamine laboratory operator based in Mexico. The investigation also resulted in the seizure of 129.2 pounds of meth, 68.4 pounds of black tar heroin, 10.4 pounds of amphetamine, 92 pounds of cocaine, $156,600 in U.S. currency, 16 vehicles, and 18 arrests.

Mobile Enforcement Team (MET) Program

In FY 1999, the MET program initiated 53 new deployments based on requests from state and local law enforcement agencies. Of the 48 deployments completed, two specific examples of the MET program's positive impact on local communities are provided below:

Phoenix Division – Coconino County, Arizona

The Phoenix Field Division MET worked closely with the Northern Arizona Street Crimes Task Force in targeting the Colimas and Costillo drug-trafficking organizations. The Colimas organization was responsible for supplying street-level dealers with multiple-pound quantities of methamphetamine. The Costillo organization, a polydrug trafficking group, had a reputation for extreme violence; some of its members had criminal histories, which included armed robberies, home invasions, assault, sex crimes, and child abuse. Using confidential sources, the MET was able to infiltrate these two organizations and severely disrupt operations. The 9-month deployment, resulted in the seizures of seven operational and three dismantled methamphetamine labs, 44 grams of heroin, 22 pounds of marijuana, 500 dosage units of LSD, 40 weapons, 18 motor vehicles, and $16,292 USC. The MET secured 86 arrests, including the arrests of two primary targets: Jose Francisco Colimas and Ricardo "Duke" Castillo. This deployment was considered a significant success as members of the Task Force and local police officers indicate that the manufacturing of methamphetamine has diminished substantially since the conclusion of this MET deployment.

Dallas Division – Brownwood, Texas

During the course of this five-month deployment, the Dallas Division MET conducted extensive undercover investigations resulting in over 80 purchases of crack cocaine by undercover agents and confidential sources. The operations targeted James B. Slaughter, the primary source of crack cocaine in the Brownwood area, and his associates. The MET arrested 20 suspects on federal charges and 18 suspects on state charges. If convicted, James Slaughter will receive a life sentence based on his career criminal arrests. These significant arrests have virtually eliminated the open air crack markets that once thrived in Brownwood.

Diversion Control Program

The purpose of DEA's Diversion Control Program is to prevent, detect and investigate the diversion of controlled substances. Investigations conducted by Diversion Investigators fall into two distinct categories: the diversion of legitimately manufactured controlled substances and the diversion of chemicals used in the illicit manufacture of controlled substances. In FY 1999, the Office of Diversion Control had 711 cases active primarily targeting organizations or individuals trafficking or distributing dangerous drugs.

Drug Diversion: In 1997, Dr. Luisito A. Evangelista voluntarily surrendered his DEA registration in Nevada after his medical license was revoked. He continued to travel to Chicago utilizing his DEA registration and medical license there to obtain 549,000 tablets of Hydrocodone, alprazolam, and diazepam to transport back to his Las Vegas office which he called a vitamin store. Dr. Evangelista and a partner emptied 30 tablets into individual bags and sold them to customers. Search warrants resulted

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in the seizure of financial and airline information, telephone records, passports, two computers, and $7,400 in cash. Evidence revealed that approximately 32,000 tablets of Hydrocodone and other controlled substances were sent to Chicago with continuous surveillance to Las Vegas resulting in the doctor's arrest following his baggage pickup in Las Vegas. On March 10,1999, the doctor was indicted by a Las Vegas Grand Jury and charged with illegal distribution, conspiracy to illegally distribute controlled substances, money laundering, interstate travel, perjury, and illegal exportation of controlled substances. On May 24, 1999, Dr. Evangelista plead guilty to one count of conspiracy to illegally traffick 500,000 tablets of Hydrocodone and other controlled substances. He also pled guilty to one count of obstruction of justice. He forfeited his residence and $1,500,000. On August 24, 1999, the doctor was sentenced to 51 months incarceration.

Chemical Diversion: On October 6, 1999, US Apothecary President James Lee McDaniel and co-conspirator Thomas Dill were indicted by Federal Grand Jury, Central District of California under 21 U.S.C. 841(d)(2), distribution of a listed chemical with intent to manufacture a controlled substance, and other CSA charges. McDaniel was one of the largest suppliers of pseudoephedrine and ephedrine to Mexican controlled methamphetamine laboratories in Southern California. At the start of this investigation, McDaniel advised Diversion Investigators that his chemicals were exported to Vietnam, Brazil, Argentina, and Mexico. Investigation and analysis revealed that the phone numbers and addresses for the alleged exports were either false or tied to ongoing methamphetamine investigations. From January 1, 1996 to August 18, 1998, McDaniel illegally distributed approximately 30 metric tons of pseudoephedrine. This quantity, when "cooked", would yield approximately 25 tons of methamphetamine. As of October 8, 1999, there have been three arrests and the seizure of 9,500 pounds of pseudoephedrine in this investigation.

International Operations

Vetted units are specialized teams of foreign law enforcement officials that can be provided with sensitive information regarding U.S. law enforcement investigations. The 'vetting" takes place with a hiring and selection process similar to those used by U.S. federal law enforcement agencies. Vetted units are intended to complement the relationships established with host countries and enhance the effectiveness of DEA resources overseas.

Operation Millennium: On October 13, 1999, Colombian law enforcement authorities arrested 30 drug traffickers and money launderers in Bogota, Medellin and Cali, as part of a coordinated U.S./Colombian investigation. One additional person was arrested in Mexico by Mexican authorities. The arrests were the culmination of a one year operation designed to dismantle a Colombian-based transportation consortium believed to be responsible for supplying between 20 and 30 tons of cocaine per month to the U.S. and Europe. Among those arrested were Alejandro Bernal Madrigal, a.k.a. "Juvenal", believed to be one of the most significant international drug traffickers and money launderers presently operating. In addition, authorities arrested Fabio Ochoa, one of the leaders of the Medellin Cartel, and who allegedly continued his drug trafficking activities with Bernal and others since he was released from prison in Colombia in 1996. As part of Operation Millennium, U.S. law enforcement seized more than 13,000 kilograms of cocaine in the last two weeks of August alone. Sixteen individuals were arrested in August in connection with those seizures and are currently being prosecuted in Mexico and Ecuador.

Peter David PEREZ-Miranda: Following an intensified effort to locate PEREZ, this fugitive was captured as he attempted to flee to Bolivia. In May 1999, PEREZ was named in an arrest warrant charging him with trafficking in drugs and money laundering. This investigation established that PEREZ headed an international drug trafficking network exporting cocaine from Peru to the U.S., Europe and Africa. The organization employed sophisticated methods to conduct smuggling activities to include diluting cocaine in wine, shampoo and other legitimate products. PEREZ

also used his contacts in the precious metals industry to facilitate the money derived from the sale of the cocaine. PEREZ and 13 other members of the organization were arrested and charged, including a high ranking official of the Banco Continental and a Colonel in the Peruvian National Police.

Francesco CORALLO: On June 17, 1999, a joint, four-year, DEA/Peruvian investigation of the Bolivian branch of the Francesco CORALLO/Marino DIODATO Italian Mafia organization culminated in the execution of numerous arrest and search warrants in Santa Cruz. The June 17th enforcement operation resulted in the arrest of Marino DIODATO and 15 additional associates. In July, this investigation resulted in four separate criminal procedures against the DIODATO group: The Santa Cruz prosecution of organized crime and cloning cellular phones; the Bolivian military prosecution of DIODATO's illegal involvement in the Bolivian Army; the narcotics prosecution; and the La Paz prosecution for DIODATO's 1997 clandestine casino operation. In August, prosecutors seized the assets of these indicted members, valued at $5,816,951. Further seizures are pending anticipated future indictment efforts.

Mexico/Arizona Smuggling Tunnel Investigation: In early May 1999, William Billy Dillon and 11 of his criminal associates were all indicted on federal drug smuggling charges in the District of Arizona. Dillon is a U.S. citizen who managed a sophisticated transportation and distribution organization that has smuggled multi-ton quantities of cocaine from northern Sonora, Mexico to Southwestern Arizona and Los Angeles, California. Dillon's transportation group has been affiliated with the late Amado Carillo-Fuentes' Organization. Between May 18 and May 24, 1999, U.S. agents, with the assistance from the Mexico SIU Program, discovered the entry/exit to an underground tunnel located underneath a mobile home in Naco, Arizona that reached to the Mexican border. The arrest of several key members of the Dillon organization in Arizona, as well as the discovery of the Naco tunnel and subsequent seizure of numerous assets owned by the Dillon organization, has resulted in the dismantling of his cocaine smuggling organization.

Li Yun-fu: In December 1998, Li Yun Fu and five other defendants, including Thai fugitive Thanpong Sae Li, were arrested as they delivered 22.4 kilograms of heroin to undercover Royal Thai Police. The arrests came as a result of an investigation initiated by the Thai Vetted Unit program in November 1998. Li Yun Fu is the brother of Li Yun-Chung and Li Yun-Hsin, who are both incarcerated in the U.S. for their role in the 1991 seizure of 486 kilograms of heroin in Hayward, California.

FY 2001 Performance Goals and Indicators

Issues in Measuring DEA Enforcement Program Performance

For several years, DEA has measured its success by utilizing measures of output, primarily arrests and drug seizures. However, there is currently no analytical process in place to determine the value of a specific arrest. For example, under the current process, the arrest of a street-level dealer would not be distinguished from that of an organization leader. Furthermore, using drug seizure amounts as an indicator of performance can be misleading because their actual impact cannot be determined, as the universe of available illegal drugs cannot be measured. There is no way to ascertain if the drugs removed from seizure activity have been replaced by lesser, equal, or greater quantities.

During FY 1999, the General Accounting Office (GAO) reviewed DEA's annual performance plan and performance measurement, evaluation, and reporting system. GAO found that current performance measurements were inconsistent with DEA's stated goal of disrupting and dismantling major drug trafficking organizations (MDTO's). As a result of this review and management's concerns that the true results of DEA's enforcement program operations were not being reflected in its APP submissions, staff began work on updating DEA's performance measurement, evaluation and reporting system.

DEA staff have determined that, in order to properly measure and report on the results of DEA's enforcement operations, the performance measure:

"the number of priority targets disrupted and/or dismantled" would have to be developed. No process or system exists to capture and report this information to either internal or external sources. DEA envisions that, as an operationally driven agency, this primary performance indicator can be used to track and report progress toward the newly stated goal.

Progress to Date

DEA staff have met regularly during the past several months to develop a process to capture information and data to report on this indicator. In this regard, staff have focused on both defining the criteria for qualification as a priority target and the criteria to determine whether or not enforcement activities met the threshold of either disruption or dismantlement.

DEA envisions that, based on intelligence information, each Special Agent in Charge (SAC) and Country Attache (CA) will nominate specific organizations within their areas of responsibility to qualify as priority targets. The names and profiles of these nominated organizations will be forwarded to the Headquarters where the Chief of Operations will determine, through both quantitative and qualitative information provided, which organizations will be tracked as priority targets. Lists of targets will be developed for national, and international impact. Headquarters staff will ensure that the approved priority targets are properly tracked and coordinated. SAC's and CA's will have the opportunity to nominate additional organizations for priority status as they are identified.

Whether or not a target has been disrupted or dismantled will also be determined by the Chief of Operations, based on both quantitative and qualitative information and assessments provided by the SAC's and CA's. The three major evaluative criteria will be: 1) the impact of enforcement activity on the total organizational structure (i.e., arrests of key leaders and members and corresponding impact on organizational cells; seizures of assets); 2) the impact of enforcement activity on the organization's sphere of influence (i.e., trafficking patterns and routes affected); and 3) the impact of enforcement activity on the drug threat posed by the organization on the United States (i.e., drug seizures; community impact).

DEA envisions reporting the disruptions and/or dismantlements in future Annual Performance Reports at the national, and international levels. Due to the magnitude of this effort, it is anticipated that the system will take between two and three years to be fully operational, although baseline data may be reported as early as FY 2000.

Core Business System 1: Enforcement of Federal Laws and Investigations

Through effective enforcement efforts, DEA will disrupt/dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests, including providing enforcement assistance to American communities to fight drug-related crime and violence.

This Core Business relates directly to DOJ Core Function 1: "Investigation and Prosecution of Criminal Offenses."

Decision Unit - Domestic Enforcement

The Domestic Enforcement Program includes the investigative operations of DEA's 21 field divisions, the operational coordination functions located at DEA Headquarters, DEA's Special Enforcement Programs, Special Operations Division functions, and the Domestic Cannabis Eradication/Suppression Program. The Domestic Enforcement Program employs the majority of the Special Agent work force and is responsible for conducting investigations of drug production and trafficking activities within the U.S. Domestic enforcement personnel use a variety of investigative tools including electronic surveillance, informants, and

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undercover operations in order to acquire intelligence information that will lead to dismantling, prosecuting, and eliminating drug production and trafficking organizations.

Decision Unit - Foreign Cooperative Investigations

DEA works with foreign governments on investigations of major international trafficking organizations which have a direct impact on the U.S. DEA coordinates drug intelligence collection and drug investigations with foreign law enforcement agencies, and participates in bilateral and multilateral drug suppression programs. In addition, DEA, through advice, assistance, and training, supports foreign governments' efforts to reduce the supply and trafficking of illicit drugs within their countries.

Decision Unit- Drug and Chemical Diversion Control

The DEA is responsible for enforcing the Chemical Diversion and Trafficking Act of 1988, Article 12 of the United Nations Convention Against Illicit Drug Traffic of 1988, the Anabolic Steroid Control Act of 1991, and the Methamphetamine Control Act of 1996. These pieces of legislation mandate commodity control for the chemical substances most often used in the manufacturing of illicit drugs. In addition, the Methamphetamine Control Act of 1996 places controls on precursor chemicals related to methamphetamine production.

Under this mandate, DEA utilizes Diversion Investigators, Special Agents, Chemists, Pharmacologists, Program Analysts, and other experts to monitor the legal and illegal movement of controlled drugs and chemicals across U.S. borders. Activities under the Diversion Control Program include: 1) analyzing past data from diversion control activities to help develop work plans and priority objectives for current operations; 2) oversight of all drug and chemical diversion control activities to ensure they are responsive to, and/or consistent with, the drug and chemical diversion control mission of DEA; 3) supporting the US's drug enforcement position at national and international forums and diplomatic events which address the control of legitimate drugs and chemical diversion issues; and 4) formulating legislation and regulations that curtail the diversion of controlled substances and listed chemicals from legitimate channels.

Decision Unit - State and Local Task Forces

The DEA State and Local Task Force extends federal leverage and provides a federal presence in sparsely populated areas where DEA would not otherwise be represented. In addition to their having a greater impact on trafficking within their own jurisdictions, the programs also serve as a mechanism in which state and local agencies' budgets can be augmented with funds distributed from federal asset seizures. Local concerns can be addressed along with federal priorities.

Cooperation by agencies agreeing to work together to address the drug problem, and drug-related aspects such as violence and gangs, in a particular area; e.g., within the geographic area of a given DEA State and Local Task Force; has resulted in the coordinated application of investigative, intelligence, and support resources to disrupt and immobilize the most significant drug trafficking organizations, including gangs.

Federal resources are shared in the form of paid overtime, training by experts and specialists; e.g., clandestine laboratory procedures, asset seizure techniques, and cannabis growth, detection and eradication; technology, equipment, and operating funds. State and Local Resources are shared in the form of localized expertise; e.g., detailed knowledge of a particular area; investigative talent; e.g., state trooper skills used in Operation Pipeline; investigative personnel, leadership; e.g., officers in key task force positions; specialized equipment, and operating funds.

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Core Business System 2: Investigative Support

Through its investigative support programs (Intelligence, Laboratory Services, Training, RETO, and ADP), DEA will ensure that its investigative workforce needs are met so that its total investigative arsenal is optimized.

This Core Business relates directly to DOJ Core Function 1: "Investigation and Prosecution of Criminal Offenses." The basis for DEA to accomplish its mission rests with investigative leads developed through comprehensive investigative intelligence and other support programs.

Decision Unit- Intelligence

DEA's intelligence program is comprised of several components which are responsible for collecting, analyzing, and disseminating drug-related intelligence worldwide. Intelligence information obtained through this program is essential to DEA operations because it facilitates seizures and arrests, strengthens investigations and prosecutions of major drug trafficking organizations, and provides policy makers with drug trend information upon which tactical and strategic decisions are based. DEA's intelligence units are located in all domestic field divisions as well as in most major drug cultivation, production, and transit countries.

The following examples describe the intelligence activities:

Financial and Operational Intelligence: Financial and operational intelligence operations are responsible for gathering, analyzing, and disseminating intelligence information that targets the financial aspects of the drug trade. This information, in turn, supports DEA investigations of drug organizations operating domestically and abroad.

Strategic Intelligence: Strategic intelligence provides information on drug cultivation, production, emerging trends, and price/purity; assesses statistical information; addresses interagency drug intelligence issues; and enhances intelligence management, policy, and liaison functions. Strategic intelligence also focuses on the development of long range supply reduction plans.

El Paso Intelligence Center (EPIC): This multi-agency facility serves as a clearinghouse for tactical intelligence and a central point for the collection, analysis, and dissemination of information related to the worldwide movement of drugs. EPIC provides support for drug law enforcement interdiction operations and is accessible 24 hours a day, 7 days a week.

Investigative leads, gathered through intelligence efforts, are acted upon along the entire continuum of trafficker criminal activity. This continuum begins in the source and transit countries from where the drugs find entry into the U.S., continues to the transportation and production infrastructure within the U.S., and then eventually makes its way to the streets and neighborhoods of American communities. While resources may be requested for drug or geographically specific areas, the effectiveness of DEA's investigative efforts depends greatly upon the development of comprehensive cases that often span the globe, involve sophisticated criminal organizations, and seek to include all types and methods of trafficking.

The primary focus of DEA investigations is the leadership of those organized criminal syndicates that operate both within and outside U.S. borders. The dismantling and disruption of these organizations can be accomplished more efficiently and effectively through extensive investigative efforts that have at their foundation intelligence gathering, relation and analysis. Many cases require significant investments in resources and time, but the practice of systematic case development, through the continuous use of intelligence over a long period of time, is at the heart of DEA's success in apprehending and delivering for prosecution significant numbers of high level offenders.

Decision Unit - Laboratory Services

This program provides laboratory services for Enforcement, Intelligence, and Diversion Control activities within DEA. The following provides a synopsis of the supporting efforts provided to each activity:

Enforcement activities are supported through the timely analysis of drug evidence and the presentation of forensic expert testimony in court. This program provides field assistance to Special Agents on clandestine laboratory investigations and conducts crime scene searches for trace drug evidence. Additionally, the Laboratory Services Program performs toolmark and signature analyses on evidence linked to suspected conspiracy cases.

Intelligence activities are supported through laboratory analysis that show the origin of controlled substances and thus highlights foreign drug distribution patterns. Intelligence programs are also supported through signature analyses by the Domestic Monitor Program, which assists in tracking domestic drug distribution patterns and price/purity at the retail level.

Diversion Control activities have provided information on illegal drug distribution through the examination of tablets, capsules, and papers.

In addition to lab services, this program provides forensic drug laboratory support to the Interagency Crime and Drug Enforcement Program, the Washington, DC Metropolitan Police Department, and to the Federal Bureau of Investigation, which has concurrent jurisdiction with the DEA in the enforcement of Federal drug laws. This program also provides support to other Federal, State and local law enforcement agencies that either do not have their own forensic drug examination capability, or require the special expertise of DEA forensic scientists.

Decision Unit - Training

The objective of DEA's Training Program is to provide the agency's employees and law enforcement counterparts with the skills and knowledge necessary to attack both international organized crime syndicates and their domestic distribution organizations and violent domestic drug gangs. DEA has developed a comprehensive program that reflects the diversity and sophistication of the agency's complex mission. The following examples describe the specialized training courses offered to DEA employees:

Basic and Field Agent Training: Basic training provides instruction to new Special Agents on all facets of drug law enforcement operations. The Field Training Program provides on-the-job training to new Special Agents by pairing them with senior agents for a 16-week period.

In-Service Training: The Office of Training has developed a comprehensive In-Service Training program that is ideally suited to DEA's long-term continuing education and career development needs and a wide array of techniques including courses of study at Quantico, field seminars, directed studies, distance learning and distance learning programs.

Clandestine Laboratory Training: Instruction is provided to DEA personnel and state and local law enforcement personnel on techniques for safely seizing and dismantling clandestine laboratories. DEA also offers a comprehensive Train-the-Trainer and Distance Learning Program that provides awareness training to state and local first responders. DEA also offers an advanced Site Safety Officer School to ensure proper maintenance and availability of safety equipment, and follow-up administrative aspects associated with a clandestine laboratory entry, dismantling, and cleanup.

International, State, and Local Training: Drug law enforcement instruction is provided to foreign counterparts and State and local law enforcement officers from basic drug investigations to management training.

In addition to these specialized courses, DEA also provides ongoing training to employees on a variety of topics including in-service training, and supervisory and management training.

Ethics: DEA provides ethics training throughout its curriculum to ensure that its workforce has a clear and accurate understanding of Federal standards of conduct, and also to aid managers and employees in the identification and resolution of potential conflicts of interest.

Executive Development: DEA is committed to providing the best executive management and leadership training to all DEA supervisors, managers and Senior Executive staff as part of its Career Development Plan.

Decision Unit - Research, Engineering and Technical Operations (RETO)

The Research, Engineering, and Technical Operations Program is responsible for providing new technology and scientific support to the operational elements of DEA. Specifically, this includes enhancing technical equipment, personnel resources, and aircraft operations essential to anti-drug production and trafficking investigations. These support functions enable DEA investigative personnel to maximize enforcement efforts, strengthen personal safety, and effectively dismantle drug trafficking organizations.

Decision Unit - Automated Data Processing (ADP)

The Automated Data Processing (ADP) Program is responsible for providing information technology services and telecommunications support to DEA operations worldwide. This includes the oversight of DEA's Data Base Management System (DBMS) and systems applications which manage the vital information that supports DEA intelligence and enforcement operations. These systems include, but are not limited to: Narcotics and Dangcrous Drugs Information System (NADDIS); Controlled Substances Act System (CSA); System to Retrieve Information from Drug Evidence (STRIDE); Automation of Reports and Consolidated Orders Systems (ARCOS I and II); and DEA's financial management system, the Federal Financial System (FFS). Much of the information maintained in these systems requires secure communication system capabilities (secure voice, facsimile, and teletypewriter capabilities) worldwide, and therefore, is managed by the ADP Program.

Implementation of DEA's mission is dependent on gathering and integrating information integral to the pursuit of drug investigations. The integrity of this information is a requirement for both DEA's continued success in drug enforcement, as well as protecting the lives of agents and informants.

The FIREBIRD office automation system consolidates information from a variety of sources and gives Special Agents and Intelligence Analysts the ability to access and analyze critical information quickly, thereby saving thousands of dollars and many research hours. FIREBIRD also serves as the platform for administrative systems including financial, property, and security.

MERLIN is an intelligence work station that operates at the Secret High security level. MERLIN is an essential extension of FIREBIRD which provides DEA intelligence specialists and special agents tools which will reduce the amount of time it takes to locate and analyze information; access and analyze collections of information to reveal patterns and trends; improve the analysis of information to enable decision making; enable analysis which is not possible by manual or basic computer means; and enhance the methods and ability to produce and distribute reports.

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Core Business System 3: Program Direction

DEA will employ such management practices to ensure that its mission driven programs function with the highest level of integrity, efficiency and effectiveness.

This goal relates directly to DOJ Core Function 7: "Management." DEA's goals and strategies can only be attained through the efforts of its Special Agents, Intelligence Research Specialists, and investigators working in the field and through the efforts of professionals supporting their investigative efforts. Forensic chemists, and professional, administrative, and technical staff are all included as support staff. DEA employees must be supported with state-of-the-art equipment, be trained in the most current investigative techniques, and be able to relocate when appropriate for the good of the agency. The assistance of the Department of Justice and Congress has allowed DEA to make significant progress toward improving the infrastructure that is essential to effective law enforcement. These efforts must also be measured to justify making the continued investment in the goals and strategies of DEA. Additionally, DEA will work to make continued improvements in financial management, to establish customer service standards, and to make effective use of the latest information technology (both enforcement and non-enforcement related).

The Program Direction functions within DEA are responsible for formulating agency-wide policy, providing oversight for all field management functions, monitoring internal controls, and ensuring effective and efficient resource utilization. All programs depicted under "Program Direction" are funded through DEA's Management and Administration Decision Unit. Funding amounts provided do not reflect payroll obligations.

Staff Operations

The Staff Operations Program is responsible for responding to Congressional, media, and public inquiries; providing DEA officials with reports on congressional activities; issuing press releases; preparing speeches, talking points, and congressional demand reduction testimony. Additionally, this program prepares legal briefs, opinions, and presentations; provides technical legal training in regulatory and criminal matters, civil litigation, seizures, forfeiture of assets, personnel, equal employment opportunity, and international matters; and advises management on matters pertaining to planning, policy analysis, and statistical systems.

Demand Reduction: DEA will increase its educational outreach to communities, schools, employers, and to the public at-large in anti-drug messages, including anti-legalization. This will produce an increase in the points of contact between DEA and the public. The primary outcome will be a public that is better educated about the dangers of drugs.

Chief Counsel: DEA will continue to provide the highest level of legal expertise to support drug law enforcement in the areas of, but not limited to, civil procedure and litigation, administrative law, criminal law, international law, and regulatory law.

Financial Management

Under the direction of the Chief Financial Officer, the financial management offices within DEA are responsible for planning, formulating, and executing DEA's budget; procurement; developing and maintaining resource allocation plans; and managing and maintaining DEA's accounting system. DEA will:

provide timely, useful and reliable budget, accounting and performance data to support decision making;

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integrate planning, reporting and decision-making processes, including those for human resources, budget, financial management, and program performance; and

ensure sound and effective management practices are in place.

The primary outcome will be an overall achievement of an increased efficiency in DEA's management practices.

Inspections

The Inspections Program is responsible for management and oversight of all matters pertaining to integrity and misconduct. DEA's Office of Professional Responsibility (OPR) is responsible for ensuring that allegations of employee misconduct received by the Agency are thoroughly reviewed and that misconduct investigations are conducted in a thorough and timely manner. DEA will focus its audits/inspections on compliance with existing policy and on other evaluative efforts to identify ways in which overall program accountability and performance can be strengthened. Particularly, DEA will perform program, financial, and other audits/inspections on a cyclical or otherwise required basis; conduct evaluations of programs, initiatives, internal controls, and policies as scheduled or otherwise required/directed by executive management; investigate shooting incidents in a timely manner; and other oversight responsibilities. The primary outcome will be independent information that will assist DEA management in taking the appropriate action to improve the efficiency and effectiveness of agency-wide programs and the integrity of its work force.

Security

The Security Program is responsible for worldwide management and oversight of DEA's personnel, physical, and document security. The Personnel Security Section (SPR) reviews the processing of personnel security investigations in support of agency personnel hiring, rehiring, updating, and acquisition of national security clearances. SPR also implements personnel security standards and procedures to ensure appropriate clearances of DEA personnel. The Physical Security Section (SPP) conducts physical security surveys of DEA headquarters, field units worldwide, and residences occupied by DEA personnel assigned to foreign posts. SPP also assures adequate protection for DEA employees, property, evidence, and materials contained in DEA occupied facilities. The Information Security Section (SPI) formulates policies and procedures for the classification, declassification, safeguarding, handling, transmission, and storage of classified national security and other sensitive information and materials.

Personnel Operations and Equal Employment Opportunity (EEO)

The Personnel Operations Program is responsible for agency wide position management; employee relations; employee benefits; recruitment and placement; health and safety; and implementation of personnel policies and regulations. The EEO Program is responsible for ensuring the equitable treatment of all DEA employees. Specifically, the EEO Program provides advice and guidance to managers and employees on a variety of EEO matters including: workforce diversity, discrimination in the workplace, affirmative action, and special emphasis programs.

General Services

The General Services Program is responsible for oversight of all DEA administrative support functions including: space acquisition and management; procurement of supplies, equipment, and furniture; and fleet management.

FY 2001 Initiatives

FIREBIRD

DEA requests $56,000,000 and 2 positions (including $55,908,163 in recurring, non-personnel funding) to establish sufficient infrastructure base that supports Operations and Maintenance, Technology Renewal, and Deployment requirements of DEA's FIREBIRD Automated Data Processing system. Of the total for FIREBIRD, DEA requests $5,000,000 and 1 support position to support the system's operational requirements. Of the total for FIREBIRD, DEA requests $51,000,000 and one position (costing $40,853), including $23,000 for Technology Renewal and $28,000,000 for continued FIREBIRD deployment.

DEA STRATEGIC GOAL: #1

DEA STRATEGIC OBJECTIVE: #1

DU: ADP

APPLICABLE PERFORMANCE INDICATORS: DOMESTIC ENFORCEMENT DU

 # 18. Percentage of Direct Investigative Hours.

Phase I of Firebird deployment, the installation of network equipment at DEA Headquarters and all 21 Field Division offices, was completed in December, 1997. In FY 1998, DEA began Firebird Phase II deployment to all remaining (200+) DEA district, resident and foreign field offices and laboratories. To date, DEA has completed Phase II deployment to the geographically affiliated offices of the Miami, Houston, Los Angeles, San Diego, Phoenix, El Paso, and Atlanta Divisions; the Justice Training Center, and seven overseas offices. DEA plans to utilize funds provided from this initiative to complete Firebird Phase II deployment by December 31, 2001.

The following chart displays Special Agent available and investigative (direct) work hours in DEA's Domestic Divisions:

Fiscal Year	Available SA Workhours	Investigative SA Workhours	% Investigative to Available
1996	6,041,200	4,136,748	68%
1997	6,791,400	4,403,760	65%
1998	7,778,067	5,052,820	65%
1999	8,543,534	5,339,315	62%

1) The source for investigative workhour statistics is the DEA Work Hours Reporting System (WRS).
2) The formula for available workhour statistics is available workhours (2200/yr.) times the number of DEA Domestic Special Agents (FR Ceiling and On-Board Reports).

DEA Special Agents rely on information sharing between personnel in different Field Offices, and reducing time lags in such processes as the posting of an investigative report to the agency-wide automated database would improve the efficiency and effectiveness of the investigative process.

DEA plans to demonstrate the link between Firebird deployment and operational success to justify the funding level provided. For example, DEA plans to identify reductions in the average time from the initiation of an investigative report (Form DEA-6) and the report's posting in DEA's Narcotics and Dangerous Drugs Information System (NADDIS). Firebird should significantly improve investigative reporting timeliness as a result of processing time reductions such as those described above.

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As a result of the Business Processing Reengineering (BPR) activity driven by Firebird implementation, which is due to be completed by December 31, 2001, the Information Technology infrastructure would be in place to provide DEA with an improved capability to increase the percentage of domestic Special Agent direct investigative workhours to available workhours during FY 2002.

However, improvements in Information Technology infrastructure alone will not necessarily guarantee an increase in DEA's direct investigative workhours, as these have been declining even during fiscal years where deployment of Information Technology (e.g., Firebird) has improved DEA's business processes. DEA plans to complete a study by the end of FY 2000 which will thoroughly examine administrative and case support staffing requirements in its Domestic Field Divisions. As a result of this study, DEA will be in a position to better evaluate the efficiency and productivity of all of its administrative and case support processes. DEA reasonably believes that, as its administrative and case support processes become more efficient, there will be a corresponding increase in direct Special Agent investigative workhours.

FINANCIAL MANAGEMENT DIVISION

DEA requests $3,957,000 and 24 positions (including $2,814,432 in non-personnel funding) to enhance DEA's financial and resource management oversight functions. These resources are vital to improving internal controls, establishing heightened financial policy capabilities and allowing DEA's Financial Management Division to keep pace with the dynamic growth of the agency.

DOJ STRATEGIC GOAL: #7.3: ACHIEVE EXCELENCE IN MANAGEMENT PRACTICES

DOJ PERFORMANCE GOAL: #7.3.2: DEMONSTRATE CONTINUED PROGRESS TOWARDS ACHIEVING UNQUALIFIED AUDIT OPINIONS ON FINANCIAL STATEMENTS REQUIRED BY THE GOVERNMENT MANAGEMENT REFORM ACT; CONTINUE TO SUPPORT EFFORTS TO DEVELOP A FINANCIAL MANAGEMENT SYSTEM THAT PROVIDES ACCURATE, RELIABLE, AND TIMELY FINANCIAL INFORMATION

DU: MANAGEMENT AND ADMINISTRATION

APPLICABLE PERFORMANCE INDICATORS: MANAGEMENT AND ADMINSTRATION DU

#2. Annual Audited Financial Statement.

Due to the need for improved financial management oversight, between 1990 and 1996 Congress passed five federal accountability acts; the Federal Managers Financial Management Integrity Act (FMFIA), the Chief Financial Officer's (CFO), the Government Performance and Results Act (GPRA), the Government Management Reform Act (GMRA), and the Federal Financial Management Improvement Act (FFMIA). These laws have resulted in an increased emphasis on achieving an "unqualified" annual audited financial statement, but the results of the audits on DEA's financial statements for 1996 and 1997 were "disclaimed" opinions. The results of a 1998 DEA financial management study performed by a consulting firm noted that DEA requires "additional investments in people, systems, and in improving basic processing of information." DEA's goal is to receive an "unqualified" Financial Statement Audit opinion by no later than the end of FY 2001. Full funding of this initiative is expected to ensure that DEA not only secures the "unqualified" audit opinion, but is able to achieve full compliance with all of the mandates of FMFIA, CFO, GPRA, GMRA, and FFMIA.

Data Validation and Verification Issues

DEA's statistical measures include work hours, case initiations, defendant arrests and dispositions, drug removals, asset seizures and forfeitures, and clandestine laboratory seizures. A description of these data systems and a discussion of data quality control procedures follow.

Case Initiation Statistics

The source for case initiations statistics is the DEA Case Status Subsystem (CAST). CAST serves as the DEA central file ledger for all case and general files. Case information is entered by each field office for every case initiated. Mandatory information includes: case number, case status, date opened, file title, and agent name. CAST information is validated through a review process which includes group supervisor review, SAC review, and periodic reviews by the CAST program manager.

Defendant Arrest and Disposition Statistics

Statistics on arrests and dispositions are obtained from the Defendant Statistical System (DSS), which contains information obtained from the Arrest DEA Form 202 and the Report of Disposition DEA Form 210.

Data input is managed and performed by the DEA file room, which receives and processes arrest and disposition documents for NADDIS input as well as DSS input. Due to the importance of systems that store information about DEA defendants, document quality control and review are paramount. Nonstandard entries are questioned, and documents which need further clarification are returned to the field for correction. In addition, the DSS has built-in edits that help to maintain data quality.

The Statistical Services Section is responsible for the management of DSS, including operation, maintenance, modification, and quality control. As the DSS is updated with current information, comparisons to previous information are made to analyze trends as well as validate the data. The Statistical Services Section conducts other routine testing of the DSS to ensure that the arrest and disposition statistics are accurate.

Drug Removal Statistics

The two sources of DEA's drug removal statistics are the System to Retrieve Information from Drug Evidence (STRIDE), which is managed by the Office of Forensic Sciences (SF) and the Information Only 7 system, managed by the Statistical Services Section.

STRIDE drug removal statistics reflect the total of all drugs purchased, seized, or otherwise obtained through DEA-controlled and DEA cooperative investigations that are sent to DEA laboratories for analysis. The total amount or a representative sample of the collected drug is submitted to a DEA laboratory for analysis, accompanied by a DEA Form-7 completed by the submitting case agent. STRIDE contains information from the DEA Form-7 as well as the results of the laboratory analysis as recorded on the DEA Chemist Worksheet (DEA Form-86). The database contains built-in edit checks on various data fields including GDEP, location, substance identification and DEA office code.

DEA regularly cooperates and participates with state, local and other federal law enforcement agencies in investigations where drug evidence is acquired. In those instances where DEA does not take custody of the drug evidence, an "Information Only" DEA form-7 is submitted to the Statistical Services Section. It should be noted that the identity of the substance and the amount of drug removals contained in the Information Only-7 system are based on field determinations not laboratory analyses. For that reason, the combined statistics (Information Only-7 and STRIDE statistics) reflect the gross weight of drugs removed.

The Statistical Services Section is responsible for the statistics produced from STRIDE and the Information Only 7s. As STRIDE/Information Only 7 data are updated, comparisons are made to analyze trends and to validate the data. The Section conducts other routine testing of STRIDE/Information

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Only 7 information, including comparisons to the Federal Drug Seizure System information.

Asset Seizure and Forfeiture Statistics

The source for asset seizure and forfeiture statistics is the DOJ Computerized Asset Tracking System (CATS). Information is entered into CATS by field personnel using the Standard Seizure Form as source document. DEA reports on two types of assets: Standard seizures and Referred assets. Standard seizures are seizures made by DEA, and referred assets are asset seizures that had DEA participation or assistance. Data entered into CATS are subjected to numerous system edits to ensure accuracy and prevent duplicate records from being entered into the system. DEA's Asset Forfeiture Section conducts periodic quality control reviews of CATS data, as does the CATS program office at DOJ.

Clandestine Laboratory Seizure Statistics

Clandestine laboratory statistics are collected through the National Clandestine Laboratory Database, which is maintained in the El Paso Intelligence Center (EPIC). EPIC obtains these data through a review of teletypes, DEA investigative forms (DEA Form-6), and Clandestine Laboratory Reports filed by DEA chemists subsequent to a laboratory seizure.

Marijuana Eradication Data

The source of the marijuana eradication data is DEA's State and Local Section (DOS). DOS receives monthly statistical reports from each participating state and local law enforcement agency. These reports provide plant count information for all outdoor grows, indoor grows, the number of plots eradicated and indoor grows seized. The monthly reports also supply the number of persons arrested, weapons and assets seized. DEA DCE/SP coordinators also verify large outdoor and indoor grows through on-site inspections.

Resources

DEA's FY 2001 Annual Performance Plan (APP) reflects the relationship between DEA's Decision Units (DU's), which are the budget account structures by which the agency requests and accounts for resources, and its programs. The performance measurement tables illustrate the relationship between DEA's DU's, DEA's three (3) Core Business Systems, and the Core Functions in the DOJ Strategic Plan and the ONDCP Goals.

DEA's budget structure is currently divided into ten DU's: Domestic Enforcement; Foreign Cooperative Investigations; Drug and Chemical Diversion Control; State and Local Task Forces; Intelligence; Laboratory Services; Training; Research, Engineering, and Technical Operations; ADP; and Management and Administration. DEA's FY 2001 Annual Performance Plan submission has been revised to display DEA's performance indicators by DU. The performance indicators listed for each DU have now been linked to specific DOJ and ONDCP goals.

In order to achieve full compliance with GPRA and OMB Circular A-11, DEA must establish the link between program performance and the full costs of achieving the goals and objectives derived from the strategic planning process. In this regard, DEA's three major program responsibilities are as follows:

1) Enforcing the laws against the distribution of illegal drugs (Domestic Law Enforcement);

2) Providing assistance to source and host nations (Foreign Cooperative Investigations);

3) Enforcing the laws against the illegal manufacture and distribution of legal drugs (Drug and Chemical Diversion Control).

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DEA plans to move towards consolidating its DU's from ten (Domestic Enforcement, Foreign Cooperative Investigations, Drug and Chemical Diversion Control, State and Local Task Forces, Intelligence, Laboratory Services, Training, Research, Engineering, and Technical Operations, Automated Data Processing, and Management and Administration) to four (Domestic Enforcement, Foreign Cooperative Investigations, Drug and Chemical Diversion Control, and Management and Administration). This consolidation will allow DEA to assign its support costs by major program area, and capture its overhead costs in Management and Administration. As a result, DEA would be able to report on the full costs of achieving results in its three major program areas (Domestic Enforcement, Foreign Cooperative Investigations, and Drug and Chemical Diversion Control) and therefore fully comply with the requirements of GPRA and OMB Circular A-11.

DEA envisions that the data and information provided through an enhanced performance measurement, evaluation, and reporting system will ensure that performance based budgeting as prescribed by OMB Circular A-11 will be achieved. In this regard, DEA anticipates being able to link budgetary authority, personnel resources, and CORE series staff work hours to specific operational performance goals and objectives, including, but not necessarily limited to, disruption/dismantlements of priority targets. This information will assist management in determining the optimal level of resources required to achieve operational performance goals and objectives.

1) Dollars/Positions:

All of DEA's resources are aligned with DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

FY 1999 Planned/ Actual		FY 2000 Planned		FY 2001 Planned	
BA	Positions	BA	Positions	BA	Positions
$1,307.8/ $1,277.1	9,026/ 8,748	$1,445.3	9,112	$1,557.7	9,156

1) All data noted above include resources provided by a funding agreement with the Organized Crime Drug Enforcement Task Forces (OCDETF). For FY 2001, this amounts to 1000 positions and $108 million. Although these resources are provided through a reimbursable agreement, they are under DEA's control and impact on DEA's performance.

2) Skills:

DEA employees include persons in the CORE positions of Special Agent, Diversion Investigator, Intelligence Analyst, and Forensic Chemist. DEA also employs persons in various Professional and Administrative career positions such as Program, Management, and Budget Analysts, Accountants, etc. The skills required vary by position but the vast majority of DEA positions require analytical, investigative, and writing skills at a professional level.

(3) Information Technology:

FIREBIRD is the primary office automation infrastructure that supports the full spectrum of DEA's global operations. Initiated in FY 1994, this project is a unique synergy of investigative expertise and advanced computer technology designed specifically to support DEA's drug enforcement mission. FIREBIRD is a client server-based network that, once fully deployed, will link all DEA offices and components worldwide. This will allow all DEA components to function interactively with one another through enhanced communication and business process reengineering.

Tools that all modern businesses must have (e.g., E-mail, uniform word processing and other forms of office automation) are combined with DEA specific requirements such as an electronic investigative file room and the Narcotics And Dangerous Drugs Information System (NADDIS), to create a low cost, highly effective system model for other Federal law enforcement agencies. Essentially, FIREBIRD acts as a force multiplier, allowing DEA components scattered around the world to act as one cohesive unit through the instantaneous access of critical law enforcement and intelligence information. Perhaps more importantly, FIREBIRD has been designed to "evolve" to suit the needs of DEA personnel, particularly through its support of unique projects like MERLIN and MERCURY, which are critical tools that represent the future of drug law enforcement. DEA is requesting additional resources for FY 2001 in order to accelerate full deployment of Firebird.

MERLIN is an advanced intelligence system designed to support the classified processing needs of Special Agents and Intelligence Research Specialists operating worldwide. Initiated in 1995 using FIREBIRD's communications infrastructure combined with computer security encryption processes, MERLIN provides a classified processing environment designed to link and support DEA components across vast geographical distances. DEA personnel operate within this secure environment to collect, analyze, disseminate, and exchange classified information, which allows DEA components in different locations to operate as a cohesive unit. MERLIN also enables information exchanges at the secret and lower levels between DEA and other Federal agencies, particularly with the FBI. Prior to developing this technology, the classified holdings of DEA were on stand-alone islands throughout the agency. There were no means, other than via secure faxes, to distribute classified intelligence information in a timely manner.

In addition to providing a secure and instantaneous means of communication, MERLIN allows access to critical DEA intelligence and investigative data from a single workstation, serving as an advanced analytical tool to assist the user in reviewing and analyzing massive amounts of data. The system enables rapid analysis by allowing the user to access previously unavailable information and by assisting in detecting links, associations, and patterns that are key to today's major investigations. To compete with increasingly sophisticated international drug syndicates, DEA analytical and investigative personnel must be equipped with the tools necessary to exploit available information on a real-time basis. MERLIN provides all of these capabilities at a classified level, allowing increased, safe, and frequent interactions between DEA and other Federal agencies.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Domestic Enforcement — **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Domestic Enforcement Funding	[FR]	$335.1M	$317.4M	$354.4M	$342.9M	$478.6M	$502.5M
	2. Special Agents (Domestic Divisions)	[FR]	3,447	3,609	3,864	3,700	3,672	3,683
Output/ Activity	3. Domestic Cases Opened (minus Diversion)	[CAST]	NA	19,353	NA	20,247	NA	NA
	4. Domestic SA Available Work Hours	[FR]	7,617,870	7,778,067	8,539,440	8,543,534	8,115,120	8,139,430
	5. Domestic SA Investigative Work Hours	[WRS]	NA	5,052,820	NA	5,339,315	NA	NA
	6. Domestic Arrests (by or participated in by DEA Agents)	[DSS]	NA	37,430	NA	39,906	NA	NA
	7. Title III Facilities		NA	621	NA	637	NA	NA
	8. Drug Removals (in kilograms):	[STRIDE]						
	a. Heroin		NA	372	NA	374	NA	NA
	b. Cocaine		NA	32,409.00	NA	37,468.80	NA	NA
	c. Cannabis		NA	242,221.90	NA	322,862.20	NA	NA
	d. Methamphetamine		NA	1,230.20	NA	1,379.70	NA	NA
	e. Amphetamine		NA	367.1	NA	201.9	NA	NA
	f. Other Dangerous Drugs (DU'S)		NA	17,041,026	NA	5,074,481.00	NA	NA
	9. Clandestine Laboratories Dismantled	[EPIC]	NA	1,654	NA	2,024	NA	NA
	10. Methamphetamine Labs Dismantled	[EPIC]	NA	1,627	NA	1,991	NA	NA
Intermediate Outcome	11. Arrests Resulting in Prosecution	[DSS]	NA	22,047	NA	24,895	NA	NA
	12. Asset Seizures	[CATS]	NA	$519.2M	NA	$620.0M	NA	NA
	13. Asset Forfeitures	[CATS]	NA	$314.5M	NA	$346.2M	NA	NA
	14. Arrests Resulting in Conviction	[DSS]	NA	18,730	NA	20,668	NA	NA
End Outcome	15. Number of Major Drug Trafficking Organizations Dismantled or Disrupted		NA	NA	NA	NA	TBD	TBD
	16. Major Drug Trafficking Organizations Dismantled or Disrupted (%)	[FR]	NA	NA	NA	NA	TBD	TBD

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Domestic Enforcement **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Productivity/ Efficiency	17. Quality of Investigation Index (%)	[FR]	NA	58.9%	NA	62.4%	TBD	TBD
	18. Direct Investigative Hours (%)	[FR]	NA	65.0%	NA	62.5%	TBD	TBD
	19. Funding Obligation Rate	[FR]	NA	NA	100%	96.7%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Items 15 & 16. This End Outcome is being developed and will demonstrate the negative impact to major drug trafficking organizations and individuals. DEA staff have formed a Working Group which will determine how DEA will collect and analyze data for this indicator. DEA expects to set performance goals and begin reporting performance data for this indicator during FY 2000.

Item 17. The Quality of Investigations Index reflects the percentage of arrests resulting in prosecution compared to total domestic arrests.

Item 18. The percentage of Direct Investigative hours indicates the productivity level attributable to DOJ and ONDCP Goals to reduce the availability of illicit drugs.

Item 19. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Defendant Statistical System [DSS]; Case Status Subsystem [CAST]; Computerized Asset Tracking System [CATS]; System to Retrieve Information from Drug Evidence [STRIDE]; National Clandestine Laboratory database, El Paso Intelligence Center [EPIC]. The verification/validation source is the Executive Policy and Strategic Planning Staff, Statistical Analysis Unit. Funding, Authorized & Assigned Strength data were provided by the DEA Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

Item 2. Difference between FY 2000 & FY 2001 is that FY 2000 did not include previously unallocated positions.

The NA notation indicates that data were not previously required and/or goals were not established. The notation TBD indicates that the outcome will be calculated at the end of the fiscal year. The notation TBD indicates that data were not available at this time, but will be provided at the end of the fiscal year.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DO Strategic Goal and Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Foreign Cooperative Investigations **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Foreign Cooperative Investigation Funding	[FR]	$198.1M	$149.1M	$195.4M	$175.3M	$200.6M	$206.6M
	2. Special Agents (Foreign)	[FR]	342	272	411	357	469	469
Output/ Activity	3. Foreign Cases Opened	[CAST]	NA	1,579	NA	1,931	NA	NA
	4. SA Available Work Hours (Foreign)	[FR]	755,820	615,748	908,310	655,034	1,036,490	1,036,490
	5. Foreign Arrests with DEA Involvement	[CAST]	NA	3,211	NA	4,632	NA	NA
	6. Foreign Drug Removals where DEA participated/contributed (in kilograms)	[STRIDE]						
	a. Heroin		NA	2,688.3	NA	6,442.6	NA	NA
	b. Cocaine		NA	78,489.5	NA	96,781.3	NA	NA
	c. Cannabis		NA	62,852.4	NA	76,884.1	NA	NA
	d. Methamphetamine		NA	1,518.5	NA	1,257.30	NA	NA
	e. Amphetamine		NA	0	NA	0.3	NA	NA
	f. Other Dangerous Drugs (DU'S)		NA	1,944,365.00	NA	5,247,835.00	NA	NA
Intermediate Outcome	7. Number of foreign countries where DEA provides assistance that have improved law enforcement capability		NA	NA	NA	NA	TBD	TBD
	8. Foreign countries where DEA provides assistance that have improved law enforcement capability (%)	[FR]	NA	NA	NA	NA	TBD	TBD
End Outcome	9. Number of Major Drug Trafficking Organizations Dismantled or Disrupted		NA	NA	NA	NA	TBD	TBD
	10. Major Drug Trafficking Organizations Dismantled or Disrupted (%)	[FR]	NA	NA	NA	NA	TBD	TBD
Productivity/ Efficiency	11. Funding Obligation Rate	[FR]	NA	NA	100%	89.7%	100%	100%

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Foreign Cooperative Investigations **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Items 7, 8, 9, & 10. These Outcomes are being developed and will demonstrate the negative impact to major drug trafficking organizations and individuals. DEA staff have formed a Working Group which will determine how DEA will collect and analyze data for these indicators. DEA expects to set performance goals and begin reporting performance data for these indicators during FY 2000 or FY 2001.

Item 10. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Case Status Subsystem [CAST]; System to Retrieve Information from Drug Evidence [STRIDE]. The verification/validation source is the Executive Policy and Strategic Planning Staff, Statistical Analysis Unit. Funding, Authorized & Assigned Strength data were provided by the DEA Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

Items 1 & 11. The variation between the FY 1999 enacted and actual funding is due primarily to the required realignment of payroll and rent.

Item 2 & 4. The available SA work hours (Foreign) did not meet the targeted goal in either FY 1998 or FY 1999 due to DEA's inability to deploy the targeted number of SA's to its foreign offices. This inability was due to Permanent Change of Station (PCS) costs and logistical issues associated with transfers of SA's to and from foreign duty stations.

The NA notation indicates that data were not previously required and/or goals were not established. The notation TBD indicates that the outcome will be calculated at the end of the fiscal year. The notation TBP indicates that data were not available at this time, but will be provided at the end of the fiscal year.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DOJ Strategic Goal and Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Drug and Chemical Diversion Control **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report				Performance Plans	
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Drug & Chemical Diversion Funding	[FR]	$88.2M	$67.9M	$85.5M	$79.1M	$94.9M	$99.7M
	2. Diversion Investigators	[FR]	429	407	522	475	526	526
	3. Registrants on Master File	[CSA]	NA	979,772	NA	1,014,199	NA	NA
	4. Diversion Investigations Initiated	[CSA]	NA	3,760	NA	2,975	2,950	2,950
	5. New Applications Processed	[CSA]	NA	57,697	NA	56,027	53,500	53,500
Output/ Activity	6. Diversion Investigation Arrests	[CSA]	NA	447	NA	752	NA	NA
	7. Diversion Administrative Actions	[CSA]	NA	664	NA	1,330	NA	NA
Intermediate Outcome	8. Diversion Arrests Resulting in Conviction	[CSA]	NA	283	NA	327	NA	NA
End Outcome	9. Compliance Rate	[FR]	NA	99.8%	NA	99.8%	99.8%	99.8%
Productivity/ Efficiency	10. Funding Obligation Rate	[FR]	100%	NA	100%	92.5%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 9. This End Outcome will reflect DEA's progress toward achieving, not only the DOJ Goal, but also the ONDCP Goals to reduce availability of legal drugs being distributed for illegal purposes.

Item 10. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: DEA Controlled Substance Act [CSA] database; Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

The NA notation indicates that data were not previously required and/or goals were not established.

Item 1. Difference in funding ($101M vs. $94.9M) was attributable to an administrative error. Funding includes Diversion Control Fee Account (DCFA).

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DOJ Strategic Goal and Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: State and Local Task Forces — **DEA Core Business System 1:** Enforcement of Federal Laws and Investigations

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. State & Local Task Force Funding	[FR]	$151.1M	$185.5M	$161.2M	$180.0M	$233.1M	$241.2M
	2. Cooperative Investigations Initiated	[CAST]	NA	14,447	NA	15,000	NA	NA
Output/ Activity	3. State and Local Arrests (by or participated by DEA agents)	[DSS]	NA	26,407	NA	26,279	NA	NA
	4. Quantity of cannibis eradicated	[DOS]						
	a. Cultivated outdoor		NA	2.2 mil	NA	2.5 mil	NA	NA
	b. Cultivated indoor		NA	232,839	NA	131,274	NA	NA
	c. Ditchweed		NA	132.4 mil	NA	61.5 mil	NA	NA
Intermediate Outcome	5. State and Local Arrests Resulting in Prosecution	[DSS]	NA	15,612	NA	17,571	NA	NA
End Outcome	(Included in Domestic Enforcement)							
Productivity/ Efficiency	(Included in Domestic Enforcement)							
	6. Funding Obligation Rate	[FR]	NA	NA	100%	111.6%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 4. The cannibis eradication program is administered on a calendar, not fiscal year, so the data provided for 9/30/99 actuals represents data compiled from 1/01/99 through 9/30/99. The data for the three remaining months of calendar year 1999 has not yet been compiled.

Item 6. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Case Status Subsystem [CAST]. The verification/validation source is the Executive Policy and Strategic Planning Staff, Statistical Analysis Unit. Funding, Authorized & Assigned Strength data were provided by the DEA Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

Items 1 & 11. The variation between the FY 1999 enacted and actual funding is due primarily to the required realignment of payroll and rent.

The NA notation indicates that data were not previously required and/or goals were not established.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DOJ Strategic Goal and Productivity/Efficiency indicators.

*Design[illegible]n indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Intelligence — **DEA Core Business System 2:** Investigative Support

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal I.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Intelligence Funding	[FR]	$81.7M	$60.2M	$86.6M	$89.1M	$108.5M	$114.7M
	2. Intelligence Specialists	[FR]	597	576	681	634	684	684
	3. Accesses to Intelligence Databases	[EPIC]	NA	1,155,931	1,226,921	1,230,699	1,301,234	1,372,828
	4. Requests for Information	[EPIC]	NA	76,996	NA	48,015	50,000	50,000
Output/ Activity	5. Requests Resulting in "Positive Hits"	[EPIC]	NA	18,658	21,441	23,167	25,000	25,000
Intermediate Outcome	6. Percent of "Positive Hits"	[FR]	NA	24.2%	NA	48.2%	50.0%	50.0%
End Outcome	(Included in Domestic Enforcement)							
Productivity/ Efficiency	7. Funding Obligation Rate	[FR]	NA	NA	100%	102.8%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 7. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: El Paso Intelligence Center [EPIC]. Funding, Authorized & Assigned Strength data were provided by the DEA Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

The NA notation indicates that data were not previously required and/or, at DOJ direction, goals were not established. The notation TBD indicates that the outcome will be calculated at the end of the fiscal year. The notation TBP indicates that data were not available at this time, but will be provided at the end of the fiscal year.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DOJ Strategic Goal and Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Laboratory Services **DEA Core Business System 2:** Investigative Support

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report				Performance Plans	
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Laboratory Services Funding	[FR]	$38.3M	$33.9M	$43.6M	$38.2M	$48.3M	$49.9M
	2. DEA Chemists	[FR]	235	246	256	233	257	257
Output/ Activity	(Included in Domestic Enforcement)							
Intermediate Outcome	(Included in Domestic Enforcement)							
End Outcome	(Included in Domestic Enforcement)							
Productivity/ Efficiency	3. Funding Obligation Rate	[FR]	NA	NA	100%	87.6%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 3. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Office of Resource Management [FR]

B. Issues Affecting FY 1999 Program Performance:

The NA notation indicates that data were not previously required.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing the DOJ Strategic Goal and Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Training **DEA Core Business System 2:** Investigative Support

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Training Funding	[FR]	$18.3M	$27.9M	$22.90M	$26.0M	$19.9M	$20.3M
	2. Special Agents Entering Basic Training	[TR]	500	500	421	400	260	238
	3. Forensic Chemists Entering Training	[TR]	132	132	24	30	36	12
	4. Intelligence Analysts Entering Training	[TR]	120	120	120	160	82	34
	5. Diversion Investigators Entering Training	[TR]	27	27	54	48	72	29
Output/ Activity	6. Basic Agent Training Graduates	[TR]	475	470	400	375	247	226
	7. Forensic Chemists Completing Training	[TR]	132	132	24	30	36	12
	8. Intelligence Analysts Completing Training	[TR]	120	115	120	160	82	34
	9. Diversion Investigator Graduates	[TR]	26	26	51	44	68	28
Intermediate Outcome	10. Training Completion Rate	[FR]	95.0%	96.6%	95.0%	95.4%	95.0%	95.0%
End Outcome	(Included in Domestic Enforcement)							
Productivity/ Efficiency	11. Funding Obligation Rate	[FR]	NA	NA	100%	113.5%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 11. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Office of Training [TR]; Office of Resource Management [FR]

B. Issues Affecting FY 1999 Program Performance:

Items 2, 3, 4, & 5. The number of employees entering training did not meet the targeted goal for either FY 1998 or FY 1999 due to the difficulties in predicting the amount of time that it will take for specific applicants to complete the Background Investigation (BI) process.

Item 4. An additional training course was added in FY 99 due to the expediting of Intelligence Analyst BI's.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and restructuring Output and Outcome measures; as well as developing End Outcome measures addressing Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: RETO — **DEA Core Business System 2:** Investigative Support

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report				Performance Plans	
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. RETO Funding	[FR]	$162.3M	$128.3M	$132.00M	$117.9M	$81.0M	$79.1M
	2. Flight Hours	[OA]	NA	22,381	25,100	22,433	26,850	28,192
	3. Missions Requested	[OA]	NA	10,138	11,545	9,729	12,700	12,833
Output/ Activity	4. Missions Flown	[OA]	NA	9,558	10,950	9,123	11,700	12,285
Intermediate Outcome	5. Percent of Missions Flown	[OA]	NA	94.3%	94.8%	93.8%	95.3%	95.8%
End Outcome	(Included in Domestic Enforcement)							
Productivity/ Efficiency	6. Funding Obligation Rate		NA	NA	100%	89.3%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 7. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Office of Resource Management [FR]; Office of Aviation Operations [OA]

B. Issues Affecting FY 1999 Program Performance:

Items 4 & 5. The number and percentage of missions flown did not meet the targeted goal for FY 1999 due to the age of the aircraft currently in service, which resulted in less available flight time due to an increase in service and maintenance time. DEA plans to discontinue reporting on indicators #3, 4, & 5 in future Performance Plans because these indicators are not appropriate to report on in an agency-wide Performance Plan.

NAs for FY 1998 indicate that no plan had been developed at that time.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

There are three changes from the FY 1999 Performance Plan: Item 5 above "% of Missions Flown" is identified as an Intermediate Outcome, Item 6 recognizes an "End Outcome," and Item 7 reflects an "Obligation Rate." The End Outcome for each Decision Unit within the DOJ Core Function 1 is reflected on the Domestic Enforcement Decision Unit Table. The Obligation rate reflects actual obligations divided by the Enacted Funding Plan.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: ADP — **DEA Core Business System 2:** Investigative Support

Department of Justice Core Function 1: Investigation and Prosecution of Criminal Offenses

DOJ Strategic Goal 1.2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

DEA Annual Performance Goal: Disrupt or dismantle the command & control, and infrastructure of drug syndicates, gangs, and traffickers of licit and illicit drugs that threaten Americans and American interests.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report				Performance Plans	
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. ADP Funding	[FR]	$77.9M	$83.5M	$91.70M	$89.5M	$96.9M	$153.4M
Output/ Activity	NA							
Intermediate Outcome	NA							
End Outcome	NA							
Productivity/ Efficiency	2. Funding Obligation Rate	[FR]	NA	NA	100%	97.6%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 2. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Funding data were provided by the DEA Office of Resource Management [FR].

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Changes between this Performance Plan and the FY 2000 Performance Plan include tracking performance indicators by budget decision unit and developing Productivity/Efficiency indicators.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Management and Administration
Department of Justice Core Function 7: Management
DOJ Strategic Goal 7: Strengthen oversight and integrity programs, ensure consistent accountability and emphasize core mission responsibilities.
DEA Annual Performance Goal: Ensure that mission driven programs function with the highest level of integrity, efficiency, and effectiveness.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	Actuals (9/30/98)	1999 Enacted Plan	Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Total DEA Personnel	[FR]	8,461	8,387	9,026	8,748	9,112	9,156
	2. OPR Investigations Initiated	[IG]	NA	229	NA	252	NA	NA
Output/ Activity	3. OPR Investigations Completed	[IG]	NA	205	NA	187	NA	NA
	4. No. of employees investigated by OPR	[IG]	NA	390	NA	412	NA	NA
	5. No. of Disciplinary Actions Taken	[HC]	NA	NA	NA	125	NA	NA
Intermediate Outcome	NA							
End Outcome	6. Disciplinary Ratio	[FR]	NA	NA	NA	1%	NA	NA
Productivity/ Efficiency	NA							

A. Definitions of Terms or Explanations for Indicators and Data Sources:
Item 1. Totals include manpower authorizations under the Diversion Control Fee Account (DCFA).
Items 2, 3, & 4. The number of OPR investigations has no direct correlation to the Number of Disciplinary Actions Taken.
Item 6. The Disciplinary Ratio reflects, as a percentage, disciplinary actions taken divided by total DEA personnel (actuals) assigned; and is stated as: DEA's level of disciplined employees is 1%.
Data Sources: Office of Resource Management [FR]; Inspection Division [IG]; Human Resources Division (HC).

B. Issues Affecting FY 1999 Program Performance:
NA indicates that no goals are established for the number of OPR investigations to be initiated.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
These measures have been added since the February 1999 Performance Plan submission: Total DEA Personnel, Number of Disciplinary Actions Taken, and Disciplinary Ratio.

*Designates an indicator covering a requested FY 2001 program change.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT: Management and Administration
Department of Justice Core Function 7: Management
DOJ Strategic Goal 7: Achieve excellence in management practices.
DEA Annual Performance Goal: Employ management practices to ensure mission driven programs function with the highest level of integrity, efficiency, and effectiveness.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators*	Data Source	1998 Enacted Plan	1998 Actuals (9/30/98)	1999 Enacted Plan	1999 Actuals (9/30/99)	2000 Plan	2001 Plan
Input	1. Management & Administration Funding	[FR]	$82.7M	$152.5M	$134.5M	$139.1M	$83.2M	$89.8M
Output/ Activity	2. Annual Audited Financial Statement	[FR]	1/1	1/1	1/1	1/1	1/1	1/1
Intermediate Outcome	NA							
End Outcome	3. Audit Opinion	[FC]	Unqualified	Qualified	Unqualified	TBP	Unqualified	Unqualified
Productivity/ Efficiency	4. Funding Obligation Rate				100%	103.42%	100%	100%

A. Definitions of Terms or Explanations for Indicators and Data Sources:

Item 4. The Obligation Rate is an efficiency indicator demonstrating timely obligation and execution of available funding to support the DEA mission requirements.

Data Sources: Office of Resource Management [FR]; Financial Management Division [FC].

B. Issues Affecting FY 1999 Program Performance:

Since the Financial Statement Audit cannot be completed until the after the due date of this report, TBP indicates that the audit opinion will be provided when the results of the audit are available.

C. Issues Affecting Selection of FY 2000 and 2001 Plans

There have been no changes between FY 2000 and FY 2001.

*Designates an indicator covering a requested FY 2001 program change.

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Department of Justice
Drug Enforcement Administration
Congressional Budget Submission for Fiscal Year 2001

Section 3: Salaries & Expenses
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Summary of Initiatives for FY 2001 Congressional Budget Estimate
Salaries and Expenses

Request	Positions SA	IS	DI	CH	PA	TC	Atty	Total	Position Funding	Non-personnel Funding	Total Cost
Special Operations Division Initiative	11	3	0	0	1	3	0	18	$1,900,000	$1,200,000	$3,100,000
Intelligence Initiative	0	0	0	0	0	0	0	0	$0	$1,500,000	$1,500,000
Infrastructure Initiative	0	0	0	0	17	9	0	26	$1,234,405	$58,722,595	$59,957,000
TOTAL	**11**	**3**	**0**	**0**	**18**	**12**	**0**	**44**	**$3,134,405**	**$61,422,595**	**$64,557,000**

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimate includes proposed changes in the appropriation language listed and explained below. New language is **bold and underscored**, and deleted material is in brackets.

Salaries and Expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft [$933,000,000] **$1,367,766,000** of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement, retrofit and parts, shall remain available until September 30, [2001] **2002**; of which not to exceed $50,000 shall be available for official reception and representation expenses [; and of which not less than $20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wirelesss Management Office].

[In addition, $343,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.] *(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act 2000 (P.L. 106-113).)*

Explanation of Changes

No substantive changes proposed.

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in Thousands)

Activity/Program:	1999 Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
1. Enforcement of Federal Laws and Investigations:															
Domestic Enforcement	2,864	2,607	$ 386,997	-	-	(34,580)	-	-	12,965	-	-	-	2,864	2,607	$ 367,382
Foreign Cooperative Investigations	778	724	$ 193,934	-	-	(10,839)	-	-	(1,000)	-	-	16,804	778	724	$ 200,899
Drug and Chemical Diversion Control	142	118	$ 11,413	-	-	(2,600)	-	-	-	-	-	-	142	118	$ 8,813
State and Local Task Forces	1,011	1,008	$ 151,633	-	-	4,380	-	-	-	-	-	1,046	1,011	1,008	$ 157,059
Subtotal	4,793	4,457	$ 743,977	-	-	(43,859)	-	-	11,965	-	-	19,850	4,793	4,457	$ 734,153
2. Investigative Support:															
Intelligence	913	893	$ 92,394	-	-	(4,056)	-	-	2,700	-	-	-	913	893	$ 91,038
Laboratory Services	362	350	$ 40,077	-	-	3,335	-	-	926	-	-	35	362	350	$ 44,373
Training	116	115	$ 18,271	-	-	4,284	-	-	-	-	-	-	116	115	$ 22,555
Research, Engineering, and Technical Operations	404	402	$ 140,346	-	-	(8,378)	-	-	(3,508)	-	-	-	404	402	$ 128,460
ADP	100	97	$ 92,626	-	-	(1,234)	-	-	8,201	-	-	125	100	97	$ 99,718
Subtotal	1,695	1,857	$ 383,714	-	-	(6,049)	-	-	8,319	-	-	160	1,695	1,857	$ 386,144
3. Program Direction:															
Management and Administration	703	695	$ 84,322	-	-	49,708	-	-	1,774	-	-	-	703	695	$ 135,804
Subtotal	703	695	$ 84,322	-	-	49,708	-	-	1,774	-	-	-	703	695	$ 135,804
Total	7,391	7,009	$ 1,214,013	-	-	$ -	-	-	$ 22,058	-	-	20,010	7,391	7,009	$ 1,256,081
Reimbursable Workyears		1,017			-			-			-			1,017	
TOTAL WORKYEARS		8,026			0			0			0			8,026	
Other Direct Workyears															
Overtime		76			-			-			-			76	
LEAP/AUO		869			-			-			-			869	
Other		172			-			-			-			172	
TOTAL COMPENSABLE WORKYEARS		9,145			0			0			0			9,145	

Reprogrammings: The reprogramming actions within DEA reflect the realignment of positions and funds in which the budget was executed.
The figures ties to the revised FY 2000 exhibit in the July 24, 1999 report to Congress on reprogrammings.

Transfer Between Accounts: The transfer of $22,058,000 includes $16,005,000 for HIDTA, $10,278,000 for Y2K and the transfer out of $4,225,000 to DOJ for the Japanese American Redress.

Unobligated Balance Brought Forward: DEA brought forward an unobligated balance of $1,004,000 from the Two-Year Appropriation.
$10,934,000 was unobligated balance, end of year, FY 1998, and an additional recovery of funds during FY 1999 totaling $8,072,000.

MAX data reflects 1,024 reimbursable positions; the correct figure, per DOJ/Budget Operations Group concurrence, is 1,017.

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Crosswalk of 2000 Changes

(Dollars in Thousands)

Activity/Program:	2000 President's Budget Request			Congressional Appropriation Action			Transfer to Narrowband			Reprogramming			Government-Wide .38% Rescission			2000 Appropriation Enacted		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
1. Enforcement of Federal Laws and Investigations:																		
Domestic Enforcement	3,163	3,101	$ 471,467	(959)	(967)	(94,459)	-	-	-	-	-	-	-	-	(24)	2,194	2,134	$ 376,984
Foreign Cooperative Investigations	713	680	$ 199,288	19	9	1,380	-	-	-	-	-	-	-	-	-	732	689	$ 200,678
Drug and Chemical Diversion Control	142	143	$ 14,696	-	-	-	-	-	-	-	-	-	-	-	-	142	143	$ 14,696
State and Local Task Forces	1,678	1,676	$ 233,073	-	-	-	-	-	-	-	-	-	-	-	-	1,678	1,676	$ 233,073
Subtotal	*5,696*	*5,599*	$ 918,436	*(940)*	*(958)*	(93,079)	-	-	-	-	-	-	-	-	(24)	4,746	4,641	$ 825,333
2. Investigative Support:																		
Intelligence	909	925	$ 108,548	(26)	(25)	(2,413)	-	-	-	-	-	-	-	-	-	883	900	$ 106,133
Laboratory Services	381	378	$ 42,633	-	-	-	-	-	-	-	-	-	-	-	-	381	378	$ 42,633
Training	99	98	$ 19,661	-	-	-	-	-	-	-	-	-	-	-	-	99	98	$ 19,661
Research, Engineering, and Technical Operations	355	353	$ 102,207	-	-	(424)	-	-	(20,733)	-	-	-	-	-	-	355	353	$ 81,050
ADP	131	129	$ 98,961	-	-	(1,967)	-	-	-	-	-	-	-	-	-	131	129	$ 96,994
Subtotal	1,675	1,683	$ 372,408	(26)	(25)	(4,804)	-	-	(20,733)	-	-	-	-	-	-	1,849	1,858	$ 346,871
3. Program Direction:																		
Management and Administration	857	849	$ 89,398	-	-	(6,109)	-	-	-	-	-	-	-	-	-	857	849	$ 83,289
Subtotal	857	849	$ 89,398	-	-	(6,109)	-	-	-	-	-	-	-	-	-	857	849	$ 83,289
Total	8,418	8,331	$ 1,380,242	(966)	(983)	(103,992)	-	-	(20,733)	-	-	-	-	-	(24)	7,452	7,348	$ 1,255,493

Note: Congressional Appropriations Action. Congress retained a separate ICDE appropriation and removed the resources from this account (1,000 positions, 1,000 FTE, $103,996,000).
Congress directed the reduction of DEA's Base/Adjustments to Base by 20 positions, 10 FTE, $17,929,000.
Congress added 61 positions, 41 FTE, and $41,900,000 for enhancements in the areas of: SOD, FIREBIRD, the Caribbean, Central America, South America, RETs, METs, State and Local Methamphetamine Training, Drug Demand Reduction, Heroin & Meth on the SW Border, Meth in Iowa.

Transfer to Narrowband: Congress mandated $20,733,000 be transferred to NBC for the costs of conversion to Narrowband Communications and for the operations and maintenance of legacy Land Mobile Radio Systems.

Government-wide Rescission: Congress mandated a government-wide rescission of .38 percent of discretionary budget authority provided in 2000.

MAX data reflects 1,024 reimbursable positions; the correct figure, per DOJ/Budget Operations Group concurrence, is 1,017.

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm Pos	WY	Amount
2000 Direct	7,452	7,348	$ 912,266
2000 (VCRP)	-	-	$ 343,251
2000 Total	7,452	7,348	$ 1,255,517
Government wide .38% rescission	-	-	$ (24)
2000 Enacted	7,452	7,348	$ 1,255,493
Adjustments-to-base increases	-	40	$ 48,293
Adjustments-to-base decreases (automatic, non-policy)	-	-	$ (577)
2001 Base	7,452	7,388	$ 1,303,209
Program Changes (See Program Narrative for Details)	44	22	$ 64,557
2001 Estimate	7,496	7,410	$ 1,367,766

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Estimates by budget activity												
1. Enforcement	4,746	4,641	$ 625,333	4,746	4,681	$ 661,618	4,770	4,693	$ 664,963	24	12	$ 3,345
2. Investigative Support	1,849	1,856	$ 346,871	1,849	1,858	$ 355,445	1,861	1,859	$ 412,945	2	1	$ 57,500
3. Program Direction	857	849	$ 83,289	857	849	$ 86,146	875	858	$ 89,858	18	9	$ 3,712
Total	7,452	7,346	$ 1,255,493	7,452	7,388	$ 1,303,209	7,496	7,410	$ 1,367,766	44	22	$ 64,557

Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Summary of Resources by Program

(Dollars in Thousands)

Estimates By Budget Activity	1999 Availability			1999 Actuals			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcement of Federal Laws and Investigations:																		
Domestic Enforcement	2,864	2,607	$ 367,382	2,864	2,580	$ 355,239	2,194	2,134	$ 376,884	2,194	2,154	$ 387,661	2,218	2,198	$ 400,006	24	12	$ 3,345
Foreign Cooperative Investigations	778	724	$ 200,899	778	720	$ 178,264	732	699	$ 200,878	732	699	$ 208,044	732	699	$ 208,044	-	-	$ -
Drug and Chemical Diversion Control	142	118	$ 8,819	142	117	$ 7,428	142	143	$ 14,598	142	143	$ 16,156	142	143	$ 16,156	-	-	$ -
State and Local Task Forces	1,011	1,008	$ 157,039	1,011	1,002	$ 176,996	1,078	1,078	$ 253,073	1,078	1,085	$ 241,257	1,078	1,085	$ 241,257	-	-	$ -
Subtotal	4,793	4,457	$ 734,133	4,793	4,429	$ 717,947	4,746	4,641	$ 825,333	4,746	4,681	$ 851,618	4,770	4,983	$ 864,563	24	12	$ 3,345
Investigative Support:																		
Intelligence	913	883	$ 91,038	913	888	$ 88,790	883	900	$ 106,133	883	900	$ 110,904	883	900	$ 112,404	-	-	$ 1,500
Laboratory Services	362	350	$ 44,373	362	348	$ 39,183	381	378	$ 42,833	381	378	$ 44,483	381	378	$ 44,483	-	-	$ -
Training	119	118	$ 22,555	118	114	$ 20,993	99	96	$ 19,861	99	96	$ 20,309	99	96	$ 20,309	-	-	$ -
Research, Engineering, and Technical Operations	404	402	$ 128,480	404	400	$ 118,852	355	353	$ 81,050	355	353	$ 82,290	355	353	$ 82,290	-	-	$ -
ADP	100	97	$ 99,718	100	96	$ 95,828	131	129	$ 96,994	131	129	$ 97,478	133	130	$ 159,478	2	1	$ 57,000
Subtotal	1,898	1,857	$ 386,144	1,895	1,846	$ 369,436	1,849	1,856	$ 346,871	1,849	1,856	$ 355,448	1,851	1,858	$ 412,945	2	1	$ 57,500
Program Direction:																		
Management and Administration	703	685	$ 135,804	703	691	$ 139,824	657	649	$ 93,289	657	649	$ 96,146	676	658	$ 99,858	19	9	$ 3,712
Subtotal	703	685	$ 135,804	703	691	$ 139,824	657	649	$ 93,289	657	649	$ 96,146	676	658	$ 99,858	19	9	$ 3,712
Subtotal, VCRP	2,087	2,048	$ 405,000	2,087	2,041	$ 414,601	-	-	$ 343,291	-	-	$ -	-	-	$ -	-	-	$ -
Subtotal, Direct	5,304	4,961	$ 851,081	5,304	4,925	$ 812,606	7,452	7,348	$ 912,243	7,452	7,388	$ 1,303,209	7,496	7,410	$ 1,367,766	44	22	$ 64,557
TOTAL	7,391	7,009	$ 1,256,081	7,391	6,966	$ 1,227,207	7,452	7,348	$ 1,255,493	7,452	7,388	$ 1,303,209	7,496	7,410	$ 1,367,766	44	22	$ 64,557
Reimbursable Workyears		1,017			1,017			1,017			1,017			1,017			-	
TOTAL WORKYEARS		8,026			7,983			8,365			8,405			8,427			22	
Other Direct Workyears																		
Overtime		78			88			84			84			85			0	
LEAP/AUO		869			865			73			941			943			2	
Other		172			171			936			74			74			0	
TOTAL COMPENSABLE WORKYEARS		9,145			9,077			9,428			9,474			9,496			24	

MAX data reflects 1,024 reimbursable positions; the correct figure, per DOJ/Budget Operations Group concurrence, is 1,017.

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

Financing:	1999 Actual			2000 As Enacted			2001 Request			Increases/Decreases		
Collection by Source:	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Crime Drug Enforcement	975	975	$97,318	975	975	$101,671	975	975	$105,764	-	-	$4,093
Regional Drug Intelligence Squads	25	25	$2,228	25	25	$2,329	25	25	$2,426	-	-	$97
Assets Forfeiture Fund	-	-	$64,313	-	-	$66,103	-	-	$66,103	-	-	$0
Department of Treasury	-	-	$47	-	-	$149	-	-	$149	-	-	$0
Office of National Drug Control Policy	-	-	$111	-	-	$269	-	-	$269	-	-	$0
Department of State	20	17	$4,414	20	17	$5,652	20	17	$5,652	-	-	$0
Department of Justice	-	-	$15,548	-	-	$26,699	-	-	$11,199	-	-	($15,500)
National Drug Intelligence Center	-	-	$944	-	-	$665	-	-	$665	-	-	$0
Department of Defense	-	-	$135	-	-	$90	-	-	$90	-	-	$0
Department of Transportation	-	-	$42	-	-	$64	-	-	$64	-	-	$0
Federal Bureau of Investigations	-	-	$1,463	-	-	$2,037	-	-	$2,037	-	-	$0
Misc. Government	-	-	$3,609	-	-	$3,544	-	-	$3,544	-	-	$0
Misc. Non-Government	-	-	$319	-	-	$4,753	-	-	$4,753	-	-	$0
Total	1,020	1,017	$190,491	1,020	1,017	$214,025	1,020	1,017	$202,715	-	0	($11,310)
Obligations by Program:												
Enforcement	975	975	$138,732	975	975	$148,296	975	975	$152,389	-	-	$4,093
Investigative Support	45	42	$25,203	45	42	$39,454	45	42	$24,051	-	-	($15,403)
Program Direction	-	-	$26,556	-	-	$26,275	-	-	$26,275	-	-	$0
Total	1,020	1,017	$190,491	1,020	1,017	$214,025	1,020	1,017	$202,715	-	-	($11,310)

Effective in FY 1999 NDIC positions will no longer be provided to DEA.

MAX data reflects 1,024 reimbursable positions; the correct figure, per DOJ/Budget Operations Group concurrence, is 1,017.

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Domestic Enforcement			
2000 Appropriation Enacted	2,194	2,134	$ 376,984
2001 Base	2,194	2,154	397,561
2001 Estimate	2,218	2,166	400,906
Increase/Decrease	24	12	$ 3,345

LONG RANGE GOAL: Through effective enforcement efforts, DEA will disrupt/dismantle the leadership, command, control, and infrastructure of major drug syndicates, criminal organizations, and violent drug trafficking groups that threaten Americans and American interests.

BASE PROGRAM DESCRIPTION: The Domestic Enforcement Program includes the investigative operations of DEA's 21 field divisions, the operational coordination functions located at DEA Headquarters, DEA's Special Enforcement Programs, Title III intercept operations, the Domestic Cannabis Eradication/Suppression Program, and the Special Operations Division (SOD). Specifically, the Domestic Enforcement Program employs the majority of the Special Agent work force and is responsible for conducting investigations of drug production and trafficking activities within the U.S. Domestic enforcement personnel use a variety of investigative tools including electronic surveillance, informants, and undercover operations to acquire intelligence information that aids in dismantling, prosecuting, and eliminating drug production and trafficking organizations. SOD's capability to generate pertinent and valuable intelligence, combined with its information sharing mechanisms, enables DEA to increase its understanding and knowledge of drug trafficking activities in this country.

	Perm. Pos.	FTE	Amount
State and Local Task Forces			
2000 Appropriation Enacted	1,678	1,675	$ 233,073
2001 Base	1,678	1,685	241,257
2001 Estimate	1,678	1,685	241,257
Increase/Decrease	0	0	$ 0

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LONG RANGE GOAL: Ensure a maximum contribution to state and local law enforcement agencies and foster intergovernmental cooperation in order to reduce drug availability and immobilize major trafficking organizations at all levels.

BASE PROGRAM DESCRIPTION: The State and Local Task Force Program enlists the resources and support of state and local law enforcement agencies in federal drug enforcement efforts through the following actions:

- Improves the quality of drug investigations and prosecutions and provides a diverse, creative, and all-encompassing federal response to the multi-faceted and complex drug problem;
- Increases the work force under DEA's supervision by utilizing state and local officers and providing them with special equipment and conveyances when needed for use in DEA operations; and
- Expands DEA's intelligence databases.

Additionally, funds the Mobile Enforcement Team (MET) program organized within the State and Local Task Force Program. The MET program was established to assist state and local law enforcement by providing an immediate infusion of Special Agents and resources to penetrate and eliminate violent gangs and local trafficking organizations. This program places DEA in a supportive role in investigations that are targeted by state and local agencies based on their own local priorities. The mission of the METs is to assist in the elimination of drug organizations by securing the conviction and incarceration of those individuals dealing drugs and causing violence in these communities.

Foreign Cooperative Investigations	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	732	699	$ 200,678
2001 Base	732	699	206,644
2001 Estimate	732	699	206,644
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: Work to enhance coordination with host nation counterparts and increase collection of foreign-source drug intelligence.

BASE PROGRAM DESCRIPTION: DEA's overseas efforts are directed toward advising, assisting, and encouraging foreign governments to reduce the trade and supply of illicit drugs within their countries. DEA also works with foreign governments on the investigation of high-level international trafficking organizations which have a direct impact on the U.S. In pursuing these aims, DEA coordinates drug intelligence collection and drug investigations with foreign law enforcement agencies, and participates in bilateral and multilateral drug suppression programs.

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Drug and Chemical Diversion Control	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	142	143	$ 14,598
2001 Base	142	143	16,156
2001 Estimate	142	143	16,156
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: To prevent legitimately manufactured controlled substances and chemicals from being diverted from their lawful purpose to illicit drug trafficking and drug production activities.

BASE PROGRAM DESCRIPTION: DEA is responsible for enforcing the Chemical Diversion and Trafficking Act of 1988, Article 12 of the United Nations Convention Against Illicit Drug Traffic of 1988, the Methamphetamine Control Act of 1996, and the Anabolic Steroid Control Act of 1991, which mandates commodity control for those chemicals identified as most often used in the manufacture and synthesis of abusive drugs and the Methamphetamine Control Act of 1996 that places additional controls on precursor chemicals related to methamphetamine production.

Under this mandate, DEA utilizes Diversion Investigators, Special Agents, Chemists, Pharmacologists, Program Analysts, and others to monitor legal and illegal movement of controlled drugs and chemicals across U.S. borders. Activities under the Diversion Control Program include: 1) analyzing past data from diversion control activities to help develop work plans and priority objectives for current operations; 2) oversight of all drug and chemical diversion control activities to ensure they are responsive to, and/or consistent with the drug and chemical diversion control mission of DEA; 3) supporting the U.S.'s drug enforcement position at national and international forums that address the control of legitimate drugs and at diplomatic events that address drug and chemical diversion control issues; and 4) formulating legislation and regulations that curtail the diversion of controlled substances and listed chemicals from legitimate channels.

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ACTIVITY: INVESTIGATIVE SUPPORT

Intelligence	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	883	900	$ 106,133
2001 Base	883	900	110,904
2001 Estimate	883	900	112,404
Increase/Decrease	0	0	$ 1,500

LONG RANGE GOAL: By effectively developing and exploiting investigative intelligence, DEA will support the intelligence needs of U.S. law enforcement managers and policy makers and identify the major drug threats, and define the criminal activities of drug organizations and gangs that threaten Americans.

BASE PROGRAM DESCRIPTION: DEA's intelligence program is comprised of several components that are responsible for collecting, analyzing, and disseminating drug-related intelligence worldwide. Intelligence information obtained through this program is essential to DEA operations and facilitates seizures and arrests, strengthens investigations and prosecutions of major drug trafficking organizations, and provides policy makers with drug trend information upon which tactical and strategic decisions are based. DEA's intelligence units are located in all domestic field divisions and in the major drug cultivation, production, and transit countries around the world.

This program also funds the El Paso Intelligence Center (EPIC), a multi-agency facility that serves as a clearinghouse for tactical intelligence and a central point for the collection, analysis, and dissemination of information related to worldwide drug movement and alien smuggling. EPIC provides support for drug law enforcement interdiction operations and is accessible 24 hours a day, 7 days a week.

Laboratory Services	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	381	378	$ 42,833
2001 Base	381	378	44,463
2001 Estimate	381	378	44,463
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: Provide drug law enforcement support through the timely analysis of drug evidence and the presentation of expert forensic testimony in courts of law. DEA's labs will also provide assistance to investigators on clandestine laboratory investigations, diversion investigations (drugs and chemicals), as well as to intelligence analysts who conduct analyses to determine the origin of controlled substances and drug distribution patterns.

BASE PROGRAM DESCRIPTION: This program provides laboratory services for Enforcement, Intelligence, and Diversion Control activities within DEA. The following provides a synopsis of the supporting efforts provided to each activity:

- **Enforcement** activities are supported through the timely analysis of drug evidence and the presentation of expert forensic testimony in court. This program provides field assistance to Special Agents on clandestine laboratory investigations and conducts crime scene searches for trace drug evidence. Additionally, lab services perform toolmark and signature analyses on evidence linked to suspected conspiracy cases.

- **Intelligence** activities are supported through laboratory analyses that show the origin of controlled substances and highlights of foreign drug distribution patterns. Intelligence programs are also aided through signature analyses applied to the Domestic Monitor Program, which assists in tracking domestic drug distribution patterns, price/purity at the retail level and identifying the geographic source areas of the heroin.

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- **Diversion Control** activities are provided information on illegal drug distribution through the examination of tablets, capsules and papers.

In addition to lab services, this program provides forensic drug laboratory support to the Interagency Crime and Drug Enforcement Program, the Washington, DC Metropolitan Police Department, and to the Federal Bureau of Investigation, which has concurrent jurisdiction in enforcement of federal drug laws. This program also provides support to other federal, state and local law enforcement agencies that do not have their own forensic drug examination capability, or require the special expertise of DEA forensic scientists.

Training	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	99	98	$ 19,861
2001 Base	99	98	20,309
2001 Estimate	99	98	20,309
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: To establish, maintain, and enhance the mission-related skills of DEA personnel to improve and/or sharpen the knowledge, skills and abilities necessary to fulfill the various work responsibilities.

BASE PROGRAM DESCRIPTION: The objective of DEA's Training Program is to provide employees and law enforcement counterparts with the skills and knowledge necessary to support DEA's anti-drug efforts. DEA has aggressively developed a comprehensive training program that reflects the diversity and sophistication of the agency's complex mission.

The following examples describe the specialized training courses offered to DEA employees:

Basic and Field Agent Training: Basic training provides instruction to Special Agents on all facets of drug law enforcement operations including the hazards of undercover work, financial manipulations associated with money laundering, and the legal intricacies inherent in conspiracy law. Field training provides on-the-job training to new Special Agents by pairing them with senior agents for a 26 week period;

Clandestine Laboratory Training: Instruction is provided to DEA personnel on techniques for safely seizing and dismantling clandestine laboratories; and

International and State and Local Training: Drug law enforcement instruction is provided to foreign counterparts and state and local law enforcement officers.

In addition to these specialized courses, DEA also provides ongoing training to employees on a variety of topics including basic orientation, in-service training, and supervisory and management training.

Research, Engineering, and Technical Operations	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	355	353	$ 81,050
2001 Base	355	353	82,290
2001 Estimate	355	353	82,290
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: To support DEA enforcement and intelligence programs through research and development, procurement, maintenance, and management of technical investigative equipment and aircraft and by providing assistance to ensure achievement of the agency's mission.

BASE PROGRAM DESCRIPTION: The Research, Engineering, and Technical Operations Program is responsible for providing new technology and scientific support to the operational elements of DEA. Specifically, this includes enhancing technical equipment, personnel resources, and aircraft operations essential to anti-drug production and trafficking investigations. These support functions enable DEA investigative personnel to maximize enforcement efforts, and strengthen the personal safety necessary for effectively dismantling drug trafficking organizations.

Automated Data Processing	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	131	129	$ 96,994
2001 Base	131	129	97,479
2001 Estimate	133	130	153,479
Increase/Decrease	2	1	$ 56,000

LONG RANGE GOAL: To provide efficient and effective information technology resources and telecommunications support that maximizes the ability of the agency to accomplish its mission.

BASE PROGRAM DESCRIPTION: The Automated Data Processing (ADP) Program is responsible for providing information technology services and telecommunications support to DEA operations worldwide. This includes the oversight of DEA's Data Base Management System (DBMS) and systems applications which manage the vital information that supports DEA intelligence and enforcement operations. These systems include but are not limited to: FIREBIRD; Narcotics and Dangerous Drugs Information System (NADDIS); Controlled Substances Act System (CSA); System to Retrieve Information from Drug Evidence (STRIDE); Automation of Reports and Consolidated Orders Systems (ARCOS I and II); and DEA's accounting system Federal Financial System

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(FFS). Much of the information maintained in these systems requires secure communication system capabilities (secure voice, facsimile, and teletypewriter capabilities) worldwide, and therefore, is managed by the ADP Program.

ACTIVITY: PROGRAM DIRECTION

Management and Administration	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	857	849	$ 83,289
2001 Base	857	849	86,146
2001 Estimate	875	858	89,858
Increase/Decrease	18	9	$ 3,712

LONG RANGE GOAL: To develop, maintain, and provide effective and efficient management, executive direction and control, and administrative support functions to ensure maximum achievement of DEA's mission.

BASE PROGRAM DESCRIPTION: The Management and Administration functions within DEA are responsible for formulating agency-wide policy, providing oversight to all field management functions, monitoring internal controls, and ensuring effective and efficient resource utilization.

The programs and operations included under Management and Administration are as follows:

Staff Operations: The Staff Operations Program is responsible for responding to Congressional, media, and public inquiries; providing DEA officials with reports on Congressional activities; issuing press releases; preparing speeches, talking points, and Congressional demand reduction testimony. Additionally, this program also prepares legal briefs, opinions, and presentations; provides technical legal training in regulatory and criminal matters, civil litigation, seizures, forfeiture of assets, personnel, equal employment opportunity, procurement, and international matters; and advises management on matters pertaining to planning, policy analysis, and statistical systems;

Financial Management: Under the direction of the Chief Financial Officer, the financial management offices within DEA are responsible for planning, formulating, and executing DEA's budget; developing and maintaining resource allocation plans; and managing and maintaining DEA's accounting system;

Inspections: The Inspections Program is responsible for management and oversight of all matters pertaining to integrity and misconduct;

Security: The Security Program is responsible for worldwide management and oversight of DEA's personnel, physical, and information security programs;

Personnel Operations and Equal Employment Opportunity (EEO): The Personnel Operations Program is responsible for agency wide position management; employee relations, employee benefits; recruitment and placement; health and safety; and implementation of personnel policies and regulations. The EEO Program is responsible for ensuring the equitable treatment of all DEA employees. Specifically, the EEO Program provides advice and guidance to managers and employees on a variety of EEO matters including, workforce diversity, discrimination in the workplace, affirmative action, and special emphasis programs; and

General Services: The General Services Program is responsible for oversight of all DEA administrative support functions including: space management; permanent change of station orders; relocation benefits; procurement of supplies, equipment, and furniture; and fleet management.

FY 2001 Congressional Budget Estimate

Special Operations Division Initiative

Request	Positions								Position Funding	Non-personnel Funding	Total Cost	Primary Purpose / Justification
	SA	IS	DI	CH	PA	TC	Ally	Total				
SOD: Southwest Border	6	1	0	0	0	2	0	9	971,499	700,000	1,671,499	Enhance SOD resources for Southwest Border efforts.
SOD: Financial Investigations	5	2	0	0	1	1	0	9	928,501	500,000	1,428,501	Establish Financial Investigation Section in SOD.
[illegible]	[illegible]								[illegible]	[illegible]	[illegible]	

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SPECIAL OPERATIONS DIVISION INITIATIVE

Decision Unit	Pos.	FTE	Amount ($000)
Special Operations Division (SOD)	18	9	$3,100
Total	18	9	$3,100

DEA requests 18 positions (including 11 Special Agents) and $3,100,000 (including $1,200,000 in non-personnel funding) to expand SOD, a comprehensive enforcement approach designed specifically to combat the surrogates of major drug trafficking organizations operating within the U.S. and their command and control centers based throughout the world. This initiative includes increases exclusively for the Special Operations Division (SOD), specifically, for Southwest Border Operations and Financial Investigations. Increasing the amount of resources available to SOD for these vital DEA initiatives is essential to DEA's ability to safeguard the lives, health, and safety of American citizens.

Background

The wealth, power, and influence of international crime syndicates continue to pose significant challenges to drug law enforcement in this country. Today's drug trafficking organizations are using technologically advanced communications and surveillance equipment to conduct their operations, and sophisticated drug production, smuggling, and money laundering methods to develop higher purity products, expand their markets, and funnel profits to foreign-based command and control centers. These organizations rely upon systematic corruption, violence, and intimidation to expand their global and regional operations. In order to successfully respond to this threat, to impede their expansion into new areas, and to safeguard the lives, health, and safety of Americans from drugs and drug-related violence, DEA must have the necessary tools and resources to effectively identify, target, investigate, and dismantle these organizations.

SOD Is Central to DEA's Enforcement Approach

DEA's enforcement approach for targeting the major drug trafficking syndicates is to initiate high impact investigations utilizing a combination of SOD intelligence and investigative support, and the efforts of diligent Special Agents,

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Intelligence Analysts, Diversion Investigators and Task Force Officers based throughout the country. The synergistic relationship between these enforcement and support elements is essential in bringing down today's sophisticated drug trafficking organizations. Thus, an increase in SOD funding and staffing is vital to enhancing DEA's drug law enforcement capabilities.

The SOD program utilizes sophisticated technology and the investigative and intelligence resources of the DEA, the Federal Bureau of Investigation (FBI), the U.S. Customs Service (USCS), and the Internal Revenue Service (IRS) to specifically target the highest levels of drug trafficking groups. Among federal drug law enforcement programs, SOD remains preeminent in its ability to:

- provide up-to-date, real-time intelligence to field investigators;
- coordinate and support complex, multi-jurisdictional investigations;
- focus significant Title III technology and assets against specific targets; and
- link and transform isolated, local investigations conducted by single agencies into multi-agency coordinated enforcement operations against multiple targets, operating at the regional, national, and international levels.

SOD-coordinated investigations enable DEA and its drug law enforcement counterparts to attack the command and control infrastructure of major drug trafficking organizations at their most vulnerable point, i.e., communications. Since drugs are (primarily) foreign-produced, international drug trafficking syndicates must transport their product from overseas production areas, over thousands of miles and across international borders to the U.S. This requires extensive coordination and communication within all levels of drug syndicate operations. DEA's capability to intercept drug syndicate communications has produced vital intelligence and information, revealing the identities and methods of operations employed by these international drug organizations and their U.S.-based surrogates.

SOD's capability to generate pertinent and valuable intelligence, combined with its information sharing mechanisms, enables DEA to increase its understanding and knowledge of drug trafficking activities. Information is shared with a wide range of intelligence and operational entities expanding the scope and magnitude of current investigations, and serving as the nexus for such multi-agency, nationwide investigations of major drug trafficking organizations as Operation Reciprocity, Limelight, Rio Blanco, and Impunity. The element critical to the success of these investigations was the ability of DEA field offices to conduct Title III intercepts to identify, target, and arrest major drug violators and seize their assets and drugs.

The intelligence and information developed and the evidence gathered can be used to generate additional high impact investigations. For example, intelligence developed and evidence gathered during Operation Reciprocity assisted in the initiation of Operation Limelight. The intelligence and evidence gathered during Operation Limelight directly led to the initiation of Operation Impunity. Operation Impunity was also enhanced by intelligence and evidence gathered during Operation Rio Blanco. Thus, SOD-coordinated nationwide investigations form the strategic basis for targeting additional, significant drug trafficking organizations. This demonstrated capability of the SOD program to maximize technology, utilize its expanding intelligence base, and synergize with field elements and develop additional investigations of drug trafficking syndicates represents enormous potential for drug law enforcement.

Although the SOD program has only been in existence since 1995, it has become one of the most effective means of obtaining valuable information and intelligence in a timely manner to target the command and control of major drug trafficking organizations. The unique investigative support provided by SOD allows the program to act essentially as a "force multiplier" for drug law enforcement because it provides an effective and efficient medium for communication, intelligence sharing, and coordination among America's major drug law enforcement agencies.

In order to optimally employ the unique capabilities and real-time intelligence that SOD generates, criminal investigators based in the field must take action and move quickly against targeted trafficking groups. When field resources are directed against specific threats using SOD's precise, intelligence driven targeting methods, DEA's ability to conduct and support high impact, multi-jurisdictional investigations is significantly increased.

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THE SPECIAL OPERATIONS DIVISION INITIATIVE

Given the threat posed by international drug syndicates; their vast wealth, propensity for violence and innovation, and intent to further expand their drug markets throughout the country, DEA's FY 2001 enforcement approach must respond to the major drug threats affecting the U.S. As a result, DEA's request focuses exclusively upon the successful investigative techniques and capabilities of DEA's SOD program.

- *Special Operations Division* -- This request includes the positions and funding necessary to allow DEA's SOD program to continue its role as the focal point for all multi-jurisdictional, major drug law enforcement Title III investigations. This enhancement will enable SOD to support a greater number of field investigations and generate additional leads against new targets. Specifically, DEA's Special Operations Division Initiative for

FY 2001 includes resources to support the Southwest Border Initiative and financial investigations.

This initiative utilizes the full potential of SOD's innovative investigative support programs, emphasizing the synergistic relationship between SOD and field investigative elements critical to effectively capitalize on real-time intelligence. In addition, this initiative fully supports the Office of National Drug Control Policy's (ONDCP) and the Department of Justice's drug control strategies. The resources DEA requests for these initiatives will be assigned exclusively to SOD to continue their efforts to effectively target and disrupt major drug trafficking organizations in the U.S. and their command and control centers overseas. The following justification is provided for the two components of DEA's Special Operations Division Initiative.

SPECIAL OPERATIONS DIVISION

DEA requests $3,100,000 and 18 positions (including 11 Special Agents and $1,200,000 in non-personnel funding) to support SOD operations in the following areas: Southwest Border and Financial Investigations.

SOD is a multi-agency program comprised of elements from the DEA, FBI, IRS, USCS, and DOJ's Criminal Division. SOD's mission is to establish seamless law enforcement strategies and operations aimed at dismantling entire national and international trafficking organizations by attacking the command and control communications of major drug trafficking organizations that operate across jurisdictional boundaries on a regional, national, and international level. SOD integrates trafficker command and control communications information into participating agency databases, as well as other federal agencies. For example, the Narcotics Enforcement Data Retrieval System (NEDRS) is used by all SOD participating agencies and provides real-time intelligence data to investigate and target sophisticated drug trafficking groups. A significant portion of the information obtained and analyzed by SOD originates from law enforcement Title III operations in the field.

Accordingly, SOD operates at a classified level and provides criminal investigators with the capability to fully exploit federal law enforcement's investigative authority under Title III of the U.S. code. SOD is unique in its role and mission, serving as the designated program manager for Title III investigations. In this capacity, SOD actively supports cases throughout the country, and works jointly with multi-agency counterparts to coordinate investigations, share vital intelligence, and thoroughly support and follow up on investigative leads.

Title III investigative support is one of the most effective means of obtaining valuable information and intelligence in a

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timely manner to target the command and control of international drug syndicates. Specifically, Title IIIs enable investigative personnel to gain a more comprehensive picture of drug operations by enabling them to hear conversations between the command and control elements and their cell members. By monitoring the communications of drug traffickers, DEA is able to obtain intelligence and evidence that is vital to dismantle entire organizations. The most critical investigative information is obtained by tracking the activity of the highest echelons of drug trafficking organizations, which are extremely, if not impossible, to infiltrate through the use of human sources. As a result, the Title III support provided through SOD continues to be an integral facet in the process of targeting and dismantling sophisticated, highly organized drug trafficking groups.

SOD Case Successes: As DEA's Title III program continues to grow, the size, scope, and complexity of SOD-supported investigations will expand rapidly. This increased demand is based largely on the success of such notable operations as Operations IMPUNITY, META, RECIPROCITY, LIMELIGHT and RIO BLANCO; investigations where DEA's ability to conduct Title III wiretaps was critical to successfully targeting, investigating, and arresting major drug violators. The following provides details on the Rio Blanco investigation.

Operation Rio Blanco This SOD investigation targeted a trafficking and smuggling group based in Mexicali, Mexico. Six members of the gang, including the syndicate leader, were arrested on June 26, 1998. This organization has been linked to the smuggling and distribution of cocaine, methamphetamine, and marijuana. In addition, the organization provided transportation services for Colombian groups that operated distribution cells in New York and New Jersey. During this investigation, more than 5,000 telephone calls were intercepted by law enforcement. The operation resulted in the seizure of roughly 4,300 kilograms of cocaine, 150 pounds of methamphetamine, 1,413 pounds of marijuana, and $17 million in U.S. currency. More than 1,000 individuals were arrested as a result of this investigation.

A unique aspect about the SOD program is that it provides DEA with the intelligence and investigative leads to initiate cases against new targets, as they materialize. Given the inter-connectivity of major drug syndicates, DEA and its partners in drug law enforcement can exploit their communications to identify whole new organizations and trafficking cells through the course of an existing investigation. This capability is extremely effective in disrupting the operations of major drug trafficking syndicates.

SOD Program Requests: As drug trafficking in the U.S. has continued to increase, so has the need for more Title III investigations. Currently, investigative and intelligence requirements exceed the level of support which can be provided by SOD. In addition, as DEA addresses emerging drug threats, requests for Title IIIs and intelligence assistance are

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expected to increase. DEA requires additional resources for SOD to collect, evaluate, interpret, and disseminate critical intelligence which targets the command and control centers of major drug trafficking organizations. The areas of increased demand include the Southwest Border and financial investigations. The requested increases in resources will enhance DEA's capability to support investigations by providing the latest intelligence to field agents, resulting in focused, multi-jurisdictional, comprehensive investigations.

Southwest Border -- DEA requests $1,671,499 (including $700,000 in non-personnel funding) and nine positions (including six Special Agents and one Intelligence Analyst) to support the reduction in the amount of drugs destined for the U.S. via the Southwest Border. SOD's Southwest Border request seeks to counter drug activity by identifying, penetrating, disrupting, and dismantling major Mexican and Colombian drug trafficking organizations that are using the border to smuggle illegal drugs into the U.S.

SOD supports the Southwest Border Initiative through coordination of multi-jurisdictional Title III investigations, in which sensitive and classified enforcement information and intelligence is analyzed and converted into usable tips and leads for dissemination. Successful investigative efforts directed at major drug trafficking and transportation organizations depend upon the use of Title III investigative tools and the timely dissemination of intelligence capabilities. In order to vigorously combat the increasing drug threat from organized crime syndicates utilizing the Southwest Border, DEA's SOD program must be provided with additional resources to support the growing number of investigations which target the drug syndicates using the 2,000 mile border with Mexico. DEA will dedicate these additional personnel, including six Special Agents and one Intelligence Analyst, to coordinate additional multi-division Title III investigations along the border. These personnel will analyze sensitive information and intelligence derived from classified and unclassified sources and disseminate this information to field personnel. In addition, DEA requests $700,000 in non-personnel funding for operational expenses, travel, and case-related expenses that support these Title III and multi-jurisdictional cases.

Financial Investigations -- DEA requests $1,428,501 (including $500,000 in non-personnel funding) and nine positions (including five Special Agents and two Intelligence Analysts) to establish a Money Laundering/Financial Investigations Section within SOD. These resources will provide nationwide oversight and coordination of Title III field investigations that identify and target money laundering operations.

Drug traffickers have learned that lax and ineffective financial regulatory systems, inattentive enforcement, and corruption make certain jurisdictions particularly attractive for laundering illicit proceeds. In an effort to address this problem, DEA requests the resources to establish a money laundering/financial investigations section within SOD to

provide nationwide oversight and coordination on Title III investigations that identify and target the money laundering operations of major drug trafficking organizations. This section will coordinate all multi-division and/or multi-agency Title III investigations, analyze sensitive and classified enforcement information and intelligence, and convert this information into usable tips and leads for dissemination to field investigators. DEA has had success in the past using Title III investigative resources to identify and combat money laundering operations. For example, SOD is currently supporting an ongoing money laundering operation that targets South American and Caribbean drug traffickers. This multi-jurisdictional investigation has resulted in the arrest of nine individuals who were attempting to move their drug profits from the U.S. to the Caribbean.

DEA will dedicate these additional personnel, including five Special Agents and two Intelligence Analysts, in support of Title III investigations aimed at identifying money laundering operations. DEA will work in conjunction with the FBI, USCS, IRS and the United States Postal Service (USPS) to utilize a variety of sources (both classified and unclassified) to obtain financial intelligence which promotes the investigation of SOD money laundering targets. In addition, DEA requests $500,000 in non-personnel funding for operational expenses, travel, and case-related expenses incurred in support of financial Title III and multi-jurisdictional cases.

FY 2001 Congressional Budget Estimate

Intelligence Initiative

Request	Positions								Position Funding	Non-personnel Funding	Total Cost	Primary Purpose / Justification
	SA	IS	DI	CH	PA	TC	Ally	Total				
EPIC Information Management	0	0	0	0	0	0	0	0	0	1,500,000	1,500,000	Enhance information technology base.
Total Request Funding	0	0	0	0	0	0	0	0	0	1,500,000	1,500,000	

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INTELLIGENCE INITIATIVE FY 2001 CONGRESSIONAL BUDGET

Decision Unit	Pos.	FTE	Amount ($000)
Intelligence	0	0	1,500
Total	0	0	$ 1,500

DEA requests $1,500,000 in non-personnel funding to provide vital investigative support in identifying, developing, and exploiting information and intelligence necessary to enhance the effectiveness of drug law enforcement. Without these resources, DEA will be unable to exploit and disseminate tactical, real-time intelligence efficiently and effectively to DEA domestic offices, foreign offices, and other law enforcement agencies worldwide.

The collection, collation, analysis, and dissemination of strategic, investigative, and real-time tactical intelligence are critical to DEA's ability to target international drug syndicates. This initiative focuses on providing DEA's intelligence program with the tools necessary to support virtually all facets of DEA's investigative requirements. Further development of DEA's drug intelligence and information sharing capabilities is vital in the effort to maximize federal, state, and local anti-drug assets. The resources requested through this initiative will provide additional support to drug law enforcement intelligence through the El Paso Intelligence Center's Information System (EIS).

EL PASO INTELLIGENCE CENTER

DEA requests a permanent base enhancement of $1,500,000 in non-personnel funding to operate, maintain, and enhance the El Paso Intelligence Center's (EPIC) Information System (EIS). Without these funds, EPIC cannot effectively maintain and support the EIS, which collects, distributes, and analyzes reported data on worldwide drug trafficking trends and organizations.

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EPIC supports federal law enforcement interdiction components (DEA, INS, FBI, U.S. Customs Service, and U.S. Coast Guard) through the timely analysis and dissemination of intelligence on illicit drug and alien movements within the United States, on both sides of the U.S-Mexican border, across the Caribbean and from other points of origin within the Western Hemisphere en route to the United States.

EPIC's Information Technology (IT) infrastructure supports this mission by facilitating information sharing with federal, state, and local law enforcement agencies, and by targeting drug activity that has an impact on the U.S. EIS is EPIC's primary IT component and is the customized operations system platform that supports EPIC's immediate intelligence information processing operations.

To maintain and enhance the EIS, and to address the increasing requirements of the EPIC Advisory Board member agencies, EPIC has identified IT resource needs, along a projected five-year IT plan. However, the current budget allows only for funding of mandatory costs, restricting EPIC's ability to respond to new program requirements. As a result, as of FY 2000, EPIC has a backlog of approximately 1,000 IT issues. Due to limited base funding, only the most critical projects have been initiated.

EPIC's Resources Must Be Reinvigorated

For each of the last five fiscal years, EPIC's annual IT budget of $2,854,000 has supported a customer base of thousands of federal, state, local, and foreign law enforcement users. In order for EPIC to operate at a level consistent with its program requirements, a baseline IT funding increase of $1,500,000 ($4,354,000 total) is required. The baseline IT funding will allow EPIC to plan projects more efficiently and to support recurring functional and technical requirements. Components of the $1,500,000 increase are:

- **Systems Operations and Technical Support Contract: $1,100,000**

  This will allow EPIC to acquire the "best value" support contract to ensure that its IT operations support EPIC's mission adequately. If the funds for this support contract are not received, all computer software application systems at EPIC, including the EIS, will not be supported and maintained by the necessary contract personnel to ensure data integrity. Without dependable automated systems, EPIC will not be able to effectively collect, disseminate, and analyze reported data on worldwide drug trafficking trends and organizations.

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- **Software Systems Support: $400,000**

  To make the EPIC databases such as TECS II and NADDIS accessible to analysts, DEA Special Agents and representatives of the 15 member agencies, it is essential that user software licensing agreements be executed. In addition, various other software products that provide services ranging from system security to office automation and communications require the purchase of software licenses and regular software upgrades. Given EPIC's IT-oriented mission and the variety of operations supported by the program, these payments are costly. Every year approximately 12% of EPIC's IT budget is spent on software maintenance and licensing alone. As EPIC takes responsibility for new missions and databases such as the National Clandestine Laboratory Database, these costs will continue to escalate.

  Without proper upgrades, commercial-off-the-shelf (COTS) software and other proprietary software on both stand-alone machines and servers will be outdated. Workstation and database servers will become inefficient in running sophisticated programs and other memory/processor intense systems. EPIC's response to Watch inquiries, and bulk queries from participating High-Intensity Drug Trafficking Area (HIDTA) agencies, will slow as system demands increase.

Given EPIC's critical mission, the program must have the financial means necessary to respond to the needs of its member agencies and allow drug law enforcement intelligence efforts to adapt to changes in trafficking activity.

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FY 2001 Congressional Budget Estimate

Infrastructure Initiative

Request	Positions								Position Funding	Non-personnel Funding	Total Cost	Primary Purpose / Justification
	SA	IS	DI	CH	PA	TC	Atty	Total				
FIREBIRD Ops/Maint	0	0	0	0	1	0	0	1	50,984	4,949,016	5,000,000	Support System Operational Requirements.
FIREBIRD Tech Renewal and Deployment	0	0	0	0	0	1	0	1	40,853	50,959,147	51,000,000	Modernize and replace systems and components as they become obsolete. Complete deployment of all Domestic Offices and Western Hemisphere Offices.
Financial Management Division	0	0	0	0	16	2	0	18	897,450	2,814,432	3,711,882	Enhance Federal Financial System (FFS) and financial/budget operations. (18 positions to HQs).
Financial Management Division	0	0	0	0	0	6	0	6	245,118	0	245,118	Enhance Federal Financial System (FFS) and financial/budget operations. 6 positions to field division.
[illegible]	[illegible]											

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Decision Unit	Pos.	FTE	Amount ($000)
Domestic Enforcement	**6**	**3**	**$ 245**
Automated Data Processing	**2**	**1**	**56,000**
Management & Administration	**18**	**9**	**3,712**
Total	**26**	**13**	**$ 59,957**

DEA requests $59,957,000 and 26 positions (including 0 Special Agent positions and $58,722,595 in non-personnel funding) to provide critical support to DEA's enforcement operations.

DEA's operational support programs are vital to the ultimate success of important criminal investigations. Given DEA's increasing operational and enforcement requirements, DEA must request resources to expand its infrastructure base accordingly in the key support areas of Information Systems and Financial Management. This resource enhancement is vital to enable DEA to effectively support its investigative workforce charged with combatting drug trafficking and drug-related violence, supporting prosecution efforts, and obtaining and safeguarding critical information.

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FIREBIRD

DEA requests an enhancement of $56,000,000 and 2 positions (including $55,908,163 in recurring, non-personnel funding) to establish sufficient infrastructure base that supports FIREBIRD Operations and Maintenance (O&M), Technology Renewal, and Deployment requirements of DEA's Firebird Automated Data Processing system.

FIREBIRD is the primary "work horse" office automation infrastructure that supports the full spectrum of DEA's global operations. Initiated in FY 1994, this project is a unique synergy of Special Agent "know how" and advanced computer technology designed specifically to support DEA's drug enforcement mission. FIREBIRD is a client server-based network that, once fully deployed, will link all DEA offices and components worldwide. This will allow all DEA components to

function interactively with one another through enhanced communication and business process reengineering. Tools that all modern businesses must have (e.g., E-mail, uniform word processing and other forms of office automation) are combined with DEA specific requirements such as an electronic investigative file room and the Narcotics And Dangerous Drugs Information System (NADDIS), to create a low cost, highly effective system model for other federal law enforcement agencies. Essentially, FIREBIRD acts as a force multiplier, allowing DEA components scattered around the world to act as one cohesive unit through the instantaneous access of critical law enforcement and intelligence information. Perhaps more importantly, FIREBIRD has been designed to "evolve" to suit the needs of DEA personnel, particularly through its support of unique projects like MERLIN and MERCURY, which are critical tools representing the future of drug law enforcement.

BACKGROUND

Phase I of FIREBIRD deployment, the installation of network equipment at DEA Headquarters and all 20 Field Division offices, was completed in December 1997. Although DEA has already begun the work-intensive task of joining DEA's 350 plus district, resident and foreign field offices and laboratories into the FIREBIRD network (Phase II), without additional resources completion will not occur until at least calendar year (CY) 2002.

Although Firebird is not yet fully deployed, DEA is already witnessing the benefits of FIREBIRD technology, as countless investigations, conducted in different geographic regions throughout the world, are linked through improved communication. As FIREBIRD applications are perfected and new tools, like the proposed IMPACT or Electronic File Room, are added to DEA's investigative arsenal, agency productivity and operational flexibility will continue to improve. FIREBIRD brings the essential tools for all of DEA's business processes to the users via one unified, network system. Put simply, FIREBIRD represents a major investment into DEA's IT infrastructure that has revolutionized the way that this agency conducts business.

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FIREBIRD OPERATIONS AND MAINTENANCE (O&M)

DEA requests an enhancement of $5,000,000 and 1 support position (costing $50,984) to support the system's operational requirements.

The $5 million enhancement will fund additional O&M costs associated with keeping the FIREBIRD system operational, mainly for telecommunications costs. O&M costs include labor for program management, system monitoring (alerts, alarms and fault correlation); sustaining global telecommunications access to investigative, financial, property, and

maintenance information; supporting worldwide communications services among employees (E-mail); collecting and formatting system metrics to support Clinger-Cohen performance measures; supporting security monitoring required to maintain security certification and accreditation; and ensuring Continuity of Operations capability and onsite contractor support personnel (Field Information Resource Specialists-FIRS). O&M costs also include funding for associated travel, maintenance tools, spare parts and recurring software license support. The O&M dollars are used to keep the system in working order and are expected to recur for each year of operation. They neither prevent the system from becoming obsolete (Technology Renewal funds), nor pay for system enhancements (FIREBIRD Exploitation funds).

FIREBIRD TECHNOLOGY RENEWAL AND FIREBIRD DEPLOYMENT

DEA requests an enhancement of $51,000,000 and 1 position (costing $40,853), including $23,000,000 for Technology Renewal and $28,000,000 for continued FIREBIRD Deployment.

Technology Renewal funds are required to modernize and replace systems and system components as they become obsolete. Each system and system component has a defined life cycle, and software needs to be refreshed yearly. Based on accepted industry standards, PC systems should be replaced no later than every 4 years. Beyond that life cycle, it becomes more cost effective to replace or update the obsolete system/component rather than continue to operate and maintain it. Currently, DEA has no dedicated technology renewal base.

Technology renewal costs should be scheduled across the life cycle in even payments. This keeps required resource levels fairly consistent. Beginning in the 5th year, 25 percent of the already deployed equipment should be replaced each year for continuous updates throughout a 4-year cycle in order to keep the system from obsolescence.

By 2001, the FIREBIRD baseline design will be 7 years old and as much as 35 percent of the already deployed system will be over 5 years old and overdue for replacement. Servers, printers, and workstations, in addition to wiring components and wide area routers, encryptors, and switches will be nearing the end of their maintainable life cycle. Offices that first received FIREBIRD, such as Los Angeles and Chicago, detected degradation in system performance and would have been unable to receive some new DEA and COTS software applications without a Technology Renewal (TR). Other offices will become equally outdated over the following few years. Current versions of spare parts and software licenses will become unavailable or cost prohibitive. Maintenance costs will exceed purchase costs for modern equipment. Without updates to technology, DEA will be hampered by an architecture that is rapidly becoming out of date, and will not easily integrate with other enforcement entities and DOJ components. Unacceptable system performance

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translates into lost DEA staff productivity in applications which may be mission critical. The additional $28 million for deployment enables DEA to complete Domestic Offices and Western Hemisphere Offices. The funding will be used for equipment purchases, travel, engineering, installation, and training services.

Industry introduces new microprocessors every 2 months. The 4-year life cycle plan would mean that as many as 48 generations of PC workstation products will pass before a single DEA PC is replaced. DEA must stay within the mainstream of IT technology to maintain compatibility with the marketplace. In that mainstream, current products and services are most widely maintained at the lowest risk and cost. With the deployment of FIREBIRD over a 4-year plus cycle, more than 1/3 of the system will need to be technically renewed even before deployment is completed.

FINANCIAL MANAGEMENT DIVISION

DEA requests a permanent base enhancement of $3,957,000 and 24 positions (including $2,814,432 in non-personnel funding) to enhance DEA's financial and resource management oversight functions. These resources are vital to improving internal controls, establishing heightened financial policy capabilities and allowing DEA's Financial Management Division to keep pace with the dynamic growth of the agency.

As America's premier drug law enforcement agency, DEA's primary focus is on its field enforcement operations; however, the agency's support operations are a crucial factor to its success. The main role of DEA's Financial Management Division is to support DEA operations by providing traditional financial and resource management services; including accounting, budget development and execution, manpower management, and performance measurement.

In safeguarding the integrity of DEA programs, the oversight of financial and resource management programs is a clear priority. DEA is very concerned about improving its performance in virtually all resource and financial management areas, particularly with regard to budget reprogramming activity, audit performance, day-to-day accounting and payment activities, financial statement development, budget and financial policy, training, and performance measurement.

The results of the 1998 Financial Statement Audit performed by KPMG, LLP, the Price Waterhouse Coopers (PWC) review of DEA's Financial Operations Section, and the recent joint JMD/DEA review of DEA's budget formulation and execution programs have highlighted particular areas where the need for additional staffing and funding has become apparent. In fact, the summary statement of the PWC review states that DEA requires "additional investments in people, systems, and in improving basic processing of information."

Essentially, DEA has identified resource shortfalls in three key areas within its resource and financial management

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programs that must be addressed to maintain and improve its financial oversight functions. The areas of concern are as follows:

1. Base funding for DEA's Federal Financial System (FFS)
2. Provide increased staffing to DEA's financial management activities including payment operations and for areas including budget policy, development and performance management
3. Increase training base for financial and resource management

DEA requests $2.2 million to fully fund base requirements for its Federal Financial System (FFS)

In FY 1998, DEA migrated from its 25-year old Drug Enforcement Administration Accounting System (DEAAS) to FFS, an accounting system managed by the Department of Interior. After only one year of operation, FFS has dramatically improved DEA performance in financial management and in tracking DEA resources by budget program. This is done specifically through FFS' program structure and the additional tools it provides to improve internal controls and track funding.

DEA initially implemented the core components of FFS to provide the agency with the ability to be fully compliant with the Federal Financial Management Improvement Act (FMFIA) and generally accepted financial management practices. However, DEA has recognized the advantages of implementing additional components of FFS and plans to initiate the following FFS programs: Procurement Desktop, the Fixed Asset Subsystem, and Commitment Accounting. Furthermore, plans are underway to implement automated interfaces with the U.S. Department of Treasury, U.S. Department of State, and DEA's official purchasing card (i.e., Impact Card), and to develop additional automated budget formulation capabilities. All of these tools will work to provide DEA with an improved financial condition, allow for more accurate and timely tracking of budgeted resources, and improve out year budget projection capabilities.

Initial implementation of FFS in FY 1998 was funded through a combination of existing DEA resources and the allocation of Working Capital Fund (WCF) funding. For FY 2001, DEA has identified a total requirement of $2.72 million to fully support FFS operations and provide the additional tools necessary to expand agency tracking capabilities for budgeted resources, capital assets and property and more fully automate DEA's budget formulation processes. Given DEA's current base of $0.5 million for FFS, a short fall of $2.22 million exists that must be addressed through new resources.

Without the resources necessary to fully optimize FFS' capabilities, DEA will continue to operate at a higher level of risk with regard to its financial management operations. There is clear relationship between effective financial management, agency integrity and the ultimate effectiveness of DEA's drug law enforcement mission. Fully funding the FFS base

requirement will go a long way in providing DEA with the tools necessary to practice sound financial and budget management.

DEA requests 24 positions to allow DEA and its Financial Management Division to keep pace with the rapid agency growth and to provide additional oversight over critical financial/budget policy, internal control, budget development and performance measurement issues.

Since 1985, DEA's current budget of roughly $1.5 billion has increased by 300 percent. The corresponding growth in agency personnel, coupled with additional reporting and heightened internal control requirements are placing significant pressures on DEA's financial management program.

In fact, the PWC review specifically raised staffing as a primary issue in its recent report on DEA's Financial Operations Section (FNO). According to the report, DEA "could also benefit from additional resources to improve and stabilize operations. DEA has grown over the years with respect to employees and appropriations while the FNO staff level has changed minimally." As a further highlight to this area, the PWC review states that during FY's 1990 through 1996, DEA's appropriated funding increased by 50 percent; its accounting staff increased by only 2 percent during this time frame. The results of DEA's FY 1998 Financial Statement audit conducted by KPMG, LLP and the identified material weakness and reportable conditions are further evidence that additional resources are required to improve DEA's financial condition.

In an effort to maximize the staffing available and provide additional oversight over its financial and budget operations, DEA has taken steps using its existing resources. In FY 1996, DEA Headquarters reorganized to establish the Financial Management Division under the new position of Chief Financial Officer. DEA's previous Office of the Controller was split into two offices, the Office of Finance (FN), which manages overall accounting functions and the Office of Resource Management (FR), which oversees budget planning, formulation and execution, manpower, and performance measurement. This reorganization went a long way towards providing the agency with a more focused managerial approach to financial and resource management. It also provides a better framework for supporting future staffing growth in these areas. Unfortunately, the additional staffing resources available for FN and FR have been minimal, since other DEA elements have also required additional staffing to support field enforcement operations and other major operational objectives of the agency.

During FY 1999, DEA initiated action to meet the mandates of the Debt Collection Improvement Act of 1996 which requires electronic payments to vendors and employees. To comply with this mandate, DEA elected to replace the third party payment system with a decentralized payment function capable of electronically transmitting payments through

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FFS. When fully deployed, twenty-five field sites will be performing payment activities. Additional positions are required to complete the deployment and ensure that adequate personnel resources are available to meet DEA's internal control requirements over the payment process, including proper segregation of duties.

FY 1999 has also been a period of intense review of DEA budget formulation and execution programs. At the direction of the House Appropriations Committee, DEA worked with the JMD and Office of Management and Budget (OMB) to resolve a major under-reporting of DEA's reprogramming activities since FY 1996. This review also highlighted the fact that there are shortfalls in DEA's budget development and execution processes. Although new procedures and work processes are being put into place, DEA is concerned about the level of staffing that is required to fully document and account for its resources. Specifically, DEA is in need of additional staffing to perform budget policy and appropriations review, budget execution oversight and strategic budget planning.

Due to staffing limitations and the significant workload associated with supporting four separate appropriations, numerous reimbursable funding sources, and the level of detail required to specifically manage special programs of significant Congressional interest, it is clear that the positions currently allocated to DEA's budget and financial statement programs must be increased.

The 24 positions requested by DEA for improved financial management will provide the resources necessary to provide FN (14 positions), FR (4 positions) and key field locations (6 positions) with the additional staffing necessary to improve internal controls, financial statement development, and budget formulation/execution oversight, and strengthen procurement activities.

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DEA requests $600,000 to fully fund base requirements for mandatory financial management training.

Financial management integrity in the Federal Government has been mandated by legislative action. This legislation includes the Federal Managers Financial Management Integrity Act (FMFIA) of 1992, the Chief Financial Officer's (CFO) of 1990, the Government Performance and Results Act (GPRA) of 1993, the Government Management Reform Act (GMRA) of 1994, and the Federal Financial Management Improvement Act (FFMIA) of 1996.

All of these Congressional initiatives include increased and more sophisticated reporting requirements and collectively, the Acts are intended to increase accountability and raise the level of professionalism in Federal financial management. In order for personnel working in the financial management arena to maintain and improve their proficiency, and to develop the necessary skill sets required to keep current with new accounting, budgeting and reporting requirements, continuing professional education (CPE) in financial management must be mandatory in DEA. The Human Resources

Committee of the Chief Financial Officers Council and the Joint Financial Management Improvement Program (JFMIP) have developed a series of documents recommending professional development. These documents identify the "core competencies" required for financial managers, accountants, budget analysts and program managers. JFMIP supports the need for continuing education to assist financial management personnel in acquiring the requisite knowledge and skills required to meet the mandates of enacted financial management legislation. DEA's ability to provide CPE for financial management personnel will also assist in our efforts to recruit and retain qualified financial management personnel.

As referenced in the PWC report, DEA financial operations staff "receive little formal training" and further states that "training is needed on a regular basis to maintain existing skills and develop additional skills for career development." Despite the development of training plans, the lack of funding prevents implementation. Based on current training requirements, to include financial management personnel based at DEA Headquarters and corresponding field personnel, DEA is requesting a $600,000 base enhancement to establish a dedicated financial training base. These funds would be managed by the Chief Financial Officer in coordination with DEA's Office of Training to ensure improved financial management and oversight over agency resources.

Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Justification of Multi-Activity Program Changes

(Dollars in Thousands)

Budget Activity/Program	FIREBIRD Tech Request/Deployment			FIREBIRD Ops/Maint			SOD Southwest Border			SOD Financial Investigations			EPIC Information Management			Financial Management Division			Total		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Domestic Enforcement	-	-	$ -	-	-	$ -	9	5	$ 1,671	9	4	$ 1,429	-	-	$ -	6	3	$ 245	24	12	$ 3,345
Foreign Cooperative Investigations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Chemical Diversion Control	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State and Local Task Forces	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Intelligence	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,500	-	-	-	-	-	1,500
Laboratory Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Research, Engineering, and Technical Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ADP	1	-	51,000	1	1	5,000	-	-	-	-	-	-	-	-	-	-	-	-	2	1	56,000
Management and Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	9	3,712	18	9	3,712
Total	1	-	$51,000	1	1	$5,000	9	5	$1,671	9	4	$1,429	-	-	$1,500	24	12	$3,957	44	22	$64,557

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Drug Enforcement and Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Object Class	ADP		Domestic Enforcement		Intelligence		M&A		TOTAL	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:										
GS-9	1	$ 36	15	$ 549	0	$ -	16	$ 586	32	$ 1,171
GS-7	1	$ 30	9	$ 269	0	$ -	2	$ 60	12	$ 359
									0	-
Total Positions and Annual Rate	2	$ 66	24	$ 818	0	$ -	18	$ 646	44	$ 1,530
Lapse (-)	-1	$ (33)	-12	$ (409)	0	$ -	-9	$ (323)	-22	$ (765)
Other Personnel Compensation	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -
Total Workyears and Personnel Compensation	1	$ 33	12	$ 409	0	$ -	9	$ 323	22	$ 765
Personnel Benefits		$ 9		$ 153		$ -		$ 85		$ 247
Travel and Transportation of Persons		$ -		$ 120		$ -		$ -		$ 120
Transportation of Things		$ -		$ 67		$ -		$ -		$ 67
Communications and Utilities		$ 7,247		$ 26		$ -		$ 18		$ 7,291
Other Services		$ 37,422		$ 1,360		$ 1,500		$ 2,930		$ 43,212
Purchase of Goods and Services From Government		$ 2		$ 21		$ -		$ 14		$ 37
Medical Care		$ -		$ 36		$ -		$ 4		$ 40
Supplies and Materials		$ 1		$ 37		$ -		$ 5		$ 43
Equipment		$ 11,277		$ 990		$ -		$ 253		$ 12,520
Land and Structures		$ 9		$ 106		$ -		$ 80		$ 195
Total Program FTE and Obligation	1	$ 58,000	12	$ 3,345	0	$ 1,500	9	$ 3,712	22	$ 64,557

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Buildings and Facilities
Status of Construction and Summary of New Facilities Requirements
(Dollars in Thousands)

New Facilities:	New Construction Fiscal Year	Amount	Total Funding	Total Current Cost Estimate or Actual	Status-January 2000 Oblig. to Date	Stage of Programs	Estimated Activation Date
Justice Training Center	97	$ 29,083	$ 29,306	$ 29,306	$ 29,083	100% Complete	FY 2000
	98	$ 223			$ 29,306		
Laboratories *	97	$ 3,000	$ 3,000	$ 3,000	$ 3,000	100% Complete	FY 2000
	98	$ 4,000	$ 5,500	$ 5,500	$ 2,446	45% Complete	FY 2000
	99	$ 5,500	$ 5,500	$ 5,500	-	In Design/Initiating Site Work	FY 2002

*FY 1997 total funding reflects congressionally appropriated monies of $1,500 in addition to reprogrammed monies of $1,500 for a total of $3,000.

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. House Report 106-283 (page 24), directed the Drug Enforcement Administration (DEA) to work with DoD and other Federal agencies to develop a proposal to address the needs of law enforcement personnel assigned to Puerto Rico and report back to the Committee with a proposal for quality of life enhancements.
   Report has been submitted to Congress.

2. House Report 106-283 (page 24), directed the Drug Enforcement Administration (DEA) to consult with Secretaries of Treasury and Transportation on Drug Strategy for Caribbean and Mexico Corridors and report on the status of implementation of enhancements provided for Caribbean in prior fiscal years (FY 97, 98, 99) and to outline additional requirements necessary to successfully narrow the seizure gap.
   DEA is analyzing the seizure gap to determine a course of action.

3. House Report 106-283 (page 25), directed the Drug Enforcement Administration (DEA) to report on full program plan to complete Phase II of FIREBIRD, which fully accounts for deployment and operations and maintenance costs for FY 2000 and 2001. Report to be submitted by 9/1/99; extended to 1/15/2000.
   Report submitted to OMB on January 31, 2000.

4. House Report 106-283 (page 26), directed the Drug Enforcement Administration (DEA) to report on plans to convert some provisional task forces to permanent task forces in FY 2000.
   Report has been submitted to Congress.

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Status of Congressionally Requested
Studies, Reports, and Evaluations
(continued)

5. In addition, the House expects the DEA to continue providing quarterly reports on the investigative workhours and funding, by type, within major drug source and transit countries, including the Caribbean, with the first such reports to be provided to the Committee by October 15, 1999.

First quarterly report submitted to Congress on January 18, 2000.

6. Senate Report 106-76 (page 35) directed the Drug Enforcement Administration (DEA) to conduct a feasibility study of DEA actively participating with State law enforcement on highway interdiction stops and report the results of the study to the Committee.

DEA is developing this report.

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Priority Rankings

BASE PROGRAM	
Program	Ranking
Domestic Enforcement	1
Foreign Cooperative Investigations	2
State & Local Task Forces	3
Drug and Chemical Diversion Control	4
Intelligence	5
Research, Engineering & Technical Operations	6
Training	7
Laboratory Services	8
Automated Data Processing	9
Management & Administration	10

PROGRAM INCREASES	
Initiative	Ranking
Special Operations Division	1
FIREBIRD	2
EPIC Information Management	3
Financial Management Division	4

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Detail of Permanent Positions by Category

FY 1999 - 2001

CATEGORY	1999 Total Auth.	1999 Total Reimb.	2000 Total Auth.	2000 Total Reimb.	2001 Program Increases	2001 Total Auth.	2001 Total Reimb.
Attorneys (905)	58	-	58	-	-	58	-
Other Legal and Kindred (900-998)	27	-	27	-	-	27	-
Legal Instruments Examining Series (963)	7	-	7	-	-	7	-
General Investigative Series (1801)	126	-	120	-	3	123	-
Criminal Investigative Series (1811)	3,720	785	3,759	785	11	3,770	785
Miscellaneous Inspectors Series (1802)	139	-	141	-	-	141	-
Other Miscellaneous Occupations (001-099)	60	-	91	-	-	91	-
Social Sciences Series (100-199)	4	-	3	-	-	3	
Intelligence Series (132-134)	661	13	671	13	-	671	13
Personnel Management (200-299)	126	-	129	-	-	126	-
General Administration, Clerical and Office Services (300-399)	1,691	212	1,698	212	7	1,703	212
Biological Sciences (400-499)	-	-	-	-	-	-	-
Accounting and Budget (500-599)	259	-	259	-	23	282	-
Medical, Dental and Public Health (600-799)	4	-	4	-	-	4	-
Engineering and Architecture Group (800-899)	17	-	17	-	-	17	-
Information and Arts Group (1000-1099)	45	-	44	-	-	44	-
Business and Industry Group (1100-1199)	49	-	49	-	-	49	-
Physical and Sciences Group (Other than Chemists)(1300-1399)	9	-	9	-	-	9	-
Chemist Series (1320)	258	-	254	-	-	254	-
Library and Archives Group (1400-1499)	5	-	5	-	-	5	-
Mathematics and Statistics Group (1500-1599)	6	-	5	-	-	5	-
Equipment, Facilities and Service Group (1600-1699)	9	-	9	-	-	9	-
Education Group (1700-1799)	10	-	10	-	-	10	-
Quality Assurance Series (1900-1999)	7	-	7	-	-	7	-
Supply Group (2000-2099)	39	-	42	-	-	42	-
Transportation (2100-2199)	22	-	19	-	-	19	-
Ungraded (Wage Grade & Foreign Service Local)	13	-	20	-	-	20	-
Total	7,391	1,020	7,452	1,020	44	7,496	1,020
Washington	1,831	20	1,689	20	20	1,709	20
U. S. Field	5,204	1,000	5,199	1,000	24	5,223	1,000
Foreign Field	556	-	564	-	-	564	-
Total	7,391	1,020	7,452	1,020	44	7,496	1,020

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Salaries and Expenses

Summary of Attorney/Agent and Support Positions by Category

FY 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted								2001 Increases								2001 Request Level							
	Attorneys		Agents		Support		Total		Attorneys		Agents		Support		Total		Attorneys		Agents		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Domestic Enforcement	-	-	1,483	1,409	711	685	2,194	2,134	-	-	11	20	13	12	24	32	-	-	1,494	1,429	724	697	2,218	2,166
Foreign Cooperative Investigations	-	-	469	466	263	223	732	689	-	-	-	3	-	7	-	10	-	-	469	469	263	230	732	699
Drug and Chemical Diversion Control	-	-	-	-	142	143	142	143	-	-	-	-	-	-	-	-	-	-	-	-	142	143	142	143
State and Local Task Forces	-	-	1,418	1,418	262	259	1,679	1,675	-	-	-	6	-	4	-	10	-	-	1,418	1,422	262	263	1,679	1,685
Intelligence	-	-	91	91	702	669	853	800	-	-	-	-	-	-	-	-	-	-	91	91	702	669	853	800
Laboratory Services	-	-	-	-	381	378	381	378	-	-	-	-	-	-	-	-	-	-	-	-	381	378	381	378
Training	-	-	52	52	47	46	99	98	-	-	-	-	-	-	-	-	-	-	52	52	47	46	99	98
Research, Engineering, and Technical Operations	-	-	140	140	215	213	355	353	-	-	-	-	-	-	-	-	-	-	140	140	215	213	355	353
Automated Data Processing	-	-	-	-	131	129	131	129	-	-	-	-	2	1	2	1	-	-	-	-	133	130	133	130
Management and Administration	59	59	309	109	691	682	852	849	-	-	-	-	10	9	10	9	59	59	309	309	700	682	825	858
TOTAL	59	59	3,750	3,742	3,635	3,548	7,452	7,348	-	-	11	29	33	33	44	62	59	59	3,770	3,771	3,668	3,581	7,498	7,419

REIMBURSABLE POSITIONS

Decision Unit																								
Domestic Enforcement	-	-	775	773	202	202	975	975	-	-	-	-	-	-	-	-	-	-	775	773	202	202	975	975
Foreign Cooperative Investigations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Chemical Diversion Control	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State and Local Task Forces	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Intelligence	-	-	6	6	19	19	25	25	-	-	-	-	-	-	-	-	-	-	6	6	19	19	25	25
Laboratory Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Training	-	-	10	14	4	3	20	17	-	-	-	-	-	-	-	-	-	-	10	14	4	3	20	17
Research, Engineering, and Technical Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Automated Data Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Management and Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	795	793	225	224	1,020	1,017	-	-	-	-	-	-	-	-	-	-	795	793	225	224	1,020	1,017

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DRUG ENFORCEMENT ADMINISTRATION
FY 2001 Congressional Budget Submission
Salaries and Expenses
Schedule of Domestic Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999			2000 *			2001*			
		Acquired	Disposed	End-of Year	Acquired	Disposed	End-of Year	Acquired	Average Cost	Disposed	End-of Year
Direct Purchase:											
Large Sedan	40	18	19	39	10	4	45	10	24,048	4	51
Midsize Sedan	3,359	637	405	3,591	725	590	3,726	725	18,551	590	3,861
Compact Sedan	916	374	98	1192	269	293	1,168	269	17,729	293	1,144
Subcompact Sedan	22	0	0	22	0	0	22	0	-	0	22
Small Sedan	0	0	0	0	0	0	0	0	13,341	0	0
Station Wagon	36	0	0	36	5	2	39	5	18,758	2	42
Van	118	35	5	148	35	22	161	35	22,736	22	174
Bus	2	0	0	2	0	0	2	0	-	0	2
4 - Wheel Drive	430	143	40	533	150	68	615	150	25,394	68	697
Special Purpose:											
Sedan	9	9	0	9	0	0	9	0	-	0	9
4 - Wheel Drive	43	13	2	54	10	5	59	10	25,394	5	64
Other	76	0	0	76	0	0	76	0	22,725	0	76
Trucks:											
Pickup	60	50	93	17	40	15	42	40	21,502	15	67
Other	104	8	33	79	7	5	81	7	19,222	5	83
Subtotal Purchased	5,215	1,287	695	5,788	1,251	1,004	6,045	1,251	20,855	1,004	6,292
Leased:											
Midsize	38	9	24	23	0	0	38	0		0	38
4 - Wheel Drive	16	14	10	20	0	0	18	0		0	18
Seized or not cost Excess:											
Limousine	1	0	0	1	0	0	1	0		0	1
Large Sedan	2	3	1	2	0	0	2	0		0	2
Midsize Sedan	297	47	42	302	85	100	287	85		100	272
Other	737	192	111	818	35	0	853	35		0	888
Subtotal Seized	1,037	242	154	1,123	120	100	1,143	120		100	1,183
TOTAL VEHICLES	6,252	1,529	849	6,921	1,371	1,104	7,188	1,371	20,855	1,104	7,455

Notes:
1. 1998 figures differ from the last Spring Call submission due to vehicle database changes.
2. For FY 1998 (already accounted for) and FY 1999, some vehicles are funded in one fiscal year but not physically received and added to DEA's inventory until the next fiscal year. Therefore, our acquisition figures may change for FY 1999 by the next Spring Call.
3. *FY 2000 and FY 2001 figures are based on projections.
4. Figure/costs represent actual contract figures from GSA for FY 2000 plus 5 percent for inflation.

DRUG ENFORCEMENT ADMINISTRATION
FY 2001 Congressional Budget Submission
Salaries and Expenses
Schedule of Foreign Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999 Acquired	1999 Disposed	1999 End-of Year	2000 * Acquired	2000 * Disposed	2000 * End-of Year	2001 * Acquired	2001 * Average Cost	2001 * Disposed	2001 * End-of Year
Direct Purchase:											
Large Sedan	0	0	0	0	0	0	0	0	24,048	0	0
Midsize Sedan	117	8	9	116	32	20	128	32	18,551	20	140
Compact Sedan	58	3	5	56	0	2	54	0	17,729	2	52
Subcompact Sedan	0	0	0	0	0	0	0	0	-	0	0
Small Sedan	0	0	0	0	0	0	0	0	13,341	0	0
Station Wagon	10	0	0	10	0	0	10	0	18,758	0	10
Van	3	3	0	6	0	0	6	0	22,736	0	6
Bus	0	0	0	0	0	0	0	0	-	0	0
4 - Wheel Drive	285	53	33	305	70	50	325	70	25,394	50	345
Special Purpose:											
Sedan	0	0	0	0	0	0	0	0	-	0	0
4 - Wheel Drive	7	0	0	7	5	3	9	5	25,394	3	11
Other	0	0	0	0	0	0	0	0	22,725	0	0
Trucks:					0	0	0	0	-	0	0
Pickup	0	0	0	0	0	0	0	0	21,502	0	0
Other	0	2	1	1	0	0	1	0	19,222	0	1
Subtotal Purchased	480	69	48	501	107	75	533	107	20,855	75	565
Leased:											
Midsize	0	0	0	0	0	0	0	0		0	0
Seized or not cost Excess:											
Limousine	0	0	0	0	0	0	0	0		0	0
Large Sedan	0	0	0	0	0	0	0	0		0	0
Midsize Sedan	1	0	0	1	0	0	1	0		0	1
Other	3	0	0	3	0	0	3	0		0	3
Subtotal Seized	4	0	0	4	0	0	4	0	0	0	4
TOTAL VEHICLES	484	69	48	505	107	75	537	107	20,855	75	569

Notes:
1. 1998 figures differ from the last Spring Call submission due to vehicle database changes.
2. For FY 1998 (already accounted for) and FY 1999, some vehicles are funded in one fiscal year but not physically received and added to DEA's inventory until the next fiscal year. Therefore, our acquisition figures may change for FY 1999 by the next Spring Call.
3. *FY 2000 and FY 2001 figures are based on projections.
4. Figures/costs represent actual contract figures from GSA for FY 2000 plus 5 percent for inflation.

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DRUG ENFORCEMENT ADMINISTRATION

FY 2001 Congressional Budget Submission

Salaries and Expenses

Schedule of Aircraft

Method of Acquisition and Type of Aircraft	1998 Actual End-of-Year Inventory	1999 Actual			2000 Estimated			2001 Estimated			
		Acquired	Disposed	End-of-Year Inventory	Acquired	Disposed	End-of-Year Inventory	Acquired	Average Cost	Disposed	End-of-Year Inventory
Direct Purchases:											
Fixed Wing - Single Engine	26	9	-	35	1	-	36	1	3,200,000	-	37
Fixed Wing - Multi Engine	9	-	-	9	2	-	11	-		-	11
Helicopter - Single Engine	4	1	-	5	1	-	6	1	1,500,000	-	7
Helicopter - Multi Engine	6	3	-	9	-	-	9	-		-	9
Jet	1	-	-	1	-	-	1	-		-	1
Sub-total Purchased	46	13	-	59	4	-	63	2	4,700,000	-	65
Leased:											
Fixed Wing Helicopter	-	-	-	-	-	-	-	-		-	-
Helicopter	-	-	-	-	-	-	-	-		-	-
Sub-total Leased	-	-	-	-	-	-	-	-	-	-	-
Seized:											
Fixed Wing - Single Engine	11	-	-	11	-	1	10	-		-	10
Fixed Wing - Multi Engine	9	-	1	8	-	2	6	-		-	6
Helicopter - Single Engine	7	-	-	7	-	-	7	-		-	7
Helicopter - Multi Engine	-	-	-	-	-	-	-	-		-	-
Jet	1	-	-	1	-	-	1	-		-	1
Sub-total Seized	28	-	1	27	-	3	24	-		-	24
Military:											
Fixed Wing - Single Engine	1	-	-	1	-	-	1	-		-	1
Fixed Wing - Multi Engine	-	-	-	-	-	-	-	-		-	-
Helicopter - Single Engine	13	-	1	12	-	-	12	-		-	12
Helicopter - Multi Engine	1	-	-	1	-	-	1	-		-	1
Jet	-	-	-	-	-	-	-	-		-	-
Sub-total Military	15	-	1	14	-	-	14	-	-	-	14
TOTAL Aircraft	89	13	2	100	4	3	101	2	4,700,000	-	103

Note: FY 2001 purchases are covered by the recurring base for aviation replacement and equipment.

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	Workyears	Amount
2000 Appropriation Enacted	7,452	7,348	1,255,517
2000 Government-Wide 38% Rescission	-	-	(24)
2000 Availability	7,452	7,348	1,255,493
Adjustments-to-base increases:			
2001 Pay Raise	-	-	19,929
Annualization of 2000 Pay Raise	-	-	8,749
Annualization of 1999 positions	-	-	13,384
Annualization of 2000 positions	-	40	2,244
FERS Retirement System	-	-	222
Federal Health Insurance Costs	-	-	2,467
Lease Expirations	-	-	166
Antenna Fee (GSA)	-	-	114
Accident Compensation	-	-	788
GSA Blue Pages	-	-	27
Travel Management Centers	-	-	179
National Archives & Record Projections	-	-	4
Total, mandatory increases	-	40	48,293
Adjustments-to-base Decreases:			
Non-recurring decreases	-	-	-
GSA Rent Decrease	-	-	(577)
Total, mandatory decreases	0	0	($577)
2001 Base	7,452	7,388	$1,303,209
Program Increases	44	22	84,557
2001 Estimate	7,496	7,410	$1,387,768

Drug Enforcement Administration

FY 2001 Office of Management and Budget Submission

Salaries and Expenses

Justification of Adjustments to Base

(Dollars in Thousands)

	Perm. Pos.	Workyears	Amount
Transfers to and from other accounts:	-	-	-
Adjustment-To-Base Increases:			
1. 2001 pay raise			
This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $19,929,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($15,146,000 for pay and $4,783,000 for benefits totaling $19,929,000).	-	-	$19,929
2. Annualization of 2000 pay raise			
This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent that was effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the current rate of 4.8 percent. The amount requested $8,749,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($6,387,000 for compensation and $2,362,000 for benefits).	-	-	$8,749
3. Annualization of additional positions approved in 1999			
This provides for the annualization of 617 additional positions requested in the enacted 1999 appropriation for DEA. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a two year progression to the journeyman level. This request includes a decrease of $0 for one-time items associated with the increased positions, and an increase of $13,384, for full-year costs associated with these additional positions, for a net increase of $13,384.	-	-	$13,384

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Drug Enforcement Administration
FY 2001 Office of Management and Budget Submission
Salaries and Expenses
Justification of Adjustments to Base (Continued)
(Dollars in Thousands)

	Annualization Required for 2001	Perm. Pos.	Workyears	Amount
Annual salary rate of 617 approved positions	$0			
Less Lapse (50%)	$9,896			
Net Compensation	$9,896			
Associated employees benefits	$3,488			
Other (non-personnel)				
Travel	$0			
Transportation of Things	$0			
Communications/Utilities	$0			
Printing/Reproduction	$0			
Other Contractual Services:				
25.2 Other Services	$0			
25.3 Purchase of Goods & Services from Government Accounts	$0			
25.4 Operation & Maintenance of Facilities	$0			
25.6 Medical Care	$0			
Supplies/Materials	$0			
Equipment	$0			
Total costs subject to annualization	$13,384			

4. Annualization of additional positions approved in 2000..... - 40 $2,244

This provides for the annualization of 40 additional positions requested in the anticipated 2000 appropriation for DEA. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a two-year progression to the journeyman level. This request includes a decrease of $6,420,000 for one-time items associated with the increased positions, and an increase of $8,664,000, for full-year costs associated with these additional positions at the journeyman level, for a net increase of $2,244,000.

Drug Enforcement Administration
FY 2001 Office of Management and Budget Submission
Salaries and Expenses
Justification of Adjustments to Base (Continued)
(Dollars in Thousands)

	Approved 2000 Increases	Annualization Required	Perm. Pos.	Workyears	Amount
Annual salary rate of 13 approved positions	$2,512	$4,452			
Less Lapse (50%)	$1,256	$2,226			
Net Compensation	$1,256	$2,226			
Associated employee benefits	$578	$914			
Other (non-personnel)					
Travel	$3,526	$283			
Transportation of Things	$186	$198			
GSA Rent	$433	$0			
Rental Payments to Others	$382	$287			
Communications/Utilities	$220	$358			
Printing/Reproduction	$0	$0			
Other Contractual Services:					
25.1 Advisory & Assistance Services	$536	$0			
25.2 Other Services	$4,354	$1,695			
25.3 Purchase of Goods & Services from Government Accounts	$3,361	$431			
25.4 Operation & Maintenance of Facilities	$0	$0			
25.6 Medical Care	$48	($26)			
25.7 Operation of Maintenance & Equipment	$58	($11)			
Supplies/Materials	$2,542	$22			
Equipment	$24,314	($3,864)			
Land and Structures	$99	($269)			
Total costs subject to annualization	$41,900	$2,244			

6. Transfer of CSRS employees FERS retirement system..... - - $222

This request provides for the increase in Federal Employees retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. This request includes $222 for benefits.

Drug Enforcement Administration
FY 2001 Office of Management and Budget Submission
Salaries and Expenses
Justification of Adjustments to Base (Continued)
(Dollars in Thousands)

	Perm. Pos.	Workyears	Amount
6. Increased Federal Health Insurance Costs			
This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $2,487 for these costs.	-	-	$2,487
7. Lease Expirations			
GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $166,000 is requested for DEA.	-	-	$166
8. Antenna Fees			
GSA will charge the Department antenna fees in FY 2001. The fees include all current antennas utilized by Justice components that have antennas atop their buildings. Funding of $114,000 is requested for DEA.	-	-	$114
9. Accident Compensation			
This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $768,000.	-	-	$768
10. General Services Administration (GSA) Blue Pages			
Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $262,000.00. Funding of $27,000 is requested for DEA.	-	-	$27
11. Travel Management Center Fees			
In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car, and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000.00. Funding of $179,000 is requested for DEA.	-	-	$179

Drug Enforcement Administration
FY 2001 Office of Management and Budget Submission
Salaries and Expenses
Justification of Adjustments to Base (Continued)
(Dollars in Thousands)

	Perm. Pos.	Workyears	Amount
12. National Archives and Records Administrations (NARA).....			
The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, based upon current records maintained by NARA. Funding of $4,000 is requested for DEA.	-	-	$4
Subtotal, Increases.....	0	40	$19,615
Adjustment-To-Base Decreases:			
General Services Administration (GSA) Rent Decrease			
GSA will continue to charge rental rates that approximate those charges to commercial tenants for equivalent space and related services. The decrease of $577,000 is the reduction in GSA rent estimates from the FY 2000 budget ($88,124) and the revised amount of $87,647.	-	-	($577)
Total, Adjustments to Base.....	-	40	$19,038

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Drug Enforcement Administration

FY 2001 Office of Management and Budget Submission
Summary of Requirements by Grade and Object Class
Salaries and Expenses
(Dollars In Thousands)

Grades & Salary Ranges	1999 Actual		2000 Enacted		2001 Request		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Executive Level III, $130,200	1		1		1		-	
Executive Level V, $114,500	1		1		1		-	
ES-6, $130,200	6		6		6		-	
ES-5, $130,200	8		8		8		-	
ES-4, $130,200	43		43		43		-	
ES-3, $126,825	6		6		6		-	
ES-2, $107,000	-		-		-		-	
GS-15, $84,638-110,028	247		251		251		-	
GS-14, $71,954-93,537	1,060		1,072		1,072		-	
GS-13, $60,890-79,155	4,008		4,050		4,050		-	
GS-12, $51,204-66,564	377		362		362		-	
GS-11, $42,724-55,541	148		148		148		-	
GS-10, $38,885-50,554	22		18		18		-	
GS-09, $35,310-45,900	337		354		386		32	
GS-08, $31,968-41,557	176		183		183		-	
GS-07, $28,866-37,522	439		442		442		-	
GS-06, $25,976-33,768	305		306		306		-	
GS-05, $23,304-30,292	184		171		183		12	
GS-04, $20,829-27,080	12		10		10		-	
GS-03, $18,555-24,120	-		-		-		-	
GS-02, $17,005-21,398	-		-		-		-	
Ungraded Positions	13		20		20		-	
Total, Appropriated Positions	7,391		7,452		7,498		44	
Average ES Salary		$ 129,879		$ 136,112		$ 141,148		
Average Ungraded Salary		27,293		33,148		34,607		
Average GS Salary		$ 64,517		$ 69,450		$ 64,428		
Average GS Grade		13.28		13.52		13.27		

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Drug Enforcement Administration

FY 2001 Office of Management and Budget Submission

Summary of Requirements by Grade and Object Class

Salaries and Expenses

(Dollars In Thousands)

Object Class	1999 Actual FTE	1999 Actual Amount	2000 Estimate FTE	2000 Estimate Amount	2001 Request FTE	2001 Request Amount	Increase/Decrease FTE	Increase/Decrease Amount
11.1 Full-time permanent	6,966	$376,931	7,348	$446,827	7,410	$467,745	62	$21,218
11.3 Other than Full-time permanent	-	$2,011	-	$3,030	-	$3,030	-	$0
11.5 Other personnel compensation	-	$60,383		$53,626		$54,997	-	$1,371
11.8 Special personal services payments	-	$0	-	$0	-	$0	-	$0
Subtotal	6,966	$439,305	7,348	$503,183	7,410	$525,772	62	$22,589
Reimbursable FTE								
Full-time permanent	-		17		17		-	
12 Personnel benefits:		$154,400		$141,966		$157,255		$15,289
13 Benefits to Former Personnel		$0		$0		$0		$0
21 Travel and Transportation of Persons		$46,852		$45,767		$46,170		$403
22 Transportation of Things		$13,484		$11,090		$11,375		$285
23.1 GSA Rent		$76,252		$72,139		$77,254		$5,115
23.2 Rental Payments to Others		$3,548		$9,284		$9,571		$287
23.3 Comm, Util., & Other Misc. Charges		$57,191		$65,730		$73,497		$7,767
24 Printing and Reproduction		$625		$1,193		$1,708		$515
25.1 Advisory and Assistance Services		$0		($0)		$536		$536
25.2 Other Services		$96,580		$89,765		$134,830		$45,065
25.3 Purchases of Goods & Services from Gov't		$155,829		$157,449		$163,116		$5,667
25.4 Operations of GOCO's		$2,987		$3,290		$3,290		$0
25.5 Research & Development		$0		$0		$0		$0
25.6 Medical Care		$1,167		$1,664		$1,679		$15
25.7 Operation & Maintenance of Equipment		$29,434		$23,398		$23,387		($11)
25.8 Subsistence and Support of Persons		$0		$0		$0		$0
26 Supplies & Materials		$42,716		$40,629		$40,994		$365
31 Equipment		$100,699		$88,676		$97,333		$8,657
32 Land and Structures		$4,346		$0		($0)		($0)
42 Claims		$0		$0		$0		$0
Total obligations		$1,227,207		$1,255,493		$1,367,766		$112,273
Unobligated balance, start of year		($12,299)		($14,661)		($14,661)		
Recoveries		($8,073)		$0		$0		
Unobligated balance, expiring		$14,575		$0		$0		
Unobligated balance, end of year		$14,661		$14,661		$14,661		
Total requirements		$1,236,071		$1,255,493		$1,367,766		
Relations of Obligations to Outlays								
Total obligations		$1,227,207		$1,255,493		$1,367,766		
Obligated balance, start of year		$316,338		$407,562		$517,055		
Obligated balance, end of year		($407,562)		($517,055)		($667,821)		
Adjustments in expired accounts		(3,902)		$0		$0		
Adjustments in unexpired accounts		(8,979)		$0		$0		
Outlays		$1,125,106		$1,146,000		$1,217,000		

Department of Justice
Drug Enforcement Administration
Congressional Budget Submission for Fiscal Year 2001

Section 4: Construction
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Drug Enforcement Administration
FY 2001 Congresssional Budget Submission
Construction

SUMMARY STATEMENT

DEA requests $5,500,000 to replace the agency's deteriorating laboratories and to repair and maintain DEA offices and other facilities.

A total of $5,500,000 in base funding will be used to continue the replacement of DEA's aging laboratory facilities. DEA's forensic laboratories provide critical operational and analytical support to drug law enforcement at the federal, state, local, and international level. A number of DEA's laboratory facilities, averaging 21 years old, no longer meet DEA's operational requirements and are severely overcrowded and, because of the poor environmental conditions in these laboratories, DEA is being forced to operate at an unacceptably high level of liability risk. DEA cannot afford to remain in substandard facilities that do not meet standard laboratory design criteria and the agency's requirements for the health and safety of its employees. Failure to replace the laboratory facilities could ultimately affect the ability of the laboratories to provide high quality, timely, and effective support to enforcement operations. The long lead time required to relocate facilities mandates that urgent attention be given to this problem now. The facilities in the greatest need of replacement include: the Southwest Laboratory (San Diego); the Mid-Atlantic Laboratory (Washington, D.C.); the Southeast Laboratory (Miami); the Special Testing and Research Laboratory (McLean, VA); and the Western Laboratory (San Francisco).

	Perm. Pos.	FTE	Amount (000)
Construction Base	0	0	$ 5,500
FY 2001 Initiatives	0	0	0
Total	0	0	$ 5,500

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Justification of Proposed Changes in Appropriation Language

The 2000 budget estimate includes proposed changes in the appropriation language listed and explained below. New language is italicized and underscored.

DEA Construction

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; $*5,500,000*, to remain available until expended.

P.L. 106-113, Section 1000(a)(1), Department of Justice Appropriations Act, 2000.

Explanation of Changes

No substantive changes proposed.

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Crosswalk of 1999 Availability
(Dollars in Thousands)

	1999 Enacted			Approved Reprogrammings			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Construction	-	-	$ 8,000	-	-	-	-	-	12,835	-	-	$ 20,835
Total	-	-	$ 8,000	-	-	-	-	-	12,835	-	-	$ 20,835

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Crosswalk of 2000 Changes
(Dollars In Thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers Between Accounts Accounts			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Program Direction:															
Construction	-	-	$ 8,000	-	-	(2,500)	-	-	-	-	-	$ -	-	-	$ 5,500

Congressional Appropriation Action on 2000 Request. Congress reduced the 2000 President's budget request by $2,500,000 from the 2000 request amount. The $5,500,000 is provided for the DEA Construction account to continue replacement of laboratory facilities.

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Summary of Requirements
(Dollars In Thousands)

	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	-	-	$ 5,500
2001 Base	-	-	
Program Changes	-	-	5,500
2001 Estimate	-	-	$ 5,500

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Budget Activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Direct	-	-	$ 5,500	-	-	$ 5,500	-	-	$ 5,500	-	-	-
Total	-	-	$ 5,500	-	-	$ 5,500	-	-	$ 5,500	-	-	-

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Construction
Program Performance Information
(Dollars in Thousands)

ACTIVITY: CONSTRUCTION

Laboratory Construction	Perm. Pos.	FTE	Amount
2000 Appropriation Anticipated	0	0	$ 5,500
2001 Base	0	0	5,500
2001 Estimate	0	0	5,500
Increase/Decrease	0	0	$ 0

LONG RANGE GOAL: To ensure that DEA's forensic drug laboratories meet all operational requirements to provide the timely analysis of drug evidence necessary for dismantling/disrupting trafficking organizations.

BASE PROGRAM DESCRIPTION: The DEA Construction Appropriation provides resources ($5,500,000) for a multi-year project to reconstruct at least five of the agency's deteriorating laboratory facilities. DEA has eight forensic drug laboratories with unique requirements in terms of physical design and layout for conducting analysis of drug evidence. The labs provide a key service of timely analysis of drug evidence produced by field agents of the DEA, Federal Bureau of Investigation and other federal law enforcement agencies. However, at least five of the eight laboratories are facing severe space shortages, lease expirations and environmental conditions that pose health risks. Failure to improve these facilities could adversely affect the ability of the laboratories to provide quality, timely and effective support to enforcement operations and subsequent prosecution efforts.

Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Construction

Buildings and Facilities

Status of Construction and Summary of New Facilities Requirements

(Dollars in Thousands)

New Facilities:	New Construction Fiscal Year	Amount	Total Funding	Total Current Cost Estimate or Actual	Status-January 2000 Oblig. to Date	Stage of Programs	Estimated Activation Date
Justice Training Center	97	$ 29,083	$ 29,306	$ 29,306	$ 29,083	100% Complete	FY 2000
	98	$ 223			$ 29,306		
Laboratories *	97	$ 3,000	$ 3,000	$ 3,000	$ 3,000	100% Complete	FY 2000
	98	$ 4,000	$ 5,500	$ 5,500	$ 2,446	45% Complete	FY 2000
	99	$ 5,500	$ 5,500	$ 5,500	-	In Design/Initiating Site Work	FY 2002

*FY 1997 total funding reflects congressionally appropriated monies of $1,500 in addition to reprogrammed monies of $1,500 for a total of $3,000.

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Construction

Summary of Requirements by Object Class

(Dollars In Thousands)

Object Classes	1999 Actual Wys.	1999 Actual Amount	2000 Enacted Wys.	2000 Enacted Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11.1 Total workyears $ personnel compensation	-	$ -	-	$ -	-	$ -	-	$ -
11.3 Other than Full-time permanent	-	-	-	-	-	-	-	-
11.5 Total, Other personnel compensation	-	-	-	-	-	-	-	-
Overtime								
11.8 Special personal services payments	-	-	-	-	-	-	-	-
Total	-	$ -	-	$ -	-	$ -	-	$ -
Reimbursable workyears:								
Full-time permanent	-	-	-	-	-	-	-	-
Other Object Classes:	-	-	-	-	-	-	-	-
12.0 Personnel Benefits	-	-	-	-	-	-	-	-
13.0 Benefits to former personnel	-	-	-	-	-	-	-	-
21.0 Travel and transportation of persons	-	-	-	-	-	-	-	-
22.0 Transportation of things	-	-	-	-	-	-	-	-
23.1 GSA Rent	-	809	-	896	-	896	-	-
23.2 Rental payments to others	-	-	-	-	-	-	-	-
23.3 Comm, util. & other misc. charges	-	-	-	-	-	-	-	-
24.0 Printing and Reproduction	-	-	-	-	-	-	-	-
25.1 Advisory and assistance services	-	798	-	880	-	880	-	-
25.2 Other Services	-	-	-	-	-	-	-	-
25.3 Purchases of goods & svcs from Gov't accounts	-	6	-	-	-	-	-	-
25.4 Operation of GOCO's	-	-	-	-	-	-	-	-
25.5 Research and development contracts	-	-	-	-	-	-	-	-
25.7 Operation and maintenance of equipment	-	-	-	-	-	-	-	-
26.0 Supplies & materials	-	71	-	77	-	77	-	-
31.0 Equipment	-	635	-	704	-	704	-	-
32.0 Land and Structures	-	2,682	-	2,943	-	2,943	-	-
Total obligations	-	$ 4,979	-	$ 5,500	-	$ 5,500	-	-
Unobligated balance, start of year		(8,918)		(12,835)		(12,835)	-	-
Recoveries		(898)		-		-		
Unobligated balance, end of year		12,835		12,835		12,835	-	-
Total requirements		$ 8,000		$ 5,500		$ 5,500	-	-
Relations of Obligations to Outlays								
Total obligations		$ 4,979		$ 5,500		$ 5,500	-	-
Obligated balance, start of year		$ 18,000		$ 10,376		$ 13,092	-	-
Obligated balance, end of year		$ (10,376)		$ (13,092)		$ (6,909)	-	-
Adjustments in expired accounts		-		-		-	-	-
Outlays		$ 12,603		$ 2,784		$ 11,683	-	-

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Department of Justice
Drug Enforcement Administration
Congressional Budget Submission for Fiscal Year 2001

Section 5: Diversion Control Fee Account
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Drug Enforcement Administration
FY 2001 Congressional Budget Estimate
Diversion Control Fee Account

SUMMARY STATEMENT

DEA is requesting a total of $ 83,543,000, 660 positions, and 656 FTE for Fiscal Year 2001. There are no requested enhancements for the DCFA in FY 2001.

	Perm. Pos.	FTE	Amount 000
DCFA Base	660	656	$83,543
FY 2001 Enhancements	0	0	0
Total	660	656	$83,543

Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Diversion Control Fee Account

Crosswalk of 1999 Availability

(Dollars in thousands)

Activity/Program:	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Drug Diversion Control	635	631	76,710	-	-	-	-	-	(15,000)	-	-	24,580	635	631	86,290
Total	635	631	76,710	-	-	-	-	-	(15,000)	-	-	24,580	635	631	86,290

Transfers Between Accounts. Transfer of $15,000,000 from the Diversion Control Fee Account to the General Fund of the Treasury.

Unobligated Balance Brought Forward. The Diversion Control Fee Account brought forward $24,580,000 from the surplus of receipts collected.

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program:	2000 President's Budget Request			Reprogramming			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Diversion Control Fund	660	643	80,330	-	-	-	660	643	80,330
Total	660	643	80,330	-	-	-	660	643	80,330

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm Pos	Work-yrs.	Amount
2000 Appropriation Enacted	660	643	$80,330
Increases			
Government wide .38% Rescission	-	-	(6)
Adjustments to Base	-	13	3,221
Total Increases:	-	13	3,213
Decreases			
Total Decreases:	-	-	-
2001 Base	-	-	83,543
Program Changes (See Program Narrative for Details)	-	-	-
2001 Estimate	0	0	83,543

	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Estimates by budget activity												
Enforcement	660	658	$80,330	660	658	$83,543	660	658	$83,543	-	-	-
Overtime												
AUO		3			3			3				
Other		1			1			1				
TOTAL COMPENSABLE WORKYEARS		660			660			660				

Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Diversion Control Fee Account

Summary of Requirements

(Dollars in thousands)

Financing	1999 Actual	2000 Appropriation Anticipated	2001 Estimate
Unappropriated Balance, Start of year	44,000	43,591	35,808
Receipts:			
Receipts Collected	69,301	87,547	78,439
Appropriations/Obligations			
Drug Diversion Fee Account			
Transfer to General Treasury Fund	(15,000)	(15,000)	(15,000)
Rescission	-	-	-
Total Receipts	54,301	72,547	63,439
Appropriation/Obligations:			
Drug Diversion Control Fee Account	(54,710)	(80,330)	(83,543)
Total Obligations	(54,710)	(80,330)	(83,543)
Unappropriated Balance, End of Year	43,591	35,808	15,704
Outlays	65,000	79,859	78,644

Note: The 1999 rescission of the $7,000,000 (P.L. 106-51) and the 2000 rescission of $35,000,000 (P.L. 106-113) rescind funds from availability in each fiscal year and restores them to the unappropriated balances for use in subsequent fiscal year. For purposes of this display obligations have been limited by the rescissions.

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Summary of Resources by Program
(Dollars in thousands)

Estimates By Budget Activity	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Drug Diversion Control Fee Account																		
Drug Diversion Control Fee Account	635	631	$ 86,280	635	599	$ 71,794	650	643	$ 90,330	650	650	$ 93,643	650	650	$ 93,643	-	-	$ -
TOTAL	635	631	$ 86,280	635	599	$ 71,794	650	643	$ 90,330	650	650	$ 93,643	650	650	$ 93,643	-	-	$ -
Reimbursable Workyears		-			-			-			-			-			-	
TOTAL WORKYEARS		631			599			643			650			650			-	
Overtime																		
AUO		3			3			3			3			3			-	
Other		1			1			1			1			1			-	
TOTAL COMPENSABLE WORKYEARS		635			603			647			654			654			-	

Drug Enforcement Administration
FY 2001 Congressional Budget Estimate
Diversion Control Fee Account
Program Performance Information
(Dollars in Thousands)

ACTIVITY: ENFORCEMENT

Diversion Control	Perm. Pos.	FTE	Amount
2000 Appropriation Enacted	660	643	$80,330
2001 Base	660	656	83,543
2001 Estimate	660	656	83,543
Increase/Decrease	0	0	$ 0

BASE PROGRAM DESCRIPTION: The Comprehensive Drug Abuse and Prevention and Control Act of 1970 (Public Law 91-513) authorizes DEA to enforce this law as it applies to the registration of handlers of controlled substances. The purpose of DEA's Drug Diversion Control Program is to prevent, detect, and investigate the diversion of controlled substances from legitimate channels while, at the same time, ensuring that there is an adequate uninterrupted supply of controlled substances to meet legitimate needs. In addition, DEA's Drug Diversion Control program serves as the only responsible action office for the international monitoring and control of legitimate pharmaceuticals. In compliance with U.S. law and international treaty obligations, DEA's Diversion Control Program advises management on all matters pertaining to the formulation, direction, and coordination of worldwide programs associated with the diversion of legally produced controlled substances to include the following:

Criminal Diversion Investigations: DEA identifies the highest level violators responsible for large scale diversion and conducts high quality, timely criminal investigations of their diversion activities.

Public Interest Revocation Investigations: DEA may deny an application for registration, or revoke or suspend a registration if it is determined that registering the applicant would be inconsistent with the public interest.

CSA Mandated Cyclic Investigations: Investigations to ensure that diversion does not occur at the manufacturer, distributor, or wholesale level.

Pre-registrant Investigations: Ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.

State and Local Assistance: DEA assesses state programs aimed at suppressing the diversion of controlled substances from scientific, medical research, and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership, and guidance to the states consistent with national objectives.
There are approximately more than 1,000,000 handlers of controlled substances. Each registrant is a potential source of diversion. Though the majority of the diversions occur at the practitioner and retail pharmacy level, the Drug Diversion Control program must remain vigilant on all fronts, monitoring ***manufacturers, distributors, practitioners,*** and ***pharmacists.***

Drug Enforcement Administration

FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Revenue Against Planned Obligations
(Dollars In thousands)

		First Cycle			Second Cycle			Third Cycle		
	FY 1993 ACTUAL	FY 1994 ACTUAL	FY 1995 ACTUAL	FY 1996 ACTUAL	FY 1997 ACTUAL	FY 1998 ACTUAL	FY 1999 ACTUAL	FY 2000 PROJECTED	FY 2001 PROJECTED	FY 2002 PROJECTED
1. Actual/Projected Collections	$34,201	$69,609	$61,258	$65,299	$75,003	$69,667	$69,301	$67,547	$78,439	$80,462
2. Planned Obligations										
A. Base Budget:	*(Includes Inflationary Increases)*									
Pay	0	0	0	27,301	31,073	29,678	38,724	42,125	44,780	43,221
Non-pay	0	0	0	29,805	30,878	33,083	33,070	38,205	38,763	47,334
Total	0	0	0	57,106	61,951	62,961	71,794	80,330	83,543	90,555
B. Program Enhancements	*(FY1997 and FY 1998 Req.'d Enhancements with Outyear Annualization and Inflationryr increases)*									
1999 Congressional - Pay	0	0	0	0	0	0	0	0	0	0
1999 Congressional - Non-pay	0	0	0	0	0	0	0	0	0	0
1999 Total Enhancements:	0	0	0	0	0	0	0	0	0	0
2000 Spring Planning Est - Pay	0	0	0	0	0	0	0	0	0	0
2000 Spring Planning - non-Pay	0	0	0	0	0	0	0	0	0	0
2000 Total Enhancements:	0	0	0	0	0	0	0	0	0	0
C. Total Planned Obligations	27,000	47,871	53,284	57,106	61,951	62,961	71,794	80,330	83,543	90,555
3. Prior Year Deobligations			(327)	0	0	882	1,274	0	0	0
4. Fiscal Year Balance	7,201	21,738	8,291	8,054	16,440	7,588	(1,219)	7,217	(5,104)	(10,093)
5. Transferred to Treasury							(15,000)	(15,000)		
6. Rescission							0	(35,000)		
7. Cumulative Treasury Balance	7,201	28,939	37,230	45,284	61,724	69,312	53,093	10,310	5,206	(4,887)

Notes:

1. Second Cycle FY 98 Actuals listed the actuals through July -- Updated with the final obligations figures for FY 98. Which shows the correct treasury balance for the FY.
2. Second Cycle FY 99 shows the transfer of $15,000,000 to Treasury, ties to the SF 133's for FY 1999.
3. Third Cycle FY 00 shows the anticipated transfer of $15,000,000 to Treasury, as well as the Conference Mark Rescission of funds temporarily not available for FY 2000, Public Law 106-116.

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Drug Enforcement Administration

FY 2001 Congressional Budget Submission

Diversion Control Fee Account

Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Initiative	Ranking
Drug Diversion Control	1	None	

Note: There are no enhancements for the Drug Diversion Control account for FY 2001.

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DRUG ENFORCEMENT ADMINISTRATION

FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Detail of Permanent Positions by Category
Fiscal Years 1999-2001

Category	1999 Authorized	2000 Enacted	2001 Estimate
General Administrative, Clerical Services (300-399)	142	101	101
Biological Sciences (400-499)	3	3	3
Accounting and Budget (500-599)	7	7	7
Medical, Dental, and Public Health (600-799)	3	3	3
Law Clerks (900-904)	3	3	3
Attorneys (905)	2	2	2
Mathematics & Statistics Group (1500-1599)	1	1	1
Legal Examiners (963)	18	18	18
Physical Sciences Group (1300-1399).(Other than Chemist)	2	2	2
Chemist (1320)	4	4	4
General Investigative Series (1801)	401	401	401
Miscellaneous Investigative Series (1802)	36	102	102
Criminal Investigative Series (1811)	13	13	13
Total	635	660	660
Washington	152	163	160
U.S. Field	483	497	500
Foreign Field	...	...	...
Total	635	660	660

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Drug Enforcement Administration

FY2001 Congressional Budget Submission

Diversion Control Fee Account

Summary of Attorney/Agent and Support Positions by Category

FY 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted								2001 Increases								2001 Request Level							
	Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Drug Diversion Control	13	13	2	2	645	628	660	643	---	---	---	---	---	---	---	---	13	13	2	2	645	641	660	656
Total	13	13	2	2	645	628	660	643	...	...	...	...	...	...	...	...	13	13	2	2	645	641	660	656

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Summary of Change
(Dollars in thousands)

	Pos.	Work-years	Amount
2000 Appropriation Enacted	660	643	$ 80,330
Increases:			
2001 Pay Raise			$1,334
Annualization of 2000 Pay Raise			628
Annualization of 2000 Positions	-	13	567
Within-grade Increases (WIGI)	-	-	137
GSA Rent	-	-	373
General Pricing Level Increase	-	-	174
Total, Increases	-	13	$3,213
Decreases:			
Total, Decreases	-	-	-
2001 Base	660	656	83,543
Program changes	-	-	-
2001 Estimate	660	656	$ 83,543

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Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Wys	Amount
Mandatory Increases:			
1. 2001 Pay Raise	-	-	1,334
This request provides for the proposed 3.7 percent pay raise to be effective in January 0f 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $1,334,000, represents the pay amounts for three quarters of the fiscal year plus appropriate benefits ($1,002,000 for pay and $332,000 for benefits).			
2. Annualization of 2000 Pay Raise	-	-	628
This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and for three quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved rate of 4.8 percent. The amount requested, $628,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($472,000 for compensation and $156,000 for benefits).			
3. Annualization of Additional Positions Approved in 2000	-	13	567
This request provides for the annualization of 25 additional positions requested in the anticipated 2000 appropriation for Improved Customer Service, Licit Drug Scheduling and Data Trend Analysis. This request includes a decrease of $363,000 for one-time items associated with the increased positions and an increase of $930,000 for full-year costs associated with these increases.			

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Justification of Adjustments to Base (Continued)
(Dollars in thousands)

	Perm. Pos.	Wys	Amount
4. Within-grade increases (WIGI).....	-	-	137
This request provides for the expected increase in costs of within-grade increases for slow- or no-growth components in FY 2000. This increase is based on an accurate model of the Department's employee population. The Department's model incorporates numerous factors, including anticipated pay raises, adjustments for three-year attrition and separation rates, and career ladder series reflecting organizational promotion policies. This request includes $103,000 for pay and $34,000 for benefits.			
5. General Services Administration (GSA) Rent.....	-	-	373
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $373,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over FY 2000 levels.			
6. General Pricing Level Increase.....	-	-	174
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total, Adjustments to Base.....	...	13	3,213

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos.	1999 Actual Amount	2000 Estimate Pos.	2000 Estimate Amount	2001 Request Pos.	2001 Request Amount	Increase/Decrease Pos.	Increase/Decrease Amount
Executive Level V, $122,400	1		1		1		-	
Executive Level IV, $122,200	1		1		1		-	
AL-3/F-$106,560 (Admin Law Judge)	3		3		3		-	
GS-15, $84,638-110,028	6		6		6		-	
GS-14, $71,954-93,537	46		50		50		-	
GS-13, $60,890-79,155	104		106		106		-	
GS-12, $51,204-66,564	196		196		196		-	
GS-11, $42,724-55,541	60		60		60		-	
GS-10, $38,885-50,554	1		1		1			
GS-9, $35,310-45,900	40		43		43		-	
GS-8, $31,968-41,557	20		20		20		-	
GS-7, $28,866-37,522	110		111		111		-	
GS-6, $25,976-33,768	27		41		41		-	
GS-5, $23,304-30,292	19		20		20		-	
GS-4, $20,829-27,080	1		1		1		-	
	635		660		660			
Total, Appropriated Positions	635		660		660		-	
Average ES Salary		$ 122,200		$ 130,000		$ 130,000		
Average GS Salary		53,265		52,867		52,867		
Average GS Grade		12		12		12		

Drug Enforcement Administration
FY 2001 Congressional Budget Submission
Diversion Control Fee Account
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Wys	Amount	Wys	Amount	Wys	Amount	Wys	Amount
Object Class								
11.1 Total FTE & personnel compensation	599	$29,729	659	$33,113	659	$35,099	-	$2,536
11.3 Other than full-time permanent	1	323	3	132	3	136	-	-
11.5 Other Personnel compensation	3	743	4	316	4	342	-	9
11.8 Special personnel services payments	-	4	-	-	-	-	-	-
Total	603	30,799	660	$ 33,563	660	35,579		2,547
Other Object Classes:								
12.0 Personnel benefits		7,925		8,562		9,201		639
21.0 Travel and transportation of persons		1,766		2,650		2,873		223
22.0 Transportation of things		346		58		58		
23.1 GSA rent		9,208		9,627		10,000		373
23.2 Rental Payments to others		104		147		148		1
23.3 Comm. util. & other misc charges		1,843		4,645		4,656		111
24.0 Printing and reproduction		232		318		320		2
25.1 Advisory and assistance services		22		4,115		4,140		25
25.2 Other services		1,332		4,474		4,568		94
25.3 Purchased Services - Govt.		11,725		1,692		1,702		10
25.4 Op & Maint Facilities		120		956		964		8
25.6 Medical Care		4		228		233		5
25.7 Op & Maint Equipment		277		1,409		1,417		9
25.8 Subsistence/Support Persons		-		-		-		
26.0 Supplies and materials		1,523		1,289		1,310		21
31.0 Equipment		4,221		6,586		6,372		(214)
32.0 Land and Structures		257		109		1		(108)
Total obligations		71,704		80,330		83,543		3,213
Unobligated balance, start of year		(24,580)		(7,496)		(7,496)		
Unobligated balance, end of year		7,496		7,496		7,496		
Total requirements		54,710		80,330		83,543		
Relation of Obligation to Outlays:								
Total obligations		71,704		80,330		83,543		
Obligated balance, start of year		19,228		26,022		28,493		
Obligated balance, end of year		(26,022)		(26,493)		(31,392)		
Outlays		65,000		79,859		78,644		

Immigration and Naturalization Service
Summary Statement
Fiscal Year 2001

Enclosed is the FY 2001 Immigration and Naturalization Service's (INS) budget request to Congress. INS is requesting a total of $4.8 billion, 33,122 positions, and 33,065 workyears to continue the work of protecting the nation's borders and serving legal immigrants. This budget request is composed of 9 budgets: Salaries and Expenses (S&E), Construction, Examinations Fee, Immigration Services Capital Investment Account, User Fee, Immigration Enforcement, Land Border Inspection Fee, Breached Bond/Detention, and H1B Immigrant Petitioner.

From FY 1993 to FY 1999, INS has realized a 164 percent growth in resources. As an agency, we have also grown from 17,163 employees on-board to 30,944 employees on-board. This extraordinary growth has caused some growing pains, but INS is turning the corner and meeting the goals and missions it has set forth. With the resources requested in this FY 2001 budget, INS will continue and improve its work of protecting the nation's borders, removing illegal aliens from the country, cracking down on illegal immigrants in our workforce, reducing service backlogs, providing benefits for legal aliens and providing a safe haven for those seeking shelter from oppression in their native countries.

Over the past several years INS has set and met many goals. We adjudicated 1.2 million Naturalization (N-400) applications last year, significantly reducing the backlog. In FY 2000, the Immigration Services Division will tackle the backlog in the Adjustment of Status area. The Detention program has brought more beds online, leading to the detainment of more criminal aliens. And the Border Patrol has continued to make great strides in securing our borders. This budget allows INS to build on its successful efforts to date and supports the immigration goals and strategies that the Administration and agency have pursued over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other aliens from the United States.

Immigration and Naturalization Service
FY 2001 Request to the Congress
(Dollars in thousands)

Estimates by Account	FY 1999 Actuals			FY 2000 Appropriation			FY 2001 Base			FY 2001 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Salaries and Expenses:															
Enforcement and Border Affairs	13,928	13,848	$1,283,823	13,928	13,449	$1,197,746	18,949	18,891	$2,380,795	19,744	19,289	$2,580,890	795	398	$200,095
Citizenship and Benefits	3,173	3,138	414,468	3,152	3,270	426,153	3,076	3,139	509,314	3,216	3,209	$538,390	140	70	30,076
Subtotal, S&E	17,101	16,986	1,698,291	17,080	16,719	1,623,899	22,025	22,030	2,890,109	22,960	22,498	3,120,280	935	468	230,171
Violent Crime Reduction Programs	4,633	3,567	860,863	5,249	4,766	1,267,201	...	...	...	...	...	...	...	...	...
Total, S&E/VCRP	21,734	20,553	2,559,154	22,329	21,485	2,891,100	22,025	22,030	2,890,109	22,960	22,498	3,120,280	935	468	230,171
Construction	70	35	78,094	72	71	99,662	72	71	34,000	93	81	111,135	21	10	77,135
Subtotal, Appropriated	21,804	20,588	2,637,248	22,401	21,556	2,990,762	22,097	22,101	2,924,109	23,053	22,579	3,231,415	956	478	307,306
Examinations Fee Account	5,526	5,895	639,042	5,547	6,120	754,200	5,851	6,461	779,876	6,046	6,559	807,317	195	98	27,441
Immigration Services Capital Investment	...	...	...	...	...	...	...	...	...	...	...	127,300	...	...	127,300
User Fee	3,836	3,679	454,144	3,836	3,621	487,000	3,836	3,879	505,489	3,990	3,956	529,103	154	77	23,614
Immigration Enforcement	...	...	3,929	...	...	1,850	...	...	1,850	...	...	1,850	...	...	...
Land Border Inspection Fee	12	18	1,050	12	26	1,548	12	26	1,641	12	26	1,641	...	...	...
Breached Bond/Detention Fund	21	20	149,315	21	19	69,035	21	63	72,634	21	63	110,134	...	...	37,500
H-1B Non-Immigrant Petitioner	...	...	754	...	...	1,125	...	...	1,125	...	...	1,125	...	...	...
Subtotal, Fee Accounts	9,395	9,612	1,248,234	9,416	9,786	1,314,758	9,720	10,429	1,362,615	10,069	10,604	1,578,470	349	175	215,855
Total, Appropriated and Fee Accounts	31,199	30,200	3,885,482	31,817	31,342	4,305,520	31,817	32,530	4,286,724	33,122	33,183	4,809,885	1,305	653	523,161
Total, INS	31,199	30,200	3,885,482	31,817	31,342	4,305,520	31,817	32,530	4,286,724	33,122	33,183	4,809,885	1,305	653	523,161

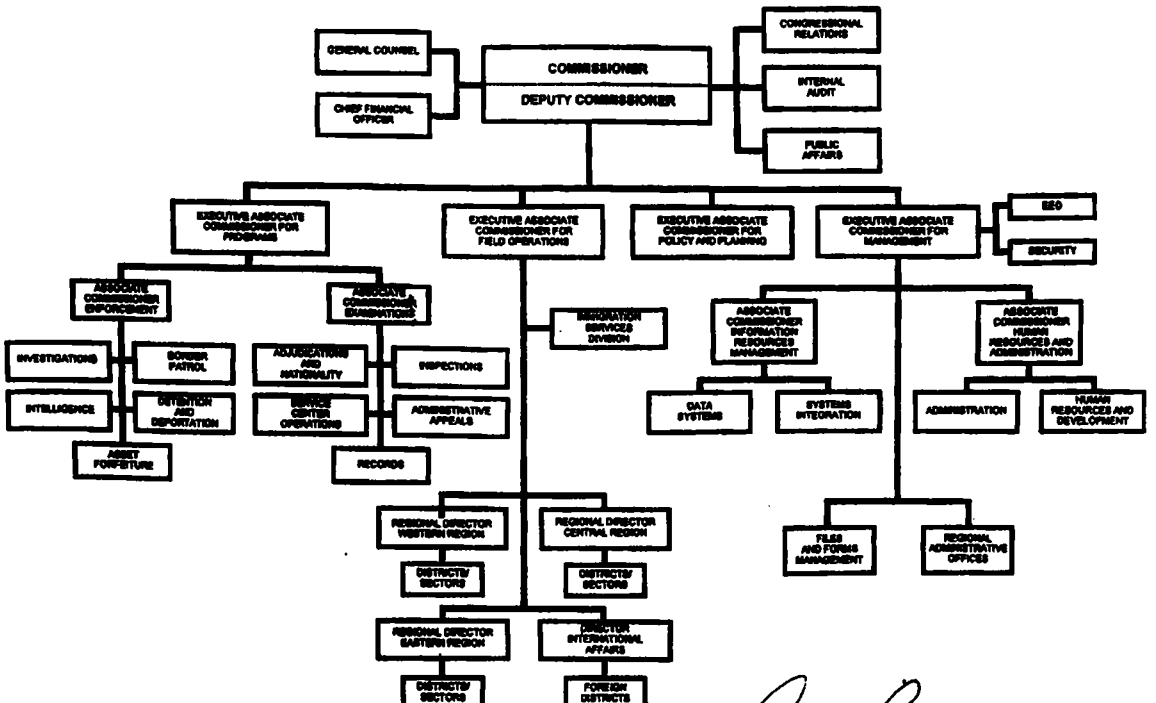
Immigration and Naturalization Service
FY 2001 Request by Program to the Congress
(Dollars in Thousands)

Estimates by Program	FY 1999 Actuals			FY 2000 Appropriation Anticipated			FY 2001 Base			FY 2001 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcement															
Inspections	5,225	5,199	$480,910	5,225	5,104	$492,924	5,225	5,359	$519,685	5,494	5,494	$570,935	269	135	$51,250
Border Patrol	10,491	9,549	920,853	10,921	10,326	1,055,444	10,921	10,816	1,114,650	11,351	11,031	1,207,550	430	215	92,900
Investigations	2,907	2,842	301,805	2,807	2,811	315,381	2,907	2,953	335,687	2,961	2,980	343,187	54	27	7,500
Detention and Deportation	3,544	3,312	785,720	3,730	3,376	878,577	3,730	3,669	900,556	3,980	3,794	1,020,056	250	125	119,500
Intelligence	127	125	14,117	127	122	15,188	127	125	15,807	127	125	15,807	---	---	---
Subtotal, Enforcement	22,294	21,027	2,503,405	22,910	21,739	2,757,514	22,910	22,922	2,886,385	23,913	23,424	3,157,535	1,003	502	271,150
Citizenship & Benefits															
Adjudications & Naturalization	3,236	3,737	440,413	3,236	4,108	495,626	3,236	4,062	429,108	3,377	4,133	507,608	141	71	78,500
International Affairs	791	713	96,049	791	696	103,104	791	696	109,252	791	696	109,252	---	---	---
Subtotal, Citizenship & Benefits	4,027	4,450	536,462	4,027	4,804	598,730	4,027	4,758	538,360	4,168	4,829	616,860	141	71	78,500
Immigration Support															
Training	162	175	17,562	182	164	22,382	182	179	22,947	182	179	22,947	...	...	...
Data & Communications	314	309	348,778	314	288	370,780	314	300	367,213	314	300	440,513	...	...	73,300
Information and Records Management	1,910	1,837	167,743	1,910	1,950	198,866	1,910	1,933	167,640	1,910	1,933	180,640	...	...	13,000
Construction & Engineering	70	35	78,094	72	71	99,662	72	71	34,000	93	81	111,135	21	10	77,135
Legal Proceedings	828	839	79,754	828	812	85,670	828	837	89,581	878	862	94,385	50	25	4,804
Subtotal, Immigration Support	3,304	3,195	691,931	3,306	3,285	777,370	3,306	3,320	681,381	3,377	3,355	849,620	71	35	168,239
Management and Administration	1,574	1,528	153,684	1,574	1,514	171,906	1,574	1,530	180,598	1,664	1,575	185,870	90	45	5,272
Total, Appropriated and Fee Accounts	31,199	30,200	3,885,482	31,817	31,342	4,305,520	31,817	32,530	4,286,724	33,122	33,183	4,809,885	1,305	653	523,161
Working Capital Fund	...	...	96,000	...	...	...	...	...	...	...	...	...	...	...	...
Total, INS	31,199	30,200	3,981,482	31,817	31,342	4,305,520	31,817	32,530	4,286,724	33,122	33,183	4,809,885	1,305	653	523,161

Department of Justice
Immigration and Naturalization Service
Salaries and Expenses
Estimates for Fiscal Year 2001
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IMMIGRATION AND NATURALIZATION SERVICE



Approved by: _____ Date: 10/22/98

JANET RENO
Attorney General

1

Immigration and Naturalization Service
Salaries and Expenses
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) is requesting a total of 22,960 permanent positions, 22,380 workyears, and $3,120,280,000 in its Salaries and Expenses (S&E) appropriation. This request represents an increase of 631 positions, 1,013 workyears, and $229,180,000 over the FY 2000 enacted level of 22,329 positions, 21,469 workyears, and $2,891,100,000. The requested increases in the S&E appropriation, coupled with INS' Fee accounts and Construction appropriation, will enable INS to manage the nation's immigration system more effectively and implement its major initiatives. The separate enhancement initiatives requested in this appropriation are described below.

Border Management

The INS is dedicated to the basic tenets that the borders of the United States should be characterized by the rule of law, and that the physical integrity of those borders is essential to defining our national sovereignty. At the same time, it is equally imperative that the flow of lawful commerce and the passage of legitimate travelers be encouraged and assisted to the greatest extent practicable. In deterring and denying our border areas to the lawless, INS recognizes that it must not compromise or ignore the rights and needs of the lawful. As we enter a new millennium, the INS will continue to focus its FY 2001 efforts to the tasks of Border Enforcement (both domestic and overseas) and Border Facilitation. In all areas, emphasis has been placed on increasing not only the number, but also the effectiveness of INS personnel through force-multiplying technology and first-rate equipment. The FY 2001 request also continues the integration of all INS' enforcement activities, both overseas and at the immediate border area, and into those interior areas of our nation that have been targeted by illegal immigrants and criminal organizations. To accomplish these challenging tasks will require additional resources consisting of 545 positions, 273 workyears, and $82,095,000. This will include 430 additional Border Patrol Agents and 115 Immigration Inspectors.

Interior Enforcement

In January 1999, INS adopted a new Interior Enforcement Strategy to respond more effectively to the changing patterns and consequences of illegal immigration. These new patterns and consequences arise from several dimensions and underlying causes of the illegal flow. First, progress made under the Border Patrol National Strategy has significantly shifted illegal crossing patterns along the border. Second, international illegal migration has become increasingly coordinated through organized criminal smuggling operations. Third, these organized networks support the recruitment and transportation of illegal workers to places of employment, often with the full knowledge and active participation of middle and lower-level managers. Fourth, illegal immigration is also drawing on more sophisticated and higher quality counterfeit documents often used to support fraudulent applications for legal immigration benefits. Fifth, INS enforcement is encountering, to a greater degree, illegal immigration that has a harmful impact both on local communities and often on the migrants themselves. The primary strategic goal of INS interior enforcement is to reduce the size and annual growth of the illegal resident population, to deter the flow of temporary illegal migrants, and to tighten controls on the applications for immigration benefits based on fraud. The strategy includes five core priorities: 1) Identification and Removal of Criminal Aliens; 2) Detection, Disruption, and Dismantling of Organized Smuggling and Trafficking; 3) Respond to Local Reports and Complaints; 4) Prevent Benefit Fraud and Other Document Abuse; and 5) Block and Remove Employers' Access to Unauthorized Workers. For FY 2001, INS has adopted a two-tiered approach to support these priorities: 1) refocus existing enforcement resources; and 2) enhance certain activities with new resources.

For FY 2001, the Interior Enforcement Strategy has four elements which address the goals of the Interior Enforcement Strategy. They include: 1) Enhance the National Transportation System; 2) Expand Juvenile Bed Space; 3) Expand State and Local Bed Space; 4) Implement Detention Standards in IGSAs; and 5) National Crime Information Center. To accomplish these goals, INS has requested resources for Interior Enforcement consisting of 250 positions, 125 workyears, and $82,000,000, including 90 Deportation Officers, 107 Detention Enforcement Officers, and 53 Detention Support positions.

Infrastructure and Professionalism

For FY 2001, the INS continues its commitment to improving institutional development and infrastructure. This priority provides critical services to support the service and enforcement missions of the agency. It also ensures that a motivated and diverse workforce is well-trained and empowered to do its job. The Infrastructure and Professionalism initiative focuses on increasing staffing support in both the Regions and Headquarters, developing and implementing employee support requirements, upgrading financial management systems, and achieving integration of the various mission areas and strategies. The initiative continues to focus on sustaining and improving the INS' facility infrastructure, and commits resources for the improvement of the Legal Proceedings program by addressing the staffing shortfall. To achieve these institutional improvements, INS is requesting 140 positions, 70 workyears, and $10,076,000.

Pay Reform

A total of $40,900,000 is requested as part of a pay reform initiative requested for Border Patrol Agents in the Salaries and Expenses Appropriation beginning in FY 2001. This pay reform includes (1) position upgrades, and (2) the substitution of law enforcement availability (LEA) in the place of standard and uncontrollable overtime pay, as well as the establishment of special salary rate authority for the Attorney General's administration to ensure fair and effective compensation for the Border Patrol workforce.

A total of $15,100,000 is also requested as part of a pay reform initiative requested for Immigration Inspectors in the Salaries and Expenses Appropriation beginning in FY 2001. The role of the Immigration Inspector has evolved from one that primarily focused on facilitating the legal entry into the United States of properly documented aliens and U.S. citizens to one with an increased emphasis on the detection/identification and apprehension of persons attempting to enter the country illegally. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has increased knowledge requirements, authorities and responsibilities of Immigration Inspectors to include the ability to remove immediately from the United States aliens attempting to enter by fraud or without proper documentation. The raising of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work and changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

To achieve this pay reform,, INS is requesting resources totaling $56,000,000.

INS Mission

The mission of the INS, an agency of the Department of Justice, is established by the Immigration and Nationality Act, as amended, which charges the Attorney General with the administration and enforcement of its provisions and other laws related to the immigration and naturalization of noncitizens. The Attorney General has delegated authority to the Commissioner of the INS to carry out national policy that provides for selective immigration and for controlled entry and stay on nonimmigrants. The overall purpose is to promote the reunification of families, the entry of immigrants possessing needed skills, the temporary admission of specific classes of noncitizens, and to provide refugee status to those subject to persecution in other countries.

INS' mission is to determine the admissibility of persons seeking entry and to adjust the status of and provide other benefits to legally entitled noncitizens within the country with proper regard for equity and due process. This includes assistance to those who seek permanent resident status and those who wish to become citizens through naturalization.

Related responsibilities of the INS are to ensure appropriate documentation of aliens at entry, to deny entry to those who are not legally admissible whether they attempt to enter through Ports-of-Entry (POE) or surreptitiously across the border, and to determine the status of those in the country. Among the enforcement strategies, INS uses criminal sanctions against those who act or conspire to promote illegal entry and stay, including the apprehension and removal of those whose entry or presence here is illegal.

Component Mission and Goals, and relationship to DOJ Strategic Plan

INS' FY 2001 plans and budget directly support the overall immigration mission priorities, goals and strategic approaches that are included in the Department of Justice (DOJ) Strategic Plan, FY 1997-2002, dated September 1997. The INS Annual Performance Plan for FY 2001 incorporates revisions to previous performance activities and measures to better measure and achieve results in line with Departmental objectives. The INS Annual Performance Plan links to specific Core Functions within the DOJ Strategic Plan, particularly the Immigration, Detention and Incarceration, Investigation and Prosecution of Criminal Offenses, and the Management core functions.

Specific linkage between INS' Annual Performance and the Core Functions in the DOJ Strategic Plan (1997-2002) is as follows:

- **DOJ CORE FUNCTION: IMMIGRATION**

Goal 1: Enhance the integrity and integration of data and data systems operated by the INS in order to establish fully integrated data systems supporting the enforcement and service functions of the INS; enhance the sharing of relevant data with other Federal agencies; and support INS management and decision making processes. [a.k.a., Data and Data Systems Integrity]

Goal 2: Deliver services to the public in a timely, consistent, fair and high quality manner. [a.k.a., Immigration Services]

Goal 3: Secure the land border, Ports-of-Entry and coasts of the United States against illegal migration through effective use of technology and personnel resources focused on enhancing the deterrence to entry and apprehending and removing those who attempt to enter illegally. [a.k.a., Border Enforcement]

Goal 4: Facilitate lawful travel and commerce across the borders of the United States. [a.k.a., Border Facilitaton]

Goal 5: Maximize deterrence to unlawful migration and enforce immigration laws in the interior through effective and coordinated use of resources to reduce the incentives of unauthorized employment and assistance; remove deportable/inadmissible aliens expeditiously; address interior smuggling and benefit and document fraud; and increase inter-governmental cooperation and the integration of activities among law enforcement entities at all levels of government. [a.k.a., Interior Enforcment]

Goal 7: Improve the development and implementation of immigration related policies and practices by incorporating input from a broad range of internal and external contacts. [a.k.a., Community Impact]

> Note: Goal 6 of the DOJ Strategic Plan is focused on the independent adjudicatory operations of the Executive Office for Immigration Review (EOIR). Goal 6 is "Expedite the adjudication of immigration cases while insuring due process and fair treatment for all parties."

The INS Annual Performance Plan (APP) mirrors this goal structure which provides a direct link to the DOJ-level objectives. The only variation between the DOJ strategic goal construct and the INS APP goal structure lies in the addition of a "Infrastructure and Professionalism" goal in INS' APP that addresses various mission-support activities critical to overall mission accomplishment. These latter activities align with DOJ's Management core function in the DOJ Strategic Plan. In FY 2001, both the INS APP and the annual DOJ Summary Performance Plan (DOJ-SPP) address Goal 7 objectives within the context of the other mission-direct goals, as an inherent method or approach to conducting INS activities. In contrast to previous years, Goal 7 does not appear discreetly in either annual plan.

- **DOJ CORE FUNCTION: DETENTION AND INCARCERATION**

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

As in past plans, INS' Goal 5 (Interior Enforcement) in the FY 2001 APP addresses the objectives contained in this core function.

- **DOJ CORE FUNCTION: INVESTIGATION AND PROSECUTION OF CRIMINAL OFFENSES**

Goal 1: Reduce violent crime, including organized crime and drug and gang-related violence.

Through various inter-Departmental and interagency task force activities (e.g., Violent Gang Task Force, Organized Crime and Drug Enforcement Task Force) the INS provides direct support to these departmental activities. Removal activities and measures in INS' Goal 5 (Interior Enforcement) are end-outcomes which benefit by this involvement.

Goal 2: Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

Both INS' Border Enforcement (Goal 3) and Interior Enforcement (Goal 5) are supportive of these efforts. As a by-product of INS people inspection efforts at Ports-of-Entry (POEs) and Border Patrol interdiction of aliens illegal crossing the border between POEs, drug seizures result, or based on the deterrent effect of INS activities illegal drug entry is thwarted. Given the linkage between drug-trafficking and illegal alien crossings and smuggling, INS Intelligence operations to deal with the latter invariably and often directly support success in the war against drugs. INS performance measures generally focus on apprehensions and arrests of individuals as agency outcome measures, however, reporting is provided on the number and level of drug confiscation's that result as the by-product.

Goal 3: Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions).

INS investigations and intelligence activities, both independent and as part of the Joint Terrorism Task Force (JTTF) link to these departmental objectives. As in the case of Goal 1 under this core function, INS' Removal activities and measures (in INS' Goal 5 -- Interior Enforcement) are end-outcomes which benefit by and reflect the results of this involvement.

Goal 5: Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other Federal, State and local agencies that are critically linked to improved operation of the Nation's justice system.

INS' investigations and prosecutions activities, and its intelligence activities, resulting from INS' Goal 5 (Interior Enforcement) and Goal 3 (Border Enforcement) efforts are supportive of these objectives. The operation of INS' Law Enforcement Support Center (LESC) and the conduct of operations under the new Quick Response Team (QRT) offices throughout the United States are particularly focused on supporting and cooperating in State and local law enforcement efforts. INS activities to integrate and share biometrics information, make booking information available to all law enforcement agencies (e.g., JABS), and post information on the National Criminal Information Center (NCIC) law enforcement network are all exemplary of improvement and support of nationwide justice system operations. These automation based activities are addressed under both INS' mission-direct goals and to some extent within the Information Technology activities covered by INS Goal 1 (Data and Data System Integrity).

- **DOJ CORE FUNCTION: MANAGEMENT**

Goal 2: Meet or exceed the expectation of our customers

INS' support for the recipients/customers of immigration benefits is directly addressed in INS Goal 2 (Immigration Services) with directly applicable performance measures. Likewise, institutional customers (e.g., employers and benefit providers) using INS' alien status verification services are directly addressed under Goal 2 activities and measures. As regards law enforcement customers, INS' previously independently identified Goal 7 activities, which are now included within the respective mission-direct goals (e.g., Border Enforcement and Interior Enforcement), focus on meeting these unique customer law enforcement needs. Out-reach activities with State and local law enforcement entities as well as specific services and activities (e.g., LESC and QRT) are included in INS FY 2001 plans.

Goal 4: Make effective use of information technology

INS' Goal 1 (Data and Data Systems Integrity) provides central focus for INS' key IT systems activities. Also, within specific mission-direct goals automation is addressed, as appropriate. For example, in INS' Goal 4 (Border Facilitation) the "Use of automated inspections systems" is a major FY 2001 objective with specific targets.

Goal 5: Ensure a motivated and diverse workforce that is well trained and empowered to do its job.

The Infrastructure and Professionalism Goal within INS' APP directly links to these Departmental objectives.

FY 2001 ANNUAL PERFORMANCE PLAN

Introduction

The mission of the Immigration and Naturalization Service (INS) provides for enforcing provisions of the law which govern lawful entry and presence with the United States, and providing immigration benefits and services to individuals and entities (e.g., employers) entitled under law. The mission is accomplished through INS' operational offices located on the border, in the interior and overseas, and through a numerous special facilities (e.g., detention centers, applications processing centers, national records repository, training centers) throughout the United States. Accomplishing the mission-direct enforcement and benefits-services activities of the INS requires significant investment in physical infrastructure and equipment, administrative support services, and maintenance of a competent, diversified, motivated and productive workforce.

The Immigration and Naturalization Service is proposing a FY 2001 Annual Performance Plan (APP) that is attainable within the requested level of base and enhancement resources. The FY 2001 Plans are developed based upon input from INS' Headquarters and Field managers and other INS stakeholders, both within and outside the Department of Justice. Border Management activities particularly reflect coordination with the activities of the Customs Service, the Department of State, and State and local entities.

The INS FY 2001 APP supports the core Immigration and Management Goals of the Department of Justice (DOJ) Strategic Plan 1997-2002, which was developed with thorough consultation with Congress. The INS Performance Plan meets the Federal Government's obligation to manage the immigration system and laws, and attends to the needs of the various customers served and impacted by the operations of the INS.

Overview of INS' FY 2001 Performance Plan

In addition to continuation the critical activities funded under our base budget, the Immigration and Naturalization Service's (INS) Annual Performance Plan (APP) for FY 2001 identifies new program activities that will be undertaken in support of the DOJ Strategic Plan and INS' strategic planning efforts. The focus of the Annual Performance Plan (APP) is the accomplishment of the mission objectives of the INS and the specific strategic goals and objectives outlined in these plans. The INS' overall program activities with appropriate summary-level performance indicators are outlined below within the context of the below-cited goal areas which address the Immigration and Management core function goals established in the DOJ Plan. More detailed information on FY 2001 program activities is provided in the accompanying budget documentation.

The APP addresses six distinct Goals or Goal Areas: Data and Data Systems Integrity; Immigration Services; Border Enforcement; Border Facilitation; Interior Enforcement; and Infrastructure and Professionalism. The Border Enforcement and Border Facilitation goals, which exist separately in both the INS APP and the DOJ Strategic Plan, are managed as a combined goal area by an assigned INS Executive, recognizing the integrated nature of the programs/components and their activities

Standard Notations for Tables

Standard notations used throughout all Goal tables area as follows: NA = Not Applicable; NC = Not Counted; TBD = To Be Determined; Not Projected = target not established per Department policy not to set targets in law enforcement activities that could be perceived as quotas; and Report = Report of results that may include quantitative and/or qualitative information. Footnotes accompany such notations to provide explanation, where required.

Verification and Validation of Data

Improvements in data reliability and accuracy have been explicit priorities of the Service for several years. In 1997 and 1998, each of the INS priorities had a data integrity component and, beginning in 1998, "data integrity" also became a centralized, cross-cutting activity under our "Data and Data Systems Integrity" goal. Efforts will be concentrated on ensuring appropriate data reporting for fiscal year 2000 and fiscal year 2001, and pursuing efforts required to maximize effectiveness and efficiency in complying with Results Act performance management requirements and for satisfying other long-term data needs. An attachment to the enclosed GPRA tables, which lists the measures for each INS Goal area, provides for information on the data collection, data validation and data limitations associated with the respective measures.

Measurement and Evaluation

The INS Performance Plan recognizes the important complementary role for performance measurement and program evaluation. Consistent with GPRA guidance, INS' program evaluation component will directly link program activities, strategies, and results achieved with future resource requests and provide sound information for the formulation of immigration policy as well as strategic directions within INS. Evaluation of INS programs is critical to identify and overcome weaknesses before programs are more widely implemented and to build upon and expand those initiatives that work well as the agency grows and is the subject of continued public scrutiny. Among programs where evaluation is critical to determine program effectiveness are border control, automated exit-entry control, immigrant sponsorship, parole, and pilot programs on employment eligibility verification, new immigrant public charge

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bonding, the regulation of foreign students, and port of entry facilitation and effectiveness. INS will initiate evaluations of new and pilot programs, including those mandated by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), and expand its evaluation of the several employment verification pilot programs mandated by Congress.

In addition to the types of program evaluations mentioned above, INS planners will utilize the resources and evaluation results available from the Office of Internal Audit (OIA). OIA conducts functional reviews, as well as the comprehensive, top-to-bottom evaluations of District Offices, Sector Headquarters, and Service Processing Centers operations under the auspices of the INS Program for Excellence and Comprehensive Tracking (INSPECT). These reviews help us frame improvements and goals for our annual and strategic outcomes now and in the years to come. DOJ Office of Inspector General audit and inspection reports, as well as General Accounting Office reports are also useful for planning purposes.

Linking Performance Goals to Responsible Organizational Components

INS' annual performance goals align generally with the operational responsibilities of its major organizational components and the Executive Associate Commissioners for those components have responsibility for their development and management. On the "Data and Data Systems Integrity" goal, which is more cross-cutting in nature, a designated Executive manages activity on behalf of all components with appropriate cross-program representation on the management team. In terms of execution, goal activities that require field office activity are segmented into assignable targeted portions for the affected field offices. For most mission-direct goals (e.g., Border Enforcement, Immigration Services) regional office level targets are established, which are then further segmented and apportioned to District Offices, Border Patrol Sectors and other major components. For some goal activities, performance requirements are established for other types of major field office components (e.g., Administrative Centers, Service Centers (Benefits), Asylum Offices). This approach results in specific performance plans and goals being established at all major office levels within the agency.

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DATA AND DATA SYSTEMS INTEGRITY

Enhance the integrity and integration of data and data systems operated by the INS in order to: establish fully integrated data systems supporting the enforcement and service functions of the INS; enhance the sharing of relevant data with other Federal agencies; and to support INS management and decision-making processes.

Data and Data Systems Integrity Means and Strategies

In FY 2001, INS will maintain data management, automated data systems, and related support to ensure that mission-critical data is available for mission operations, sharing with partner agencies, and for providing information to our clients, customers and other interested and affected parties. Given the significant, accelerated expansion of the INS automated systems infrastructure base, INS will focus attention on the support of operations and effective use of the currently deployed systems, and on the maintenance of underlying technical networks and systems infrastructure needs required for these operations. Further development and deployment for critical mission-direct and for administrative and operational support automated systems will occur on a selective basis. In FY 2001, INS will increasingly focus on ensuring that systems and versions currently deployed are fully operational and are being used consistently and effectively Service-wide.

In support of the automation and data quality improvements for the administrative and operational support systems, INS will continue to modernize its alien-files (A-files) Record System and the recently installed automated financial management system (FFMS) within resource availability[1]. Progress toward centralization and modernization of the A-file Record System, undertaken within the Department-approved 5-year plan, will lead to faster and more reliable access to alien files (A-files) information in both electronic and hardcopy form. Limited improvements will be made to interface the newly implemented automated financial management system with other systems in order to support increased operational effectiveness and enhance data quality. Other systems-based effectiveness and data quality improvements for administrative and operational support systems will be addressed within resource availability. Data Quality improvements outside those inherent in, and as a by-product of ADP systems improvements will be pursued. In particular, systematic review and evaluation of data collection and reporting requirements will continue to ensure that data is collected and reported accurately and timely, and that such data and data activities are appropriate for managing Service operations and satisfying mission requirements.

[1] Available resources may include a proposed Shared Services Operations revolving fund in addition to base resources.

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1. ADP Infrastructure Support and Operational Integrity

In FY 2001, INS will particularly focus on ensuring that deployed ADP technology can be used effectively by providing technical support for the underlying systems and network infrastructure requirements, and by providing technical training and assistance to users. However, INS will not initiate a refreshment cycle program in FY 2001 to upgrade and maintain the operational capability for its base Office Automation platform throughout the Service (hardware, software, LANs, etc.). This is a follow on necessity to maintain current operational levels realized through the multi-year deployment of the basic ADP platform that will be completed in FY 2000.

2. ADP Technology Development, Deployment and Integration

In FY 2001, INS will continue limited development, deployment and further integration of ADP technology systems used to support operations. Other critical needs in the areas of financial and administrative support systems arena will be addressed within base resources as available.

3. ADP Systems Utilization and Impacts

INS investments in automated systems to enhance its ability to carry out its mission will be increasingly monitored and measured to ensure most effective and full utilization and to identify the impacts and benefits of use. In FY 2001, INS' formal performance measurement for deployed systems will be expanded, and activities to address and resolve problems and issues affecting use will continue. Activities will focus on completion of monitoring and measurement for key mission-critical systems (e.g., ENFORCE, CLAIMS, etc.) and expanding to other mission-direct and critical administrative and operational support systems.

4. Alien files (A-files)Records Modernization and Integrity

In FY 2001, INS will maintain its partial centralization and modernization of its A-file record system. However, the additional infrastructure support (e.g., shelving, facilities requirements), contractor support of operations, and further compaction of Federal Records Center (FRC) holdings will not be pursued to complete the establishment of the National Records Center. The impact of these efforts will be to maintain the improvements achieved in FY 2000 for management of INS' paper and electronic A-file information.

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5. Data Quality

Within base resources, INS will continue to take actions to ensure that information in INS' databases is accurate, timely, and appropriate for managing, monitoring, and reporting on Service operations, and for providing needed data required for information dissemination and formal external reporting. These actions include not only continuing improvement of manual and automated processes, but also taking advantage of opportunities for integration and automatic sharing of data across systems and agencies.

Data and Data Systems Integrity Performance Goals:

1. *ADP Infrastructure Support and Operational Integrity*

In FY 2001, INS will effectively support the deployed ADP infrastructure and the level of operational capability by:

- Maintain the ratio of ADP technical support personnel to user personnel at 1:110
- Establishing a multi-year replacement cycle program to upgrade the base ADP technology infrastructure platforms throughout the INS office and program operations structure. No upgrades will be accomplished in FY 2001.
- Establishing a multi-year program for increasing of the overall level of the security infrastructure underlying INS' automated systems and network environment. None of the upgrade requirement will be addressed in FY 2001.

2. *ADP Technology Development, Deployment and Integration*

In FY 2001, INS will continue to develop, deploy and integrate ADP technology by:

- Continuing selected deployment of ENFORCE/IDENT to 9 additional sites, which will meet 72% of the overall deployment goal.
- Continuing deployment of CLAIMS 4.0 versions to provide for processing of 2 additional Naturalization forms/applications.
- Implementing 2 interfaces of other automated systems (e.g., procurement) with the new automated financial system (FFMS).

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3. *ADP Systems Utilization and Impacts*

In FY 2001, INS will maintain utilization and increase assessment of the utilization and impacts realized from deployment by:

- Maintaining 88% utilization of IDENT and ENFORCE-IDENT at sites where deployed.
- Identifying, reporting and analyzing the impacts derived from use of ENFORCE and IDENT. Report of results to be provided.
- Maintaining IBIS utilization rates of 95% (Air) and 10% (Land) for primary inspections at airports and land ports.
- Identifying, reporting and analyzing the impacts of IBIS and DataShare use. Report of results to be provided.

4. *Alien files (A-files) Record System Modernization and Integrity*

In FY 2001, INS will maintain the turnaround time on providing alien-file based information through faster transfers of physical files to requestors, and will increase use of alternative access methods such as use of electronic databases or through enhanced workstations.

- Maintain the 3-day average turnaround time to transfer physical files to requestors for files housed at the National Records Center.

5. *Data Quality*

In FY 2001, INS will improve Data Quality.

- Improvements in data quality in terms of availability, accuracy, timeliness of availability, and usefulness of data. Report of results to be provided identifying improvement in terms of quantitative and qualitative information.

DATA AND DATA SYSTEMS INTEGRITY PERFORMANCE INDICATORS:

- ADP Infrastructure Support and Operational Integrity
  Ratio of ADP technical support personnel to user personnel
  Number of sites receiving upgrades/replacements of their Technology Infrastructure platforms
  Percent of the systems network infrastructure security requirements addressed
  Percent of end users who rate Help Desk support as "good" or "very good."

- ADP Technology Development, Deployment and Integration
  Number of sites with ENFORCE/IDENT installed
  Number of applications forms covered by CLAIMS 4.0 processing
  Number of systems interfaced with the new financial management system (FFMS)

- ADP Systems Utilization and Impacts
  Percent utilization of ENFORCE-IDENT and IDENT where deployed
  Quantitative and qualitative impacts resulting from the use of ENFORCE-IDENT and IDENT
  Percent utilization of IBIS for primary inspections at air POEs and land POEs
  Quantitative and Qualitative impacts resulting from use of IBIS and DataShare

- A-files Records Modernization and Integrity
  Average time for physical A-files to be transferred to requestors

- Data Quality
  Quantitative and qualitative improvements in Data Quality

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DATA AND DATA SYSTEMS INTEGRITY

Enhance the integrity and integration of data and data systems operated by the INS in order to: establish fully integrated data systems supporting the enforcement and service functions of the INS; enhance the sharing of relevant data with other Federal agencies; and to support INS management and decision-making processes.

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1. ADP Infrastructure Support and Operational Integrity							
1a. Ratio of ADP technical support personnel to user personnel[2]	Output	Office of Personnel database	1:104 [1:100]	1:133	1:107	1:133	1:110
1b. Number of sites receiving cycle replacements of INS' basic Technology Infrastructure platforms (percentage of total planned sites)[3]	Output	OIRM Report	0 [NA]	NA	0	0	TBD[3] sites
Prior Indicator: *Number of sites where INS employees have basic computer hardware/software available (percentage of total planned sites)*[4]	Output	OIRM Report	760 (91%)	778 (93%)	808 (96%)	833 (100%)	NA

[2] Ratio previous to FY 2001 built on number of INS user staff personnel only; now also includes mission-support contractor personnel being supported.

[3] Enhancement funding from the new Immigration Services Capital Investment Account (ISCIA) will support 2000 workstations in FY 01 for Examinations Program sites. Sites to be determined by 2nd quarter of FY 2000. Measure shown replaces previous measure which addressed initial upgrade/deployment of the new Technology Infrastructure platforms (hardware, software, telecommunications) for INS offices and programs, which will be completed in FY 2000.

[4] Due to continued office growth, FY 98 site number total requirement was 760 (adjusted from 750) and FY 99 total was 833.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1c. Percent compliance with systems network infrastructure security requirements[5]	Output	OIRM Report	NC [NA]	NA	NC	TBD%[5]	TBD%[5]
1d. Percent of end users that rate Help Desk support as 'good' or 'very good.	Outcome	User survey	58% [50%]	60%	67%	60%	60%
Prior Indicator: Number of training seats provided.[6]	Output	OIRM Report	31,474 [20,000]	10,000	12,606	10,000	NA
2. ADP Technology Development, Deployment and Integration							
2a. Number of sites with ENFORCE/IDENT installed. (percentage of total planned sites)[7]	Output	OIRM Report	370 (59%) [344 (55%)]	423(67%)	433 (69%)	443 (75%)	482 (77%)
2b. Number of applications forms covered by CLAIMS 4.0 processing[8]	Output	ISD Rpt	1 [1]	1	1	1	3

[5] Specific targets will be available by end of the 2nd Quarter, FY 00 based on currently evolving plan coordinated by DOJ.
[6] Measure deleted from APP-level monitoring and moved to lower level plan monitoring, as it is a lower level indicator.
[7] Original cumulative total for multi-year deployment of ENFORCE/IDENT is 628 sites. Original FY'00 target will be increased to 473 (75%).
[8] New measure to cover totality of applications Forms to be covered by CLAIMS 4.0. Naturalization Forms N-600 and N-565 to be added in FY 2001. Subsequently, approximately 100 applications Forms will be reviewed redesigned and potentially consolidated to address completion of CLAIMS 4.0 rollout for all applications to be covered.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
2b.(2) Number of INS processing offices at which the CLAIMS 4.0 Naturalization module (N-400) will be deployed (percentage of total planned sites)[9]	Intermediate Outcome	CLAIMS database	11 (13%) 10 (12%)	60 (66%)	38 (42%)	84 (93%)	90 (100%)
2c. Number of FFMS interfaces with related systems[10].	Outcome	Financial Mgmt Status Rpt	NC [NA]	NA	NC	NA	2
Prior Indicator: *Unqualified opinion on financial statements produced for FY 2000*[11]	Outcome	Auditor's Report	NA	Qualified Opinion	Major delays[12]	Unqualified Opinion	NA
3. ADP Systems Utilization and Impacts							
3a(1). Percent IDENT utilization at sites where deployed	Intermediate Outcome	IDENT, PAS	85% [88%]	88%	84%[13]	88%	88%

[9] Initial target of deployment of Naturalization N-400 Forms module to 84sites by FY '00 has grown to 90 planned sites by FY '01.
[10] New measure. Replaces the initial financial management system modernization target required to obtain an Unqualified Audit Opinion status in FY '00. Measure is a follow on effort to further integrate the new automated financial management system (FFMS) with other ADP systems (e.g., procurement) to ensure effectiveness.
[11] Unqualified Audit Opinion target to be accomplished in FY 2000.
[12] Issues with ability of new system and its computing platform to support desired number of users. Impact on audit opinion is not clear.
[13] Target shortfall due to FY '99 funding constraints.

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Data and Data Systems Integrity

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
3a(2). Percent ENFORCE utilization at sites where deployed	Intermediate Outcome	ENFORCE PAS	100% [80%]	85%	91%	85%[14]	87%
3b. Impacts from ENFORCE/IDENT use	Outcome	Field Ops data	NA [NA]	Report	various (Report)	Report[15]	Report[15]
3c(1). IBIS utilization: percent of IBIS queries for primary inspections at air POEs	Intermediate Outcome	IBIS, PAS	83% [93.1%]	95%	80%[16]	95%[17]	95%[18]
3c(2). IBIS utilization: percent of IBIS queries for primary pedestrian inspections at land POEs	Intermediate Outcome	IBIS, PAS	2% [3.1%]	4%	2%[16]	10%[17]	10%[18]
3d. Impacts from IBIS and DataShare use	Outcome	IBIS, Inspections data	NC [NA]	Report	Report[19]	Report[19]	Report[19]

[14] FY 00 target raised to 87% based on requirements to expand by established sites in FY '99. Establishments of new site activity will include maintaining 91% on average across all sites.

[15] ENFORCE/IDENT Report - The report presents a variety of impacts from using ENFORCE and IDENT, including recidivists, asylum shoppers, and lookouts identified, improved success of legal proceedings, faster identification of individuals, and costs of using these systems. The analysis of the impacts will identify the effectiveness and costs in a variety of operational contexts.

[16] Target shortfall due to unrealistic planned target. INS will review and set an appropriate target for FY '00 by the 2nd Quarter.

[17] The target for IBIS utilization at ports of entry will be reviewed and adjusted in FY '00 based on an analysis of operational needs.

[18] The target for FY '01 will be the same as the adjusted target for FY '00.

[19] IBIS/DataShare Report - The report presents a variety of impacts, both positive and negative, from using IBIS and DataShare. These impacts may include number of individuals identified based on lookout lists, time saved by elimination of duplicate data entry, gains from shared information, as well as costs in terms of delays in border inspections at air and land ports.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
Prior Indicator: Percent of new naturalization cases processed entirely through Claims 4.0[20]	Output	ISD Project Status	36%	54%	54%	78%	NA
4. Alien files (A-files) Records Modernization and Integrity:							
4a. Average time for physical files to be transferred to requester under centralized operations[21]	Outcome	CIS File Transfers	NC [NA]	NA	8 days (median time, INS-wide)	3 days	3 days
Prior Indicator: Percent of records in CIS certified as "reconciled" with physical file[22]	Intermediate Outcome	CIS	NC	NA	NC	TBD	NA
5. INS will improve Data Quality							
5a Improvement in data quality	Intermediate Outcome	System reports	NC [NA]	Report	Report[23]	Report[23]	Report[23]

[20] Project completed in FY 2000.
[21] Improvements in average transfer time are planned as a result of centralization of records operations at the National Records Center (NRC) and related changes in processes. Thus there are no explicit targets until FY 2000 when the NRC will begin operations. The FY 1999 figure provides a Service-wide comparison in the absence of the NRC. The FY 2000 and FY 2001 targets are for operations at the NRC only.
[22] This indicator has been dropped as a separate item because it is part of the preceding indicator. If CIS records are not kept reconciled with the corresponding physical file, then requests for hard copy are unlikely to be reduced.

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Data and Data Systems Integrity

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
Prior Indicator: User satisfaction with mission-critical data and reports (Report)[24]	Outcome	TBD	NC	Baseline	NC	NA	NA

[23] Data Quality Report - This report will identify the full range of relevant activities that contribute to this goal each year and analyze the improvements in data and in user perceptions about the data.

[24] Measurement and analysis of this indicator is being rolled into the preceding indicator which covers all aspects of data quality, including user perceptions.

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IMMIGRATION SERVICES

Deliver services to the public in a timely, consistent, fair, and high quality manner.

Immigration Services Means and Strategies:

The INS will continue re-engineering efforts aimed at delivering services that are timely, consistent, fair, and of high quality, with continued emphasis on ensuring the integrity of applications for immigration benefits. "Lessons learned" from Naturalization process re-engineering in FY 1997-2000 will be shared and continue to be incorporated into all applications processes. Major enhancements, begun in previous years, to automate processes and improve automated systems supporting applications processing such as fingerprinting, telephone-based information services, and forms distribution for customers, will continue. The INS will continue to increase customer satisfaction with its services programs. The Asylum Program plans to maintain processing standards established through FY 2000 for Expedited Removal and Asylum (I-589) case processing, while addressing and stabilizing production for the new NACARA (I-181) case work that arose just prior to the start of FY 2000.

INS will continue the standardization and integration of its procedures for determining aliens' eligibility for temporary residence, permanent residence and naturalization. The automation of the supporting information systems will continue. INS will continue to make major improvements to the system for verifying aliens immigration status. FY 2001 will ensure continuation of all previously started critical tasks and systems efforts, fine-tune such efforts and begin to take limited well-defined initiatives to expand activity, particularly in dealing with fraud.

INS proposes to establish a Premium Service for Business Cases, to begin in FY 2001, with an appropriate fee to meet the needs of INS' business clientele who require higher levels of applications service for specific cases (e.g., H-1B). This service will be established in a manner that will protect the service levels provided to INS' other individual and institutional clients. The anticipated revenues from any such fee, estimated to be $80 million, will focus on the premium service expanded anti-fraud activity, and providing support for capital investments.

In FY 2001, INS also proposes to establish a Immigration Services Capital Investment Account (ISCIA) to be used for funding infrastructure, upgrading automated systems, and activities to reduce applications processing backlogs. The proposal includes capitalizing the ISCIA at $127 million with funds from the new Premium Service for Business Cases fee, a re-authorization of 245(i)

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adjustment of status program fees, and direct appropriations. Proposed initiatives from this funding would include: expansion of nationwide services via the National Customer Service Center; enhanced functionality for the electronic fingerprinting of applicants; continued development and expansion of digital photography and signature capability in the Application Support Centers; replacement of CLAIMS 3 level of automation which support all applications processing other than Naturalization; replacement of ADP workstations, postage equipment and cash registers in field offices; completion of CLAIMS 4 level automation deployment to support all Naturalization case processing; and various space, equipment and automated systems support initiatives for the National Records Center.

1. INS Will Continue Re-engineering Efforts to Improve Customer Service and the Delivery of Information Services to our Customers, and Capitalize on Private Enterprise to Improve Customer Service.

- INS will continue to implement standardization initiatives concerning application processing times, forms delivery, quality assurance and adjudication procedures.

- INS will expand re-engineering efforts to other benefit applications (e.g. I-130, I-751), as funding permits, while continuing to implement re-engineered processes in naturalizations and adjustment of status.

- INS will ensure full implementation of scheduled enhancements and optimize the electronic and telephonic systems and related processes (Telephone Center, Forms Center, status inquiries, use of Internet, and address centralization). Alien-files (A-files) Records centralization and modernization, supportive of benefit application processing, will continue (reported through the "Data and Data Integrity" Goal).

- INS will encourage private, public and other external sources to help improve our delivery of services by disseminating business requirements and inviting external sources to offer creative improvements (for example, development of an IRS-type telephonic and electronic forms submission system).

- INS will continue deployment of automated case processing support systems for all major form types, drawing on a common electronic database for all transactions with each alien, and complete deployment of automated support systems for fingerprinting and other external record checks.

- INS will continue implementing a comprehensive plan for customer information utilizing a wide range of current and new communication methods, organized through a specific functional structure national, regional and local levels.

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- INS will continue incorporating regular measurements of customer service into all benefits programs and information efforts, and regularly publish results.

-INS will maximize the manufacturing of the new generation of INS cards within the framework of approved investments in production capacity.

2. *INS Will Leverage Technology to Enhance Benefits System Support*

- INS will enhance the standardization, integration, and integrity of benefits processes by: ensuring migration of the business process from legacy systems to one systems platform; maximizing accuracy of data; and incorporating positive identification (automated biometrics).

3. *INS Will Improve Verification Services*

- INS will expand participation in the use of verification services, incorporate verification services into INS' overall deterrence strategy, and explore the potential for sharing biometrics data with other Federal, state and local agencies.

4. *INS Will Maintain Asylum Processing Standards*

- INS will maintain processing standards for Expedited Removal/Credible Fear referrals, new Asylum reform casework, and adjudicate newly filed I-881 suspension of deportation, or special rule cancellation of removal cases.

5. *INS Will Expand Anti-Fraud Efforts*

- INS will continue to increase the effectiveness of benefit fraud investigations by: developing policy guidance concerning high risk applications, including individual instances of fraud (e.g., I-90, I-130, I-140, I-589); addressing breeder document problems; and by developing information sharing with other Federal, state and local agencies to improve fraud detection and to independently verify certain application accuracy, such as employment-related records and birth certificates.

- INS will develop a HQ-level staffing plan to ensure coordination between fraud units in Service Centers, District Offices, and HQ Offices of Intelligence and Investigations; explore additional uses of technology, such as image comparison software, and

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links to databases, such as IDENT; develop reporting mechanisms and criteria; and publicize successes to magnify deterrence effect.

- INS will continue to expand and evaluate anti-fraud initiatives with the Department of State.

IMMIGRATION SERVICES PERFORMANCE GOALS:

1. In FY 2001, INS will continue to maintain processing standards by completing 75 percent of expedited removal/credible fear referrals within 14 days, complete 75 percent of new Asylum reform referrals within 60 days, achieve 50,000 asylum case completions, and adjudicate (#TBD) newly filed NACARA (I-881) suspension of deportation, or special rule cancellation of removal cases.

2. In FY 2001, INS will continue re-engineering efforts aimed at delivering and ensuring the integrity of services that are timely, consistent, fair, and of high quality, especially in the area of adjustment of status (AOS) case work. INS will complete 600,000 AOS cases and reduce average processing time to 14 months.

3. In FY 2001, INS will maintain fingerprint processing (from capture through receipt of FBI determination) by maintaining the processing time of 1 week, and maintaining the rejection rate of 3 percent.

4. In FY 2001, INS will implement customer-oriented business practices by: centralizing public forms delivery in order to respond to 100 percent of requests for forms within 5 days; improving service at the National Customer Service Center by reducing busy rates to 3%, customer hold time to 1 minute and abandonment rates to 8%; and increasing the overall customer satisfaction rate to 74%.

5. In FY 2001, INS will improve employment verification services by expanding the availability, timeliness, and effectiveness of verification services to an additional 500 users, while maintaining the average 1-day response time on automated inquiries. Average response time for automated inquiries from benefit providers will be maintained at the 3-day level.

6. In FY 2001, INS will increase customer satisfaction with the FOIA/PA program by reducing the number of backlog cases (over 20 days) by 33 percent.

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7. In FY 2001, INS will develop a long-term approach to deter anti-benefit fraud by exploring additional uses of technology, evaluating and expanding anti-fraud initiatives with the Department of State, and ensuring coordination between fraud units in the District Offices, Service Centers, and HQ Offices of Intelligence and Investigations.

Immigration Services Performance Indicators:

- Asylum applications/applicants
  - Expedited removal cases -- case completion processing time
  - New reform referrals -- case completion processing time
  - Number of cases completed
  - Number of NACARA suspension of deportation or cancellation of removal cases(I-881s)
- Number of cases adjudicated
  - Naturalization
  - Adjustment of status
- Case processing time
  - Naturalization
  - Adjustment of status
- Quality improvements in naturalizations
  - Compliance rating with NQP standards
- Live-scan fingerprint equipment and automated processing
  - Processing time for fingerprints (from capture through receipt of FBI determination)
  - Rejection rates
- Customer Service initiatives
  - Telephone Information System Delivery
    - Busy rates
    - Customer hold time
    - Abandonment rates

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Immigration Services

Customer satisfaction with service

Centralized Forms Requests
Average time to provide forms

INS Internet improvements
Number of user sessions

Improvements to Alien Status Verification Services
Timeliness of Status Verification services
Number of employers participating in pilot programs
Percentage of non-automated employment authorizations

FOIA/PA
Percent requests completed
Number of cases in backlog

ICPS
Card production processing times
Number of cards produced

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IMMIGRATION SERVICES

Deliver services to the public in a timely, consistent, fair, and high quality manner.

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1. **Maintain processing standards for Expedited Removal/Credible Fear referrals, new Asylum reform case work, and adjudicate newly filed I-881 suspension of deportation, or special rule cancellation of removal cases.**							
1a. Expedited Removal/Credible Fear Referrals -- percent completed within 14 days	Output	Asylum Internal Caseload OBS	73% (80%)	75%	84.53%	75%	75%
1b. % of new reform cases processed within 60 days	Output	Asylum Internal Caseload OBS	73% (80%)	75%	84.2%	75%	75%
1c. Number of Asylum (I-589) Case completions[1]	Output	Asylum Internal Caseload OBS	92,279 (N/A)	60,000	57,933	50,000	50,000
1d. Number of NACARA (I-881) suspension of deportation, or special rule cancellation of removal cases adjudicated[1]	Output	Asylum Internal Caseload OBS	N/A (N/A)	N/A	N/A	Baseline[2]	TBD[2]

[1] I-589 case completions and I-881's adjudicated are new measures for FY 00 and FY 01. I-589 cases replaces FY 99 and FY 00 indicator for "Number of Backlog cases" due to ABC case changes and FY 99 accomplishments negating need for dealing with it.
[2] I-881's are a new type of case arising at the end of FY 99 that will require some baselining of activity to set production targets. Target will be set in 4th Quarter FY 00.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
2. Continue reengineering efforts aimed at delivering services that are timely, consistent, fair and of high quality.							
2a. Number of cases adjudicated (in millions)[3]							
2a.(1) Naturalization	Output	Performance Analysis System (PAS)	N/A (N/A)	1.2 million	1.2 million	1.3 million	1.05 million[4]
2a. (2) Adjustment of status (AOS)	Output	PAS	N/A (N/A)	361,097	299,887	500,000[5]	600,000
2b. Average prospective case processing times[6]							
2b.(1) Naturalization	Output	ISD calculated	27 months (15-19 months)	12 months	12 months	6 months	6 months[4]
2b.(2) Adjustment of status (AOS)	Output	ISD calculated	25 months (12 mo.)	N/A	33 months	24 months	14 months[4]
2c. Quality – Level of compliance with Naturalization Quality Procedures							

[3] This measure was added during FY 99.
[4] Targets based on anticipated receipts and maintaining a 6month processing time for naturalization and balancing adjustment of status workload. Actual receipts may affect target. Projection of receipts will be available by 3rd QTR FY 00.
[5] FY 00 target of 416, 414 increased based on ability to begin shifting Naturalization case staff resources to AOS cases as Natz backlog decreases
[6] Defined as the time from filing application to the time of updating final case status in INS systems. Targets are as of the end of the FY.

1872

Immigration Services

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
2c. (1) NQP3	Output	Contractor Audit	98% [Baseline]	99%	99%	99%	99%
2c. (2) NQP4	Output	Contractor Audit	N/A (N/A)	N/A	99%	99%	99%
3. Improve Fingerprint processing (capture through receipt of FBI determination)							
3a. Processing time for fingerprints (capture through receipt of FBI determination)	Output	Manual Reports by OPS/ISO	3 weeks (4 weeks)	3 weeks	3 weeks	1 week	1 week
3b. Rejection rates (unclassifiable and others)	Outcome	Manual Reports by OPS/ISO	14.25% (10%)	5%	4%	3%	3%
4. Implement customer-oriented business practices to better respond to public inquiries for general information in person at local offices, via telephone and internet							
4a. Customer Service at INS Call Centers[7] (NCSC)							
4a.(1) Busy Rate	Outcome		44.6% (N/A)	N/A	15.7%	5%	3%
4a.(2) Customer hold time, based on initial point of contact (in minutes)	Outcome	Phone Operations Reports	6.0 (3-5 min)	N/A	3.8	2.0	1.0
4a.(3) Overall Abandonment Rate	Outcome		39.6% (N/A)	N/A	19.1%	15%	8%

[7] Replaces FY 00 measure to establish the NCSC; provides indicators for levels of service provided by INS Call Centers. FY 00 targets are based on expectation of 7 million call attempts; FY 01 targets are based on expectation of 15 million call attempts.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
4a.(4) Customer Satisfaction Rate	Outcome		N/A (N/A)	N/A	67%	70%	74%
4c. Average time to respond to centralized forms requests. [8]	Outcome	Forms Center Internal Database	5 days (6 days)	5 days	5 days	5 days [9]	5 days [9]
4d. Improvements to INS internet home page 4d.(1) Number of user sessions	Output	Automated System	N/A (N/A)	141,416	4,795,669	6 million	8 million
5. Improve INS' alien status verification services for other Federal, State, and local governments							
5a. Response time to government entities							
5a. (1) Average response time for status verification for benefits (in days)	Outcome	SAVE Program Database	10 days (10 days)	3 days	3 days	3 days	3 days
5b. Employer Verification Pilots							

[8] The two Forms Centers will complete transition to the two new mode of operation in FY 00 (i.e, one for bulk order, one for individual orders).
[9] The Forms Centers will not have the additional funds or staff to reduce the average time to respond to requests from 5 days to 3 days as originally planned when developing the FY 00 Plan.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
5b. (1) Number of employers participating in employment verification pilot programs, subject to employer demand.	Input	Verification Pilot Data Systems	2,446 (8,000)	5,000	4,717	5,500	6,000
5b. (2) Average response time for status verification for employment authorization (in days)	Output	Verification Pilot Data Systems	3 (3 days)	1	1	1	1
5b. (3) Percentage of non-automated employment authorizations compared to total referrals to INS at the completion of automated verification.	Outcome	Verification Pilot Data Systems	6.6% (4.5%)	4%	15.4%	15.4%[10]	14%[10]
6. Improve customer satisfaction with the Freedom of Information Act/Privacy Act (FOIA/PA)[11]							
6a. Percentage of new FOIA/PA requests completed in 20 days	Output	FOIA case report	N/A	N/A	N/A	65%	65%
6b. Number of Freedom of Information/Privacy Act requests remaining in backlog (over 20 days)	Outcome	FOIA case report	5741 [6448]	3736	12,336[12]	8,265[13]	5,538[13]

[10] Original target of 4% in FY 00 APP cannot be met based on impact of FY 00 budget. Data timeliness will remain a factor in FY 00 and FY 01 until EAD issuance is centralized. Funding for the centralization is not available in FY 2000 and may not be available in FY 01.

[11] Activities previously tracked in INS' Infrastructure and Professionalism Goal in FY 98 and FY 99. New FY00 measure for "Actual average time for completion of FOIA/PA requests" not implemented—6a. herein implemented in lieu thereof.

[12] Backlog arising from NACARA cases in FY 99 did not permit attaining the goal.

[13] FY 00 target based on a "Backlog – 33%" formula negotiated with DOJ. INS anticipates FY 01target to be "FY 00 Backlog – 33%"

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
7. Maximize manufacturing of the new generation of INS cards within 5 card production platforms.							
7a. Card production processing times[14]							
7a.(1) Employment authorization documents (from receipt of order to mailing)	Outcome	ISD Tracking	N/A (N/A)	5 days	2 days	5 days[15]	5 days
7a.(2) Laser visas (from electronic receipt of order from Dept of state to manufacture)	Outcome	ISD Tracking	N/A (N/A)	5 days	6 days	5 days	5 days
7a.(3) Permanent Resident Cards (from receipt of order to mailing)	Outcome	ISD Tracking	N/A (N/A)	30 days	2 days	30 days	30 days
7b. Number of cards manufactured and mailed	Output	Product count	N/A (N/A)	2,875,302	2,561,837	3,750,000	5,011,302

[14] The Green Card Replacement Program will begin in 3rd Quarter of FY 99. INS expects a significant increase in the number of requests for new cards which may exceed current production capacity and which would affect our ability to meet targets.
[15] FY 00 targets maintain FY 99 target levels despite FY 99 Actual accomplishments. FY 99 Actuals based on unique situation wherein excess capacity existed at end of the year which will be absorbed in FY 00 by INS' multi-year program for Replacement of old version Green Cards that commences in the Fall of 1999.

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BORDER ENFORCEMENT

Secure the land border, Ports of Entry and coasts of the United States against illegal migration through effective use of technology and personnel resources focused on enhancing the deterrence to entry and apprehending and removing those who attempt to enter illegally

Border Enforcement Means and Strategies:

In FY 2001, the INS will continue to focus its efforts to the tasks of border enforcement through several Border Management and Control strategies. The first such strategy is Port Enforcement, where enforcement efforts at the Ports-of-Entry (POE) target more sophisticated methods of illegal immigration and alien smuggling, and expand implementation of the expedited removal authority granted under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The second strategy focuses on the Deterrence and Apprehension of unlawful border crossers who seek to enter between Ports-of-Entry .

The INS National Border Control Concept is to achieve control of the border at and between Ports-of-Entry. An additional 430 Border Patrol agents and technology resources are requested in FY 2001 to maintain and extend control along the border. The primary control focus will be in the border zones that can be brought under control in FY 2001, with the added resources, as identified by the operational assessments performed in FY 2000. Additional impacts on operational effectiveness and deterrence levels within identified zones will be achieved by the continued systematic deployment of technology and other resources that directly support enforcement operations. INS will continue developing an intelligence infrastructure with the goal of supporting all enforcement efforts, and creating seamless border coverage that integrates border and interior enforcement efforts. Border management operations will be enhanced prior to and after entry by transnational and domestic investigations, anti-smuggling and intelligence and international affairs initiatives.

Border Enforcement Performance Goals:

1. **In FY 2001, INS will increase the effectiveness in apprehending and deterring persons attempting illegal entry as measured by the percentage of INTEX passengers found to be inadmissible. INTEX data need to undergo a thorough and complete statistical validation and verification review by INS Statistics and Inspections prior to setting targets for FY 2000 and FY 2001. The earliest date that this is possible is the end of February 2000. The INTEX process is an additional, but more rigorous, supplementary inspection involving a detailed review of traveler documents, databases, and personal items. The INTEX process is administered**

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to a random sample of travelers who are intercepted after inspection, but before they exit the Federal Inspection Service (FIS) area. Depending upon the size of the POE, no less than one and no more than five INTEXs are conducted per day at each POE. Using INTEX, the INS will improve the enforcement effectiveness at selected Ports-of-Entry.

2. Through overseas enforcement operations (Global Reach), INS will disrupt organized criminal movement of aliens to the border by increasing mala fide traveler and offshore migrant interceptions en route to the United States by one percent over the previous year. Additionally, INS will increase the number of overseas investigations completed by three percent over the previous year. Through INS assistance, host and transit countries will continue their abatement/sanction efforts and prosecutions at the same rate as in FY 1999 and FY 2000.

3. FY 2000 and FY 2001 targets for "operational effectiveness" will be defined and set for each zone that we will maintain or target for improvement on the southwest border by the end of February 2000. In order to determine performance in each zone, the INS will complete an assessment of zones where control has been established and those that will be targeted for improvement. Enforcement effectiveness will be determined by the ratio of aliens apprehended to the number of illegal entries attempted. Some operational zones along the border will not have achieved a capability to be measured by the performance metric prior to FY 2001. In some zones, due to remote location and/or scarce border control resources, an operational effectiveness measure is not feasible at all. The objective of continuing to apply increased levels of Border Patrol resources is to increase the level of effectiveness in rural and more desolate areas and increase the level of deterrence in urban areas. Resource and effectiveness models will be integrated into the strategic planning process to assist managers in running simulations, developing alternatives and evaluating operational efforts.

   The Border Patrol will use the information gleaned from a short-term operation conducted in Puerto Rico (projected to be completed in FY 2000) and make an assessment relating the increased level of resources to an improvement in enforcement capability in their areas of operation. The key elements of the National Border Patrol strategy will be reviewed in FY 2001, including the Northern Border and Coastal Sectors.

4. INS activities will have an impact on crime rates in selected U.S. cities located near the southwest border. An evaluation (Report) will be produced assessing the impact of border management operations on key southwest border cities based on data collected on various crime categories, including violent crimes, property crimes, and total crimes. Many factors external to INS border operations influence crime in these cities. Nonetheless, this form of "impact evaluation" will be employed to assess the program's contribution to positive developments in those cities studied. The impact may be evidenced by a declining, stabilized, or less steep rise in crime rates that may not have been the case if the special border operations did not take place.

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Border Enforcement Performance Indicators:

- Improve effectiveness in apprehending persons attempting illegal entry and expand overseas enforcement activities under the Global Reach umbrella (anti-smuggling, benefit fraud, and auxiliary investigations, as well as fraudulent document training) to detect mala fide travelers and dismantle alien smuggling organizations
  - ➢ Effectiveness in apprehending persons attempting illegal entry through Ports-of-Entry
  - ➢ Strengthen host and transit countries' ability to deter illegal immigration to the United States through support of abatement/sanction of illegal activity and prosecution of fraud purveyors and alien smugglers
    - ⇒ Number of mala fide traveler and offshore migrant interceptions en route to the United States Overseas Investigations
    - ⇒ completed (smuggling, benefit fraud, and auxiliary investigations)
    - ⇒ Offshore prosecutions/sanctions assisted by INS personnel
- Level of operational effectiveness within identified zones on the Southwest Border
  Number of aliens apprehended to the number of illegal entries attempted
- Impact on crime rates in U.S. cities located near the border (impact on cities and selected FBI-index crime categories related to illegal immigration to be reported based on border enforcement operations)
- Strengthen Operational Effectiveness through the use of Intelligence
  Number of special operations predicated on intelligence

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Border Enforcement

Secure the land border, ports of entry and coasts of the United States against illegal migration through effective use of technology and personnel resources focused on enhancing the deterrence to entry and apprehending and removing those who attempt to enter illegal.

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1. Expand Global Reach and improve effectiveness to apprehend persons attempting illegal entry							
1a. Inspections Travelers Examination (INTEX) rates.	Outcome	Ports	Pilot (Pilot)	Baseline	Limited Baseline [1]	TBD[2]	TBD
1b. Deter Illegal Immigration							
1. Increase mala fide traveler and offshore migrant interceptions en route to the United States.	Output	Overseas Districts	8,120 (NA)	8,201	9,124	9,224[3]	9,324
2. Investigations completed (smuggling, benefit fraud, and auxiliary investigations)	Output	Overseas Districts	1,925 (NA)	2,021	3,201	3,301[4]	3,401

[1] Due to a reduction in the planned number of INTEX sites in place during FY 1999, and a corresponding reduction in the sampling size, a limited baseline validation will be achieved for FY 1999, which will be completed in February 2000.
[2] INTEX data need to undergo a thorough and complete statistical validation and verification review by INS Statistics and Inspections prior to setting targets for FY 2000 and FY 2001. The earliest date that this is possible is the end of February 2000.
[3] Original FY 2000 APP target was 8,283. Target was revised to reflect current projections.
[4] Original FY 2000 APP target was 2,122. Target was revised to reflect current projections.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1c. Strengthen Capabilities of Host and Transit Countries to Combat Illegal Migration 1. Offshore abatement/sanction and prosecutions assisted by INS personnel and supported by fraudulent document detection and mala fide traveler profiling training.	Output	Overseas Districts	105 (NA)	106	119	119[5]	119
2. Continue implementing the Border Patrol Strategic Plan, maintaining control in areas where deterrence strategies have been successfully implemented, increasing the flexibility to respond to new areas of concern 2a. Increase the level of operational effectiveness within identified zones of the Southwest Border in regards to illegal alien border crossing. (Operational effectiveness is defined as the ratio of aliens apprehended to the number of illegal entries attempted.)	Outcome	Sectors, Stations reporting operational data by zone	NC (NA)	Baseline	Baseline	Extend control in additional zones[7]	Extend control in additional zones

[5] Original FY 2000 APP target was 107. Target was revised to reflect current projections.
[6] The drug seizure operational measure was a surrogate measure for border effectiveness. Since more sophisticated data collection techniques have been developed. (i.e. data by zone on gotaways, turnbacks, apprehensions etc...) this surrogate measure is no longer necessary.
[7] Original FY 2000 APP target was "TBD". Target was revised to reflect current projections.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
Prior Indicator: Increase the level of operational effectiveness within identified zones of the Southwest Border in regards to drug interdiction. (Operational effectiveness is defined as a decrease in the number of drug seizures from the year before compared to the year after deterrent operations are implemented.)[6]	Outcome	Sectors, Stations reporting operational data by zone	NC (NA)	Baseline	Analyze Data	TBD	NA
3. INS activities will have an impact on criminal activity in selected U.S. cities located along the Southwest Border.	Outcome	Sector/ Stations	Report (NA)	Report	Report[8]	Report	Report
4. Strengthen operational effectiveness through the use of intelligence. 4a. Number of "special operations"[9] predicated on intelligence.	Intermed. Outcome	Regions	NC (NA)	140	168	140[11]	140

[8] An evaluation (Report) will be produced assessing the impact of border management operations on key southwest border cities based on data collected on various crime categories, including violent crimes, property crimes, and total crimes. Many factors external to INS border operations influence crime in these cities. Nonetheless, this form of "impact evaluation" will be employed to assess the program's contribution to positive developments in those cities studied. The impact may be evidenced by a declining, stabilized, or less steep rise in crime rates that may not have been the case if the special border operations did not take place.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
Prior Indicator: Assess the value of intelligence products and services to better meet the needs of the end users.[10]	Intermed. Outcome	Surveys	NC (NA)	Report	Report	Report	NA

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[9] A special operation is defined as one or more of the following: an investigation involving multiple targets; joint operations (with other law enforcement agencies and/or multiple INS programs excluding normal joint enforcement efforts such as bike patrol, foot patrol, etc.); tactical operations (INS special operations capabilities are used in the performance of the mission such as BORTAC, IRT, ERT, SRT, etc); military or National Guard assets utilized in the operation, or a large scale single operation (other than standard operations) involving two hundred or more law enforcement personnel.

[10] In previous years, INS measured value of intelligence products and services. This measured the quality of intelligence without reflecting the impact on mission outcome. The measure has been transitioned to measure the operational impact.

[11] The number of special operations predicated on intelligence was first tracked in FY 1999. A significant number of the FY 1999 operations were initiated in previous fiscal years. Only a limited number were initiated in FY 1999. As a result, INS is conservatively projecting the count in the next two fiscal years as 17 percent lower than its FY 1999 accomplishment. We will keep the same target for FY 2000 and FY 2001 that we had for FY 1999, until we can re-assess the target in January of 2000 based on the first quarter accomplishment and the level of funds earmarked for these operations in the Regions for FY 2000.

BORDER FACILITATION

Facilitate lawful travel and commerce across the borders to the United States

Border Facilitation Means and Strategies:

In FY 2001, INS will maintain the traveler processing times attained in FY 2000 at both Land and Air Ports-of-Entry (POEs), as an increase in numbers of travelers is experienced. The use of automation and technologies to facilitate processing time performance, such as dedicated commuter lanes and accelerated passenger lanes, will continue. INS will continue coordinating and integrating facilitation efforts with other Federal Inspections Service (FIS) agencies at POEs, with particular emphasis on INS –Customs efforts. Both alone and in cooperation with these agencies, INS will continue efforts to facilitate lawful traffic and commerce by increasing the pre-screening of passengers, sorting passengers and vehicles into high and low-risk categories, and by other approaches and methods which facilitate traffic without decreasing enforcement. Additional Immigration Inspectors are requested in FY 2001 to meet increased workload related to the expedited removal process at land border Ports-of-Entry. Inspections positions are also requested for Inspections operations at land POEs that will continue improving entry and exit systems controls to more easily identify individuals violating immigration laws.

Border Facilitation Performance Goals:

1. In FY 2001, INS will maintain wait time and traveler satisfaction standards at air and land Ports-of-Entry. The target is to clear 72 percent of commercial air flights through primary inspection in 30 minutes and have the wait times less than 20 minutes 80 percent of the time at land border Ports-of-Entry.

2. The INS will maintain traveler survey satisfaction rates relative to wait times to 95 percent for travelers at airports and 94 percent for land border crossers, and maintain inspector professional and courteous ratings at air and land border ports at 95 and 96 percent respectively. (target percentages may change based on FY 1999 and FY 2000 results).

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Border Facilitation Performance Indicators:

- Waiting times at air and land Ports-of-Entry
  - Percent of commercial air flights to clear primary inspection in 30 minutes or less
  - Percent of time land border wait times exceeds 20 minutes
- Use of automated inspection systems
  - Percent of travelers inspected by automated inspection systems at ports equipped with INSPASS or SENTRI
- Traveler Satisfaction with inspection services
  - Traveler satisfaction with Inspections wait times
  - Traveler satisfaction with the professionalism and courtesy of inspectors

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Border Facilitation

Facilitate lawful travel and commerce across the borders to the United States

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1.Reduce waiting times at Ports-of-Entry (POEs) — land borders and airports:							
1.a. Percent of total commercial air flights to clear primary inspection within 30 minutes or less.	Output	PAS	61% (35%)	72%	74%	72%[1]	72%
1b. Percent of time land border wait times did not exceed 20 minutes.	Output	Wait Time Report	97% (Baseline)	80%	96%	80%[2]	80%

[1] The projected reduction from the FY 1999 accomplishment is because international air travel is projected to increase by at least 3.5% while INS has not received additional Airport resources.
[2] The projected reduction from the FY 99 accomplishment is based on the anticipated increase in border traffic with no additional funding.

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Border Facilitation

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
2. Increase use of automated facilitation technologies (e.g., INSPASS, SENTRI lanes)							
2a. Percent of travelers inspected by automated systems at ports equipped with automated facilitation technologies:							
2a.(1) Percent of air travelers inspected by INSPASS at airports equipped with INSPASS	Output	Automat. Reports	NC (NA)	Baseline	0.64%	0.70%[3]	0.70%[5]
2a.(2) Percent of vehicle traffic inspected by SENTRI at land border ports equipped with SENTRI.	Output	Automat. Reports	NC (NA)	Baseline	4.8%	2.75%[4]	2.75%[6]
3. **Facilitate lawful travel and commerce across the borders of the United States and maintain high traveler satisfaction rates**							
3a. Percentage of travelers rating the Inspections wait times as "reasonable" or better.							

[3] Original FY 2000 APP target was "TBD". Target was revised to reflect current projections.
[4] Original FY 2000 APP target was "TBD". Target was revised to reflect current projections.
[5] INSPASS and SENTRI are currently being reviewed to determine if they should be retained.
[6] While the number of vehicles inspected by SENTRI lanes are expected to increase in FY 2000 by 50 percent over FY 1999, the percentage of vehicles inspected by SENTRI at ports equipped with SENTRI will be lower in FY 2000 and FY 2001 than in FY 1999. This is because two ports (one of which will be newly equipped with SENTRI in FY 2000 and another of which will be open for entire year beginning in FY 2000) have a significantly larger volume of traffic than the other SENTRI ports, which negatively affects the overall percentage usage.

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Border Facilitation

Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
3a.(1) Airports	Outcome	Traveler	95%(90.2)	90.2%	Conduct	95%[8]	95%
3a.(2) Land borders	Outcome	Surveys	94%(78.9)	76.9%	survey in 10/99[7]	94%	94%
3b. Percentage of travelers rating the Inspectors as "professional" and "courteous."							
3b.(1) Airports	Outcome	Traveler	95%(91.5)	92.5%	Conduct	95%[9]	95%
3b.(2) Land borders	Outcome	Surveys	96%(93)	94%	survey in 10/99	96%	96%

[7] The FY 1999 survey results will become available in January 2000.
[8] Original FY 2000 APP target was 90.2% and 76.90% for airports and land borders respectively. Targets were revised to reflect current projections.
[9] Original FY 2000 APP target was 92.50% and 94% for airports and land borders respectively. Targets were revised to reflect current projections.

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INTERIOR ENFORCEMENT

To meet the complex challenges posed in the interior of the United States, the Immigration and Naturalization Service (INS) has established the following priorities to be executed through effective and coordinated use of limited resources and increased inter-governmental cooperation: identify and remove criminal aliens, and minimize recidivism; deter, dismantle and diminish smuggling or trafficking of aliens; respond to community reports and complaints about illegal immigration and build partnerships to solve local problems; minimize immigration benefit fraud and other document abuse; and block and remove employers' access to undocumented workers.

Interior Enforcement Means and Strategies:

Fiscal Year (FY) 2001 is the second year of implementation of a comprehensive integrated interior enforcement strategy. In FY 2001 INS will continue to concentrate and increase enforcement resources for criminal removal activities, targeting incarcerated aliens, through institutional removal programs, and through increased cooperation with state and local authorities. INS will maintain control of existing corridors and continue pursuit of investigations and asset forfeiture to dismantle major smuggling and illegal employment-related organizations. INS will focus on anti-fraud operations to identify and disrupt major document fraud ventures and detect and deter large-scale benefit fraud using cross-component detection strategies. INS will continue worksite enforcement, targeting criminal prosecution of employers who intentionally violate the law, exploit workers, or engage in related criminal activities. In addition to the removal emphasis and reliance on criminal prosecution of smuggling, fraud and employer violators, INS will coordinate community response activities in support of Interior Enforcement operations and to liaison with law enforcement entities. INS enforcement and community components will seek to build close cooperating relationships with other federal, state, and local law enforcement entities. INS will continue to emphasize cross-regional planning with border and overseas operations as it concentrates on common goals of deterrence of illegal migration, prompt removal of high-priority categories of illegal aliens, with a minimal negative impact of aliens on national security and public safety. [1]

[1] Refinements to goals, strategies, targets, and projected outcomes are being set forth in specific implementation plans for each of the key components in the Interior Enforcement Strategy. The INS will use the targets identified in this APP together with these implementation plans to not only support the Interior Enforcement Strategy, but to assess overall agency performance and results.

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Identify and Remove Criminal and Terrorist Aliens and Minimize Their Recidivism

The INS will target incarcerated aliens through the federal Institutional Removal Program (IRP). INS will also emphasize alternative, non-hearing removals, responsiveness to state and local law enforcement officials, and early and continuous monitoring of all types of detention and transportation resource availability and utilization. INS will use technological and intelligence analysis and National Crime Information Center (NCIC) records to identify criminals and recidivists, and in conjunction with the Office of U.S. Attorneys, will pursue prosecution for re-entry after deportation to deter recidivism.

INS will increase and effectively manage bedspace in support of interior and border removals and to meet Congressionally mandated requirements under the Immigration Reform and Immigrant Responsibility Act of 1996. By providing resources for the highest mandatory detention categories, INS will accomplish adherence to guidelines and shifts to facilities that have the lowest per diem costs. In addition to responding to detention space needs in "hot spots" for initiatives such as smuggling or fraud operations or the Quick Response Teams (QRT), INS will need bed space for unplanned events such as large smuggling operations (e.g., Chinese boat cases). Increased use of Joint Prisoner Alien Transportation System (JPATS) will ensure that transportation resources support national priorities, law enforcement requirements, removals goals, and effective use of bedspace.

Deter, Dismantle and Diminish Smuggling and Trafficking of Aliens

In FY 2001 the INS will continue the implementation of the National Anti-Smuggling Strategy in order to disrupt and dismantle alien smuggling organizations. The INS will aggressively pursue alien smuggling investigations that are complex, long-term, and international in scope. In FY 2001 the INS will continue to utilize Title III, wire intercepts, and investigations which utilize business proprietaries and asset forfeiture. INS will also establish liaison with surrounding communities through community relations officers. INS will refine and expand targeting to new geographic areas through extensive use of a centralized, coordinated flow of intelligence analysis and force smuggling organizations to seek alternate routes of travel. INS, in alliance with the FBI, will continue to aggressively target sophisticated alien smuggling organizations that are international in scope. These activities will prevent the recurrence of smuggling, trafficking, and transporting of illegal aliens.

Respond to Community Reports and Complaints About Illegal Immigration and Build Partnerships to Solve Local Problems

INS will continue initiatives in response to the needs of federal, state, and local law enforcement entities including wider use of Law Enforcement Support Center (LESC) identification and referrals, NCIC, and leadership of and participation in task forces (e.g. Joint Terrorism Task Force and Organized Crime and Drug Enforcement Task Force) to reduce threats to public safety. In coordination with community impact goals and strategies, INS will support community-policing initiatives with orientation and information

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exchange and will address detention issues most notably through the QRT program. Such intergovernmental operations, intelligence sharing, and liaison will achieve the objectives of public safety, improved quality of life in communities, and removal of criminal and terrorist aliens.

Minimize Immigration Benefit Fraud and Other Document Abuse

INS will continue its emphasis on major, large-scale benefit fraud investigations, including those identified from Service Center detection strategies and intelligence assessments. INS will further domestic and international efforts in order to significantly impact the document fraud infrastructure and criminal activity associated with document fraud. INS, in coordination with the US Attorney's Office, will also coordinate anti-fraud efforts in the Benefits program to supplement case-level identification with development of national investigations and emphasize the use of asset forfeiture.

Block and Remove Employers' Access to Undocumented Workers

INS will focus on criminal investigations against employers who intentionally violate the employment provisions of the Immigration and Nationality Act (INA) and related statutes. Emphasis will be placed on employers who engage in alien smuggling and immigration-related fraud ventures. Investigations will be conducted of industries with a reliance on unauthorized labor in targeted geographic areas. INS will continue involvement with Department of Labor to change hiring practices.

Interior Enforcement Performance Goals:

1. In FY 2001, INS will increase the total number of non-expedited final order removals from the U.S. to 100,000, including 70,300 criminal removals and 29,700 non-criminal removals. INS will monitor the number of expedited removals.

2. In FY 2001 INS will remove 25,700 aliens via the Institutional Removal Program (IRP).

3. In FY 2001, INS will present for prosecution long- term, complex alien smuggling cases that are interregional and/or worksite-related. INS will also present principals for prosecution for alien smuggling-related violations in order to disrupt and dismantle smuggling organizations.

4. In FY 2001, INS will strengthen operational effectiveness through the use of intelligence.

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5. In FY 2001, INS will build partnerships to solve local problems by strengthening the QRTs deployed in FY 1999 and FY 2000 as well as by increased task force cooperation.

6. In FY 2001, INS will focus on the number of large-scale benefit and document fraud cases and principals presented for prosecution that target major organizations and facilitators.

7. In FY 2001, INS will continue to emphasize the prosecution of criminal cases against employers who intentionally hire unauthorized workers or violate other employment-related criminal statutes.

8. In FY 2001, in cooperation with the U.S. Attorney's Office, INS will increase the number of fraud, smuggling, and employment conspiracy cases presented for prosecution with inclusion of forfeiture or a parallel civil forfeiture above the FY 2000 projection.

Interior Enforcement Performance Indicators:

- Number of Removals
  - Criminal and non-criminal aliens
  - Institutional Removal Program
- Number of cases and principals presented for prosecution under the National Anti-Smuggling Strategy
- Number of special operations predicated on intelligence
- Number of Law Enforcement Agency (LEA) referrals to the Quick Response Teams (QRTs), alien apprehensions occurring as a result of these referrals, and individuals presented for prosecution as a result of LEA referrals to QRTs
- Number of apprehensions of aliens with a nexus to organized crime, violent gangs, and/or drug-trafficking gangs by federal, state, and local law enforcement agencies on task force operations and number of apprehensions of aliens with a nexus to terrorist-related affiliations by participating agencies of the Joint Terrorism Task Force (JTTF)
- Number of cases and principals presented for prosecution targeting major benefit application and document fraud organizations and facilitators

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- Number of criminal cases presented for prosecution of employers who intentionally hire unauthorized workers or violate other criminal statutes relating to the hiring and/or continuing employment of unauthorized workers
- Number of cases in which forfeiture authorities were pursued against employers, smugglers, and fraud vendors and organizations

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1c. Number of final order non-criminal alien removals (excluding expedited removals)	Outcome	DACS	39,565 (30,600)	14,000	26,063	29,500[2]	29,700
1.d .Number of expedited removals[2]	Outcome	DACS	76,595 (42,000)	Not projected	89,267	Not[2] projected	Not projected
2. Increase the number of removals resulting from the Institutional Removal Program (IRP)[3]	Outcome	DACS	13,930 (16,800)	16,800	23,933[3]	25,700[3 & 2]	25,700[3]

[3] In addition to traditional IRP removals (decision before release from incarceration), FY 1999 Actuals and FY 2000 and FY 2001 Targets also include "fast-track" IRP removals (an order of removal is issued on the day of, or the day after release from incarceration). The efficiency measure, "percentage of deportable inmates released to INS from institutions who received a final order via IRP" and the disaggregated sub-categories for "numbers of federal and state prison IRP removals, county/city jail IRP removals, and Voluntary Returns Under Safeguards originating in correctional institutions" were moved to lower-level internal operational plan tracking. Since detention resources directly support removals targets, the detention inputs and output measures for "bedspace available" and accreditation were moved from APP-level monitoring to lower level internal operational plan tracking.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
3. Increase the number of cases and principals presented for prosecution under the National Anti-Smuggling Strategy[4]							
3a. Major, inter-regional and/or worksite- related cases presented for prosecution designated as priority investigations in support of the National Anti-Smuggling Strategy, to disrupt and dismantle smuggling organizations	Intermediate Outcome	Performance Analysis System (PAS) and manual tracking	6 cases (Baseline)	Not projected	7	Not projected	Not projected
3b. Principals presented for prosecution for alien smuggling-related violations	Intermediate Outcome	PAS and manual tracking	1,547 (NA)	Not projected	1,967	Not projected	Not projected

[4] In accordance with Department of Justice guidance, targeted levels of performance are not projected for certain indicators within this goal. INS will track and report achievements each year. The former measure for tracking the "shift in vertical smuggling corridors" will be tracked with the Border Enforcement goal.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
4. Strengthen operational effectiveness through the use of intelligence							
4a. Number of "special operations" predicated on intelligence[5]	Intermediate Outcome	Regions	NC (NA)	140	168	140[6]	140[6]
5. Build partnerships to solve local problems[7]							
5a. Total number of Law Enforcement Agency (LEA) referrals to Quick Response Teams (QRTs)	Intermediate Outcome	Manual Tracking/ LESC/ ENFORCE	NC (NA)	NA	NC	Baseline	TBD
5b. Alien apprehensions as a result of LEA referrals to QRTs	Intermediate Outcome	Manual Tracking/ ENFORCE	NC (NA)	NA	NC	Not projected	Not projected

[5] A special operation is defined as one or more of the following: an investigation involving multiple targets; joint operations (with other law enforcement agencies and/or multiple INS programs) excluding normal joint enforcement efforts; tactical operation; military or National Guard assets utilized in the operation, or a large-scale single operation (other than standard operations) involving two hundred or more enforcement personnel.

[6] The number of special operations predicated on intelligence was first tracked in FY 1999 and transitions from the measure to assess the quality of products and services to a measure of mission impact of intelligence. A significant number of the FY 1999 operations were initiated in previous fiscal years. Only a limited number were initiated in FY 1999. As a result, INS is conservatively projecting the count in the next two fiscal years as 17 percent lower than its FY 1999 accomplishment. We will keep the same target for FY 2000 and FY 2001 that we had for FY 1999, until we can re-assess the target in early March of 2000 based on the first quarter accomplishment and the level of funds earmarked for these operations in the Regions for FY 2000.

[7] Quick Response Teams (QRT) were implemented by the FY 1999 appropriation. QRT measures (5a, 5b, and 5c) are being measured for the first time in FY 2000 to establish baselines. FY 2001 targets/projections will be updated in the 4th quarter of FY 2000 based on these figures. These measures replace former measure of impact on criminal activity in selected cities in the interior of the United States.

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
5c. Individuals presented for prosecution as a result of LEA referrals to QRTs	Intermediate Outcome	Manual Tracking/ ENFORCE	NC (NA)	NA	NC	Not projected	Not projected
5d. Number of apprehensions of aliens with a nexus to organized crime, violent gangs, and /or drug-trafficking gangs by federal, state, and local LEAs on task force operations	Output	Manual Tracking	3,461 (2,065)	Not projected	4,056	Not Projected	Not projected
5e. Number of apprehensions of aliens with a nexus to terrorist-related affiliations by participating agencies of the Joint-Terrorism Task Force	Output	Manual Tracking	NC (NA)	Not projected	NC	Report	Report
6. Focus on fraud cases and principals that target major organizations and facilitators							
6a. Number of document and benefit application fraud cases presented for prosecution that target organizations and facilitators	Intermediate Outcome	PAS and manual tracking	325 (NA)	Not projected	378	Not projected	Not projected
6b. Present for prosecution fraud organization and facilitator principals involved in major document and benefit application fraud schemes	Intermediate Outcome	PAS and manual tracking	NC (NA)	Not projected	636	Not projected	Not projected

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Performance Information	Type of Indicator	Data Sources	FY 1998 Actual (Target)	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
7. Emphasize criminal cases against employers[8] 7a. Criminal cases presented for prosecution of employers who intentionally hire unauthorized workers or violate other criminal statutes relating to the hiring and/or continuing employment of unauthorized workers	Intermediate Outcome	LYNX	127 (NA)	Not projected	182	Not projected	Not projected
8. Number of smuggling, fraud, and worksite cases accepted for prosecution with inclusion of forfeiture or a parallel civil forfeiture	Intermediate Outcome	Consolidated Asset Tracking System (CATS)	NC (NA)	Baseline	16	Not projected	Not projected

[8] Former measure for Notices-of-Intent to Fine (NIFs) was moved to lower-level internal operational plan tracking due to a change in emphasis in worksite enforcement policy to focus on criminal cases. Measure for NIFs is related to administrative cases.

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INFRASTRUCTURE AND PROFESSIONALISM

Enhance and maintain the administrative support services and infrastructure required to accomplish INS' mission-direct operations and goals, through which a motivated, well-trained and diverse workforce is empowered to do its job.

Infrastructure and Professionalism Means and Strategies:

INS must provide an extensive institutional infrastructure that includes facilities, vehicles, security, health and safety policies, training, support staff, and planning -- to support a mission that has grown significantly during the past 10 years and will continue to grow. Because of the rapid growth experienced by the INS, infrastructure support has not kept pace with the service and enforcement missions. In FY 2001, INS will continue to address the deficiencies to ensure that the INS workforce can perform efficiently and effectively. There are three major components to this effort: (1) supporting and protecting the workforce with a safe, secure, and adequate working environment, including facilities, vehicles, training, worklife and career development initiatives; (2) supporting the mission objectives with timely and efficient administrative processes and support for personnel, physical and financial assets, procurement, budgeting, and planning; and (3) promoting and maintaining a professional, motivated and diverse workforce which includes instilling productive attitudes into the workforce such as those dealing with teamwork, empowerment, and communication.

INS will improve its infrastructure support over several years through the implementation of a "standards" approach. The standards approach involves establishing the appropriate amount of space for employees; compliance with security requirements; compliance with health and safety requirements; age and safety of vehicles; promptness of training for employees; and adequacy of worklife initiatives. Activities include involvement in OSHA programs; the elimination of backlogs in facility construction, maintenance and repair; compliance with Federal security requirements; fleet replacement and maintenance schedules; and career development and work-life initiatives.

To ensure that infrastructure and professionalism support continues at appropriate levels in the future, INS will increasingly integrate administrative and infrastructure support requirements into mission initiatives through changes in the planning and budgetary process. This will provide a clear articulation of the relationship between mission infrastructure support and the INS' ability to effectively and efficiently perform mission-related tasks. INS will also expand the strategic planning and budgeting processes to provide multi-year site-specific deployment plans to assist resource planning and programming. Finally, the basic management initiatives that allow the existing workforce to be productive (Empowerment, Teamwork, and Communication) will continue to improve.

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1. *Protect and Support the INS Workforce*

Over a period of several years, INS will meet standards of protection and support for new initiatives and for additions to the INS workforce, as well as reduce resource backlogs that prevent standards from being achieved for the existing workforce. The four aspects of protecting and supporting the workforce are: a) ensuring adequate and secure facilities in which to work; b) ensuring health and safety for employees and others (environmental health & safety compliance, officer safety); and c) ensuring that employees have appropriate vehicles and other equipment and that their use is properly controlled.

a. *Workspace and Facilities*

The INS will protect and support the INS workforce by funding backlogged repairs and alterations for INS facilities and by allocating additional space for staff under the ongoing One-Time Cost Program funding. The Office of Administration's facilities strategy remains the same in FY 2001: maintain existing infrastructure; house new missions; optimize public and private resources; support quality of life; and improve environmental stewardship. Infrastructure that protects and supports the INS workforce and integrated administrative and resource support requirements into mission initiatives through changes in the planning and budgetary process are included in the FY 2001 budget.

An independent evaluation of the INS Programs determined an annual requirement of about $21.5 million per year exists in major unfunded Repair and Alteration (R&A) requirements. In addition, the study concluded the projected maintenance and repair backlog at INS to be between $140-$191 million, spanning FY 1999-2003. Based on standardized industry measures, buying-out the maintenance and repair projected backlog would bring the Service up to commonly accepted standards for facility R&A. Decreasing the critical backlog of facilities R&A projects hinges on receiving vital funding in FY 2001.

INS is required to implement and sustain secure work environment for all employees in compliance with Federal Security Standards. Of the current 417 INS locations only 32 are fully compliant with Federal Building Security requirements. In FY 2001, INS will increase compliance with Federal Building Security requirements by 2% with the addition of 45 facilities to house new interior enforcement Quick Response Teams (QRTs).

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b. *Space Allocation/One-Time Construction*

The intent of this goal is to provide appropriate facilities and space at sites where INS staff will be deployed in the future. A combination of factors have created an enormous backlog of needed lease space through the General Services Administration (GSA) due to the shortage of One-Time Cost construction funds. Current practices of using program funding and lapse resources cannot adequately support the size of this shortfall. The factors contributing to this backlog include: (1) historic space shortages; (2) current requirements for lease renewals, forced moves, consolidations and other unplanned actions; and (3) the impact of the new growth which the agency has been experiencing in recent years.

The known backlog of One-Time Cost requirements in FY 2001 is approximately $210 million. An internal INS analysis of the $210 million requirement shows that about eighty percent of the needed space supports the strategic goals of the agency. The remaining twenty percent of space equally supports space for the BP or ports-of-entry, however, the majority of BP space requirements are met with new construction. Interim facilities solutions are being implemented where possible at this time, but they do not satisfactorily address all of the needs for enabling the public to adequately access many INS facilities.

c. *Fleet/Vehicle Quality and Safety*

INS will continue projects to improve fleet management and operations. Activities include the replacement of the fleet module of the Asset Management Information System; centralization of vehicle retrofitting; and arrangements for major maintenance and rebuilding of interurban busses.

d. *Healthful Work Environment*

INS will provide a productive, safe, and healthy work environment for its employees, customers and various other entities. This will be achieved through improved compliance with various standards and requirements established by Federal statutes, regulations, or policy. INS will continue to conduct site visits, training, analysis and review to identify opportunities for improvement of processes and the reduction of costs associated with work-related injuries.

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2. *Support the INS Mission with Timely and Efficient Administrative Processes and Services*

The recent growth of INS has strained the administrative resources that keep the Service functioning smoothly and effectively. These resources support ongoing activities such as recruiting, hiring, security clearances, promotions, travel, personnel actions, procurement, maintenance, planning and budgeting[1].

3. *Promote and Maintain a Professional, Motivated and Diverse Workforce*

INS will continue to improve the quality and effectiveness of the INS workforce through recruiting and managing for diversity. This will include affirmative employment activities, establishing alternative means of dispute resolution, and instilling core values that reduce the potential for complaints and disputes. INS has made significant progress in the past several years in increasing diversity in its workforce. This progress has led to greater challenges in managing a diverse workforce for maximum effectiveness, and increased claims of discrimination based on non-merit factors. Failure to make the work place more responsive to the increases in diversity will reduce INS' ability to attract and retain high performance employees.

INS will focus attention on changing attitudes to promote a working environment that eliminates barriers to hiring, mobility, advancement, and productivity. INS will also strive to reduce incidents of employment discrimination through proactive training and clarification of policies, by responding quickly to complaints of discrimination, and by using alternative means to resolve complaints at the lowest possible level.

a. *Border Patrol Hiring*

In an effort to extend border enforcement success, the Immigration and Naturalization Service will continue to deploy Border Patrol Agents in accordance with the Attorney General's border management initiative and to support the INS Border Patrol strategic plan. For FY 2001, INS has projected that 430 new Agents will be deployed in key operational zones along the southwest border and at northern border sites. The National Hiring Center (NHC) will continue as the centralized processing facility for hiring entry-level Border Patrol Agents. The NHC assumes full responsibility for the Border Patrol Register, oral board scheduling, pre-appointment processing, entry-on-duty and attendance at the Border Patrol Academy, and the Border Patrol Reinstatement Program.

[1] Available resources may include a proposed Shared Services Operations revolving fund in addition to base resources.

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Infrastructure and Professionalism Performance Goals:

1. In FY 2001, INS will maintain effectiveness of workspace and facilities through:

   - Maintaining the percentage of INS employees that are housed in facilities which are in compliance with GSA workspace standards.
   - Maintaining compliance with Federal building security requirements at 17%.
   - Improving compliance with health and safety policies and guidelines for INS work environment. (Improvements to be reported based on "on-site" visits and analyses).
   - Decreasing medical attention claims in Workers' Compensation to 17.5 per 100 employees.
   - Maintaining the percent of INS vehicles in compliance with the Federal replacement cycle standards.

2. In FY 2001, INS will actively pursue the acquisition and allocation of space by:

- Allowing Field and Regional personnel, working in conjunction with the Regional Facilities Boards and their respective Administrative Center, to establish a priority list of approved projects for submission and prioritization into a single Service-wide priority list by the Headquarters Facilities Steering Committee.
- Ensuring updated INS Space Allocation Standards (SAS) are uniformly applied in the space acquisition and allocation process to meet the existing mission requirements of INS, FY 2001 Annual Performance Plan, INS Strategic Plan, and provide INS decision makers and customers a tool to determine equity of facility asset allocation within their respective areas.
- Implementing the Computer Aided Facilities Management System (CAFM) data base by FY 2001. The CAFM will allow tracking and analysis of program needs and activities so that recommendations can be provided to the Regional Facilities Boards and Headquarters Facilities Steering Committee so that the INS can get the maximum return on its real property rental investment.
- Ensuring the timely hiring of newly appropriated enhancement positions for the field to immediately address One-Time Cost program support. Administrative Center support to focus and concentrate on planning, programming, requirements analysis and

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development, and facility operation and maintenance support to better deliver the INS program and mission requirements to the field.

3. In FY 2001, INS will maintain timely and efficient administrative support through:

   - Improving the timeliness and efficiency of its administrative processes, through resources commensurate with the size of the workforce and through strategic investments in process automation and reengineering.
   - Increasing the staff support and funding of two Administration Centers (Dallas and Burlington).

4. In FY 2001, INS will promote and maintain a professional, motivated and diverse workforce through:

   - Maintaining the number of employees who receive advanced training
   - Improving the recruiting, retention, development, and deployment of INS employees
   - Increasing the hiring and advancement of women and minorities throughout at all grade levels
   - Increasing the hiring of qualified entry-level Border Patrol Agents

Infrastructure and Professionalism Performance Indicators:

- Percentage of INS employees that are housed in facilities which are in compliance with GSA workspace standards
- Percentage of INS buildings that are in compliance with Federal Security standards
- Percentage of INS vehicles in compliance with the replacement cycle standard
- Reduction of the number of man-hours lost associated with workers' compensation injuries
- Number of medical attention claims in workers' compensation per 100 employees.
- Improvements in health and safety compliance (various measures to be reported)
- Percentage of women and minorities hired and promoted throughout all grade levels
- Number of EEO complaints over 180 days old
- Number of Border Patrol Agents On-Board

INFRASTRUCTURE AND PROFESSIONALISM

Enhance and maintain the administrative support services and infrastructure required to accomplish INS' mission-direct operations and goals, through which a motivated, well-trained and diverse workforce is empowered to do its job.

Performance Information	Type of Indicator	Data Source	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
1. INS will improve and maintain a safe working environment.							
1a. Percentage of INS employees that are housed in facilities which are in compliance with GSA workspace standards.	Intermed. Outcome	Facility Data	20% [NA]	NA	NC	Baseline[2]	TBD[3]
1b. Percentage of INS buildings that are in compliance with Federal security standards.	Output	Security Data	8% [NA]	NA	8%	15%	17%[4]
1c. Percentage of INS vehicles in compliance with the replacement cycle standard.	Output	Fleet Mgt Data	NC [NA]	NA	52%	55%	57%

[2] Accurate figures will not be available until the baseline analysis of INS facility data is complete in FY 2000.
[3] Target will be based on baseline analysis to be completed in FY 2000.
[4] At the end of FY 1999, 34 of 419 existing locations (or 8%) were in compliance with Federal security standards. In FY 2000 and FY 2001 45 facilities, mostly very small, will be coming on line to support Quick Response Teams and other new needs; these will meet the standards, but no retrofitting of existing facilities will be done.

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Performance Information	Type of Indicator	Data Source	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
Prior Indicator: Average maintenance costs per mile.[5]	*Efficiency/ Productivity*	*Fleet Mgt Data*	*N/C*	*TBD*	*NC*	*TBD*	*NA*
1d. Reduction of the number of man-hours lost associated with workers' compensation injuries.	Outcome	OEC/Mgt Workers' Comp Report[6]	NC [NA]	NA	NC	Baseline	Baseline-0%[7]
1e. Number of medical attention claims in workers' compensation per 100 employees.	Intermed. Outcome	Workers' Comp Reports	19.1 [15.1]	18.5	18.7	18.0	17.5
Prior Indicator: Number of OSHA citations (effectiveness demonstrated by reductions in annual numbers)[8]	*Intermed. Outcome*	*OSHA reports*	*65 [198]*	*158*	*98*	*126*	*NA*
1f. Improvements in health and safety compliance.[9]	Outcome	EOSH Data	N/C	NA	Report	Report	Report

[5] Current fleet management system does not produce reliable data on maintenance costs. No new system will be in place and usable before FY 2001.
[6] The report will present basic data on workers' compensation injuries, along with an analysis of lost time, contributing factors, and steps taken to prevent or reduce lost time.
[7] With the growth of the INS workforce, the target will be to keep the lost hours from increasing.
[8] This indicator and analysis of results have been incorporated into item 2a, which deals more broadly with health and safety compliance in general.

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Performance Information	Type of Indicator	Data Source	FY 1998 Actual [Target]	FY 1999 Target	FY 1999 Actual	FY 2000 Target	FY 2001 Target
2. INS will promote and maintain a professional, motivated and diverse workforce.							
Prior Indicator: Percentage of INS employees who rate INS as a desirable organization in which to work.[10]	*Outcome*	*Org. Climate Survey*	*NC*	*Baseline*[11]	*23%*	*NA*	*NA*
Prior Indicator: Number of Officer Corp employees provided with advanced training[12]	*Output*	*Training database*	*2774 [3000]*	*3000*	*3096*	*3000*	*NA*
2a. Percentage of women and minorities hired and promoted throughout all grade levels.	Outcome	NFC/ EEO reports	NC [NC]	NA	34%	Report	Report[13]
Prior Indicator: Improved environment for diversity[14]	*Outcome*	*INS Diversity Survey*	*NC [NA]*	*NA*	*NA*	*Baseline*	*NA*
2b. Number of Border Patrol Agents On-Board	*Output*	HRD Training Report	NC [NA]	NA	8351	9,377	9,807
2c. Number of EEO complaints over 180 days old.	Intermed. Outcome	EEO tracking system	819 [NA]	NA	283	442	543

[9] Health and Safety Compliance Report - This report will present information, analyses, and trends on the full range of environmental health and safety areas that are covered by law, regulation, or policy. Where possible, factors that contribute to improved compliance will be shown along with the impact on INS of improvements.

[10] There are no plans to rerun the Organizational Climate Survey in FY 2000, both because it would be too close in time to the previous survey, and because the Census Bureau has requested agencies to limit their survey activities during the census year. There are no funds to run the survey in FY 2001.

[11] Baseline data from the Organizational Survey currently under review. Results to be provided March 1, 2000.

[12] The training indicator has been changed to one that focuses more on results instead of activity or outputs.

[13] Women and Minority Promotion Report - The report will present basic data on patterns of hiring and advancement compared with demographic information from the civilian labor force and INS.

[14] Resources for an INS Diversity Survey will not be available.

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DATA VALIDATION AND VERIFICATION

General

Mixed automated and manual data collection environment: As an agency with a large number of nationwide and worldwide programs and office structures, INS uses a mixture of data provided through both automated capture of transactions (as they occur) and manual recording or counting of transactions, which are then reported either manually or through automated means. Since 1995, INS has been investing significantly in the development and deployment of two nationwide case/incident-based automated systems to capture information on, respectively, enforcement actions (ENFORCE) and benefits/application services transactions (CLAIMS). In addition, significant investments in various Service-wide, mission-supporting systems have been and continue to be in process that provide direct performance measurement for certain goal activities (e.g., hiring Border Patrol Agents, processing alien-file records) or provide information critical to GPRA-based performance management (e.g. financial management—FFMS). INS also has a significant number of other case-based systems that address both mission-direct and mission supporting activities necessary for effective performance management, which continue to need upgrading (e.g., Asylum case activity through RAPS—Refugee and Asylum Program System). As these systems become fully deployed, data relevant to performance will increasingly be provided through increasingly verifiable automated means, decreasing the potential for human error. Pending any further INS efforts to collect data centrally on an increasingly automated system-to-system basis, INS' Performance Analysis System (PAS) is used to monthly collect and aggregate workload data and data on staff hours devoted to certain INS activities (system activity addressed below). Together with specific reports from case-based systems and from data reported from various local operations sites, INS collects and aggregates performance data on a monthly and quarterly basis relative to INS main performance measures and performance management concerns. As required and directed, selective collection occurs on a weekly, bi-weekly or daily basis for specified Service programs or activities. Under the Commissioner's Annual Performance Management Process, meeting and reporting from these sources is reviewed periodically throughout the business year (typically on an adjusted Quarterly basis) on INS' main performance management activities and measures.

Performance Analysis System (PAS): INS' automated PAS is a data reporting tool and centralized database used for information pertinent to many of INS' performance indicators/measures. PAS captures data on workload and staff hours devoted to designated activities.

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DATA VALIDATION AND VERIFICATION

Data Collection -- PAS is a central repository of data updated on a monthly cycle by automated input via the Service's nationwide program office structure. Monthly figures are input at field sites from manual and automated tracking maintained by the input offices, and in cases represents the numerical counts from national systems which capture case-based activity.

Data Validation -- Given the central importance of this database to tracking workload accomplished and hours devoted to activities, a substantive review by the Statistics Office staff is conducted during each cycle, in addition to the built in edits which prevent certain kinds of erroneous data entry (e.g., incompatible alpha-numeric coding). In addition to logic, range and computational edits, the staff reviews input to identify and investigate data that appears out of pattern given past reporting or is otherwise noteworthy. During the monthly input cycle, approximately 95% of field office records are entered within the first eight workdays of each month. The remaining 5% are subsequently obtained during the submission audits conducted by the Statistics Office staff during the month-end compilation and review process.

Data Limitations – The potential for local data collection to be incomplete, untimely or erroneous exists, except where data values can be compared with the automated data available from national systems. Future establishment of automated interfaces between PAS and various automated systems will permit increased accuracy as well as timeliness.

DOJ Summary Performance Indicators (DOJ-SPIs): Out of the totality of macro-level performance indicators used annually by the INS, the Department of Justice selects those of departmental-level interest and focus. These measures are so identified in this document INS performance indicators documented herein focus primarily on those indicators of performance of strategic importance at the departmental level (the DOJ Summary Performance Indicators [DOJ-SPIs]).

Data and Data Systems Integrity Goal

Increase Data Systems Deployment, Usage and Impacts

- Number and % of sites with ENFORCE/IDENT deployed (DOJ-SPI)
- Number and % of sites with CLAIMS4 (Naturalization N-400 form module) deployed
- Number of application forms converted to CLAIMS4 processing

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DATA VALIDATION AND VERIFICATION

- % ENFORCE utilization at sites where deployed (DOJ-SPI)
- % IDENT utilization at sites where deployed (DOJ-SPI)
- Number of sites with CLAIMS
- Number of FFMS interfaces with other systems deployed
- % IBIS system utilization for primary inspections at air and land POEs
- Impacts realized from ENFORCE, IDENT, and DataShare

Data Collection and Storage: To measure use rates for the ENFORCE and IDENT/biometrics identification systems, INS utilizes the Performance Analysis System (PAS) to capture information on total apprehensions. Transaction counts from the IDENT and ENFORCE automated systems activity are used to identify the number of individual apprehendees receiving subject-case processing and biometrics identification enrollment/comparison through these systems. For Deployment of ENFORCE/IDENT software and any related equipment, contractor records will be maintained similar to the records maintained for technology upgrades.

Data Validation and Verification: The assigned manager under the INS Annual Performance Management will review submitted data and reports relative to use rates on a quarterly basis. Formal reporting and review will occur quarterly under the INS Commissioner's reviews.

Data Limitations: Current issues regarding types of cases to exclude from the counts are being reviewed to improve accuracy of performance measurement.

ADP Infrastructure Support and Operational Integrity

- Number of sites receiving technology upgrades
- Percent compliance with systems network infrastructure security requirements
- Ratio of ADP technical support personnel to user personnel
- % of end-users that rate Help Desk support as Good or better

Data Collection and Storage: To track and measure progress for these goals, Office of Information Resources Management (OIRM) project reports will be used. To ensure appropriate tracking and reporting on the equipment/infrastructure upgrades, a new comprehensive review and inventory of equipment project is currently underway to verify the base and to update and ensure the accuracy of the INS equipment inventory. The replacement of equipment/infrastructure (a.k.a., technology "refresh" project) work will be monitored by site reports that indicate exact

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numbers and kinds of workstations removed, and the exact numbers and kinds of replacements installed. Data will be available on both the equipment/infrastructure affected, and on the sites impacted. Tracking of this activity will be accomplished using reporting procedures adopted during the original Technology Infrastructure Project (TIP) deployment, which provided for the initial upgrade and expansion to equip INS offices.

Data Validation and Verification: A contractor listing on a central standalone software database provides the information for sites receiving technology upgrades. Data is entered on a continuous basis as deployments occur, and it is reviewed on a monthly basis by INS managers, and reconciled with expenditures for such activities. Moreover, this initiative is an element in the quarterly reporting to the Department of Justice, as well as under the Commissioner's quarterly reviews of Goal performance status. To support data systems integrity, INS also will increase the overall level of the security infrastructure underlying its automated systems and network environment by establishing a multi-year program for security enhancements. INS plans to address 30% of the identified security infrastructure needs in FY 2001, as part of a 3-year program.

Data Limitations: The new indicator for "compliance with systems network security infrastructure requirements" will be a report and data capture yet to be developed by the Office of Information Resources Management. Both numeric and narrative information will be captured to indicate the number, nature and extent of security activities accomplished. It will be compared against a master list of security requirements to be met and it will be reviewed formally at the Commissioner's quarterly review meetings, and will become part of the quarterly reporting to DOJ.

Alien-files (A-files) Records modernization and integrity

- Average time for physical A-files to be transferred to requesting source

Data Collection and Storage: Under current decentralized records operations, information on A-files transferred from one office location to another within the local office or anywhere in the INS' nation-wide structure is captured by recording transfers in the RAFACS automated system (Receipts and Alien-Files Accountability and Control System) and updating the record location in INS' Central Index System (CIS). Under the new National Records Center (being established in FY 99-FY 00), centralized transfer of records will be initially recorded in RAFACS, prior to implementation of a new National Files Tracking System (NFTS). Data fields in both RAFACS and NFTS indicate the date a file was requested and the date a file was shipped and received. A specialized report will be used to calculate the specific number of file transfers and the average number of hours or days to effect the transfer.

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Data Validation and Verification: Currently, a periodic reconciliation of RAFACS and CIS reports with the actual files on-hand at various locations occurs. In FY 1999, INS conducted a nationwide review of A-files (National File Audit) and conducted specific review of all Naturalization files. Outstanding, outdated file requests in error were removed from the system. Under the new centralized NRC operations to commence in the later part of FY 2000, controls and more stable monitoring will result in increased accuracy of data relative to transfers.

Data Limitations: File records are sometimes transferred without appropriate use of the RAFACS procedure resulting in no record to compute the transfer time. The centralized NRC operation will mitigate or eliminate much of that problem.

Improvements in Data Quality

- Data Quality improvements

Data Collection and Storage: The key measure of maintaining and improving the timeliness and accuracy of monthly reporting through the PAS (Performance Analysis System) involves tracking the automated inputs of the various nation-wide offices providing information. Specialized automated reports are generated from the PAS database showing the number of offices submitting on various dates. The Office of Statistics then generates a report that indicates the number and percentage of late submissions. Similarly, the report provides information on the quality of the data submitted by offices. Specifically, the results of an automated, edit-error routine indicates the number of errors identified. For both timeliness and quality the current month is reflected against the past month experience and FY-to-date percentages and numbers are provided. Reports are disseminated to representatives of the submitting offices.

Data Validation and Verification: In addition to the automated capture of edit-errors, Office of Statistics staff, review data submitted by offices and programs for anomalies or potential problems (e.g., data that appears out of pattern with past data reporting). In some cases data issues identified result in data corrections, and in others the data is validated.

Data Limitations: The second data quality review by the Office of Statistics staff is currently not represented in the reporting.

Immigration Services Goal

Improve Immigration Benefit Applications Processing Services

- Service-wide average projected case processing time (months) for Naturalization cases (DOJ-SPI)

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- Service-wide average projected case processing time (months) for Adjustment of Status cases
- Number of Naturalization cases adjudicated (millions) (DOJ-SPI)
- Number of Adjustment of Status cases adjudicated (thousands)
- Level of compliance with Naturalization case quality review procedures (NQP3, NQP4)

Data Collection and Storage: Data on case production and activity Naturalization (Natz) and Adjustment of Status (AOS) case work are collected and reported using a mix of automated and manual case counts. Currently, some data are collected locally under manual counts and reported monthly and some counts are provided from various automated systems supporting casework (e.g. CLAIMS4, CLAIMS3, RNACS).

Data Validation and Verification: INS has established standard data entry and reporting procedures for all offices and Service Centers to follow for N-400 naturalization cases, and reviews the data on a monthly basis for accuracy. Audit information regarding N-400 naturalization case processing is collected through the Naturalization Quality Procedures (NQP) and reviewed on a monthly basis. Similar data entry and reporting procedures are being implemented for I-485 Adjustment of Status cases.

Data Limitations: INS currently tracks benefits cases through several different data systems, which are not yet synchronized. Additionally, several local offices still track and process benefits cases manually, and report their benefits processing activities through manual counts.

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Improve the Effectiveness of Alien Status Verification

- Response time for status verification (DOJ-SPI)
- Number of employers participating in Employment Verification Pilot programs (DOJ-SPI)

Data Collection and Storage: The response time data focuses on services provided through automated submission and verification requests. For the number of employers currently enrolled in the employment status verification pilots, the Pilot Tracking System maintains individualized data on each employer enrolled.

Data Validation and Verification: The initial automated request (primary verification) for status verification is responded to almost immediately based on information contained in INS' Alien Status Verification Index (ASVI) database. The response time for each case is automatically calculated and averaged by the system at any given reporting point. Requests where primary verification did not provide a definitive answer often results in a requests for further review of INS records (secondary verification). Based on automated transaction requests for secondary verification against the ASVI database, an automated record of the date-in and date-of-response for each request is

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maintained in the Status of Verification System (SVS). An average response time for secondary request responses for a set of cases over a period of time is computed by the system. In those cases where secondary requests are submitted to INS via the manual G-845 form, the INS status Verifier inputs the date-in and date-of-response for each case, and an average response time is computed, as cited above. For data on employers enrolled in the employment verification pilots, only a formal request for removal from the pilot by the employer allows adjustment of the database maintaining the enrollment numbers.

- Data Limitations: Data is complete and accurate given the automated basis for capturing and reporting data.

Asylum case work

- Expedited Removals/Credible Fear Referrals -- % completed within 14 days
- % of new Reform cases processed within 60 days
- Number of Asylum case (I-589) completions
- Number of NACARA (I-881) cases adjudicated

Data Collection and Storage: The Asylum Pre-Screening System (APSS), implemented for FY 99, is a case-based system that collects data for Expedited Removal cases. Prior to its implementation an ACCESS database was used to collect data on the casework that began in April 1997 with establishment of the new law. All ACCESS cases were subsequently transferred into the new APSS database to provide for a complete historical record. The automated, case-based Refugee, Asylum and Parole System (RAPS), implemented in 1991, is used to process all Asylum casework (I-589s) including the new NACARA casework arising at the end of FY 99 with establishment of the new requirement. Both the Reform case and Expedited Removal case processing times are calculated by the respective systems generated data.

Data Validation and Verification: Monthly, quarterly and annual reporting is review by the Headquarters program office for both APSS and RAPS data. Additionally, reporting of data is available for RAPS on a weekly basis. For NACARA casework, modifications to RAPS are still continuing to fine-tune data capture and FY 2000 represents a verification and validation year. However, results to date indicate accurate and timely data reporting.

Data Limitations: At this stage, pending any problems arising with the new NACARA case capture, it appears quality data is available for performance management.

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Fingerprint processing support of applications processing

- Processing time for fingerprint (print capture through FBI communicated findings)
- Rejection rate for prints taken

Data Collection and Storage:

All fingerprint activity is processed through the FD 258 EE. Each FD 258 submission to the FBI is tracked from submission through FBI response. This is an automated data collection system built into the MRD and IAFIS process. The information is stored in FD 258 Tracking.

Data Validation and Verification:

Reports on fingerprint activity are generated monthly or as requested. This information is compared to actual fingerprint production reports for verification.

Data Limitations: FD 258 cards that are in transit from the fingerprint site (ASC) to the Service Center are included in the production data, but not in the FD 258 Tracking Report.

Customer information assistance services for immigration benefits

- Phone call busy rate
- Customer hold-time after connection
- Overall call abandonment rate
- Customer satisfaction rate for call phone assistance
- Average time to respond to customer requests for applications forms
- Number of customer internet transactions

Data Collection and Storage: Busy rates, hold times and abandonment rates comes from two primary sources: automated network data is provided by Sprint and automated reports from the on-site switching equipment. Customer satisfaction rates are determined using a call-back

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survey that uses statistically valid sampling techniques to randomly identify callers to be called back and surveyed with respect to their experience.

Data Validation and Verification: INS analyzes production information on an ongoing basis, including comparing automated information collected at various stages of call handling.

Data Limitations: Data is considered highly accurate at this time.

INS benefits identification cards production

- Time to produce EADs (Employment Authorization Documents)
- Time to produce Permanent Resident Cards (a.k.a., Green Cards)
- Time to produce Laser Visas/Border Crossing Cards
- Number of cards produced

Data Collection and Storage: Production information is collected electronically from the ICPS manufacturing platforms. Independent manual quality assurance information is tracked manually and incorporated into the data. Processing times are projected by comparing pending with both production levels and receipt levels over a period.

Data Validation and Verification: INS reconciles production information daily with consumable inventories.

Data Limitations: Card production information does not track earlier steps in application processing, but focuses on the actual time from when a card is ordered once the application is approved and the Service Center completes scanning and data entry until the time the card is mailed. In the case of LV manufacturing for the Department of State, it reflects the time from when INS receives the DOS electronic order until the card is mailed to DOS.

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Border Enforcement Goal

Thwart International Alien and Drug Smuggling

- Interception of mala fide and offshore travelers en route to the US (DOJ-SPI)
- Offshore prosecutions assisted by INS (DOJ-SPI)
- Overseas investigations completed

Data Collection and Storage: Data on the "number of interceptions" at each foreign location are compiled daily on the G-392 Intelligence Report. The data on the "number of offshore prosecutions" and "overseas investigations completed" are likewise collected by the INS offices in the respective foreign countries and reported to the District Office level. Each INS foreign office maintains memorandum-style records in the their files that provide information on the status of cases undergoing prosecution in foreign courts. The District Offices provide a monthly summary number for inclusion in the Performance Analysis System (PAS database.)

Data Limitations: Data is based on both manual and automated reports from overseas INS offices that comprise the PAS database for this measure, in addition to foreign officer anecdotal report submissions collected by the Office of International Affairs. As PAS captures aggregate workload data, the data cannot be reconstructed form individual files.

Data Validation and Verification: The G-392 Intelligence Report, indicates the individuals and nature of the circumstances involved and is reviewed and certified by the senior officer. On a monthly basis, overseas district offices report a summary of the number of interceptions using the service's PAS database.

Effectiveness in apprehending persons attempting illegal entry at Ports-of-Entry

- Inspections Travelers Examination (INTEX) rates

Data Collection and Storage: Data on INTEX rates are compiled at the respective land and air Ports-of-Entry, where the INTEX process has been implemented and submitted to the INS Office of Inspections on a daily basis.

Data Validation and Verification: Data is validated by the INS Office of Inspections for consistency and accuracy as reported by the respective land and air POEs. INS Office of Statistics has reviewed the methodology used for determining the INTEX rates.

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Data Limitations: INTEX rates are based on a sampling of travelers at those POEs where the INTEX process has been implemented, hence the data is subject to an acceptable "statistical margin or error".

Effectively Control the Border between Ports-of-Entry

- Increase operation effectiveness within identified southwest border zones (DOJ-SPI)

Data Collection and Storage: Data on the number of persons apprehended are local counts compiled daily by individual Border Patrol Stations. A record is created of all such apprehensions. Manual or automated I-213 forms are used for processing certain apprehensions, and the automated ENFORCE subject-case processing software is used where deployed. In some instances the IDENT biometrics identification system and software, which has limited subject-case processing capability, is used pending the replacement by the ENFORCE capability. For the denominator of the measure, the "number of illegal entries attempted" (the numbers connected with the number of persons who "turn back south," and the numbers for "gotaways"), the numbers are determined by reports from Border Patrol agents in the field using information from visual sightings or equipment tracking counts (e.g., video cameras, infrared scopes (ground and airborne), helicopter patrol sightings, in-ground sensor hits, tracks left by aliens, etc.). These "turn back" and "gotaway" counts are collected daily and entered into local databases.

Data Validation and Verification: On a monthly basis, summarized nation-wide reporting of apprehension numbers from these sources occurs through INS' centralized, automated Performance Analysis System (PAS) database. Monthly reviews and editing of apprehension numbers reported in PAS is conducted not only at the Sector level, but also by the centralized INS Statistics Division, which maintains the PAS database. Increasingly, review and editing involves using systems counts from ENFORCE, IDENT and the automated compilation of I-213 data from the centralized processing activity in the Texas Service Center.

Data Limitations: Currently, a process to standardize recording and reporting of attempted entries is being implemented across all Border Patrol Sectors to ensure consistency and validity, and use of an intranet approach for reporting is being targeted for implementation in the 2nd Quarter of FY 2000.

Impact of border operations on criminal activity

- Impact on criminal activity in selected U.S. cities located along the Southwest Border

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Data Collection and Storage: Data is collected using standardized FBI crime index definitions, for eight cites along the southwest border from the local law enforcement agencies (LEA) and maintained on a monthly basis at the regional level and reported to headquarters quarterly.

Data Validation and Verification: Data is validated by the INS regions and Headquarters Border Patrol for consistency and accuracy as reported by the LEA's.

Data Limitations: INS has no control over the quality or timeliness of the data obtained from the LEA's.

Strengthen operational effectiveness through the use of intelligence

- Number of Special Operations predicated on intelligence

Data Collection and Storage: INS Headquarters Intelligence Division collects data manually from the Regional offices and Border Patrol.

Data Validation and Verification: Information is verified by INS Headquarters Intelligence Division for consistency and accuracy as reported by the Field.

Data Limitations: Data is based on manual reports from the Regional offices and Border Patrol. Manual reporting maybe subject to a greater degree of error than automated reporting.

Border Facilitation Goal

Facilitate Port-of-Entry Travelers/Reduce wait-times for Travelers

- % of total commercial flights to clear Primary Inspection within 30 minutes. (DOJ-SPI)
- . % of Land Border wait-times that do not exceed 20 minutes. (DOJ-SPI)

Data Collection and Storage: Given the variance in land POE operational situations, wait-time data for each is collected manually based on unique circumstances and reported through INS regional offices.

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Data Validation and Verification: This data is collected locally and validated daily. Throughout FY 1999, processes were implemented at the local level for affected communities and users to review results to ensure third party validation of these unique measurements requirements.

Data Limitations: Land border POE utilize one of three approved methodologies to calculate wait times, hence variance in data consistency may occur among the land POE.

Increase use of automated facilitation technologies at Ports-of-Entry

- % of travelers inspected with INSPASS (DOJ-SPI)
- % of travelers inspected with SENTRI (DOJ-SPI)

Data Collection and Storage: Data on use of automation and technologies to facilitate traveler inspections are reported on a monthly basis using the Performance Analysis System (PAS) and system-generated counts to identify the number of travelers participating. INS collects data in the PAS workload and resource tracking system that contains aggregate case data and workyears for specific categories of activities. The field consolidates monthly office-level statistics and enters data into PAS on-line at the end of the reporting month. PAS terminals are available at 624 locations.

Data Validation and Verification: PAS verification is conducted by the Statistics Office of the Office of Policy and Planning. The statistics are corroborated through submission audits, edits, data validation and logic checks, and contact with field offices for missing information. The Office of Statistics produces monthly statistical and production reports.

Data Limitations: PAS records are complete with 95% of records entered within 8 working days of the close of the reporting month. One weakness, as OIG and GAO auditors have cited, is due to the nature of the database. PAS data cannot be audited for accuracy since it cannot be reconstructed from individual files.

Maintain high traveler satisfaction rates

- % of travelers rating Inspections wait times as "reasonable" or better
- % of travelers rating the Inspectors as "professional" and "courteous"

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Data Collection and Storage: Surveys are designed by a contractor and administered during the last month of the fiscal year. The contractor designs a sample of land and air POEs to survey; collects and submits survey results to INS Inspections Office.

Data Validation and Verification: Surveys are designed and administered by a contractor to ensure statistical validity and non-bias of INS personnel.

Data Limitations: Survey sampling is subject to an acceptable "statistical margin of error".

Interior Enforcement Goal

Increase the number of alien removals

- Total number of Final order alien removals
- Number of Criminal alien removals (DOJ-SPI)
- Number of Non-criminal alien removals (DOJ-SPI)
- Number of Expedited removals
- Number Institutional Removal Program (IRP) removals

Data Collection and Storage: Removals projections are linked to use of detention resources and lengths-of-stay. INS collects removal and detention data in the Deportable Alien Control System (DACS) case tracking system. Data is input to DACS daily from physical A-files, primarily by INS Deportation Program staff, and to a lesser extent, inspectors and agents. DACS is available on terminals throughout INS, including Ports-of Entry, Service Processing Centers, and IHP locations. DACS is updated throughout the life cycle of the case.

Data Validation and Verification: DACS verification occurs through the headquarters DACS quality team, file reviews, comparison with monthly statistical reports, INSPECT team reviews, and district status reports and call-up lists. The Statistics Office of the Office of Policy and Planning conducts monthly quality reviews of DACS data for internal inconsistencies and missing data and produces monthly INS Removals Reports and statistics for quarterly Congressional Removals Reports.

Data Limitations: DACS removal records are complete, with 99% of removals records entered within 6 months of the close of the fiscal year. A small but significant number of detention records (approximately 7% of over one hundred thousand records) are incomplete and cannot be

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used to calculate lengths-of-stay in detention. This is due to data entry and DACS limitations. DACS does not have an incident identification number to match open detention periods to disposition. For example, when there is a break in detention for an alien transferred between facilities the case may remain open because it lacks the needed balancing entries showing the alien was booked out of one location and booked into another location or was removed/released. After FY 2001, DACS will migrate to the Enforcement Case Tracking System (ENFORCE) which will have the capability to track these detention cases. INS will also resolve data entry deficiencies for incomplete records.

Implement the National Anti-smuggling Strategy

- Smuggling and Fraud cases presented for prosecution
- Smuggling and Fraud principals presented for prosecution (DOJ-SPI)
- Criminal cases on Employers intentionally violating employment statutes (DOJ-SPI)

Data Collection and Storage: INS collects data on the cases and principals presented for prosecution in the Performance Analysis System (PAS) and through some manual tracking. INS collects data for criminal cases against employers in LYNX. INS collects investigations data in the PAS which contains aggregate case data and workyears for specific categories of activities. The field consolidates monthly office-level statistics and enters data into PAS on-line at the end of the reporting month. INS collects work-site enforcement data in the LYNX case tracking system. Investigations data, employer data, and litigation information is captured by officers and field counsel. The forms are submitted to a contractor for data entry. LYNX is updated throughout the life cycle of the case.

Data Validation and Verification: PAS verification is conducted by the Statistics Office of the Office of Policy and Planning. The statistics are corroborated through submission audits, and logic, range and computational edits. The Office of Statistics produces monthly statistical and production reports. Some manual tracking is required for smuggling and fraud since performance categories for types of cases no longer exactly match the definitions and methodology of the existing PAS categories. This manual case information is collected and verified by staff in the headquarters Office of Field Operations. As programming opportunities, funding, or migration to ENFORCE becomes available, this manual component of tracking will be eliminated. A degree of LYNX verification occurs through comparison with management reports, regional review or verification with district offices or periodic audits in response to Attorney General reporting requirements and the Commissioner's Quarterly Performance Management Reviews. The LYNX system was modified to address the criminal case measurement and the system will be migrated to ENFORCE.

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Data Limitations: PAS records are complete with 95% of field office records entered within the first eight working days of the reporting month. The remaining 5% are subsequently obtained through submission audits. However, since PAS data are manually consolidated at an office level, audits of individual case records cannot be performed.

Strengthen operational effectiveness through the use of intelligence

- Number of Special Operations predicated on intelligence

Data Collection and Storage: INS Headquarters Intelligence Division collects data manually from the Regional offices and Border Patrol.

Data Validation and Verification: Information is verified by INS Headquarters Intelligence Division for consistency and accuracy as reported by the Field.

Data Limitations: Data is based on manual reports from the Regional offices and Border Patrol. Manual reporting may be subject to a greater degree of error than automated reporting.

Build Partnerships to solve local problems

- Law Enforcement Agency (LEA) referrals to Quick Response Teams (QRT) and apprehensions and prosecutions resulting from referrals
- Apprehensions of aliens with nexus to task force operations, e.g., terrorist-related affiliations, organized crime, etc.

Data Collection and Storage: INS Quick Response Teams (QRT) were implemented by the FY 1999 appropriation. QRT data about operations and individual apprehendees is manually collected from QRTs to establish baselines in FY 2000. INS collects data on task force cases and individuals in the Performance Analysis System (PAS) and through some manual tracking. The PAS task force data contains aggregate case data and workyears for specific categories of activities. The field consolidates monthly office-level statistics and enters data into PAS on-line at the end of the reporting month.

Data Validation and Verification: QRT information is verified by the Headquarters Office of Field Operations through comparison with regional reports or verification with districts and field staff. PAS verification is conducted by the Office of Statistics, Office of Policy and Planning. The statistics are corroborated through submission audits, and logic, range and computational edits. The Office of Statistics

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produces monthly statistical and production reports. Some manual tracking is required to identify the type(s) of task force that resulted in the apprehensions and cases. This manual case information is collected and verified by staff in the headquarters Office of Field Operations. As programming opportunities, funding, or migration to ENFORCE becomes available, this manual component of tracking will be eliminated.

Data Limitations: QRT baseline data will be reviewed to standardize recording and reporting and improve the accuracy of information in subsequent years. PAS records are complete with 95% of field office records entered within the first eight working days of the reporting month. The remaining 5% are subsequently obtained through submission audits. However, since PAS data are manually consolidated at an office level, audits of individual case records cannot be performed.

Asset Forfeiture

- Smuggling, fraud or worksite enforcement cases accepted for prosecution with inclusion of forfeiture or parallel civil forfeiture

Data Collection and Storage: INS collects data on asset seizure, disposition and distribution in the DOJ Consolidated Asset Tracking System CATS). Asset forfeiture data about linkage to investigations operations and cases and presentation to the U.S. Attorneys Office is manually collected from the Regional Asset forfeiture Offices. INS also collects aggregate asset forfeiture seizure quantities and dollar value in the Performance Analysis System (PAS). The PAS data contains aggregate data for specific categories of assets for Border and Interior Enforcement operations. The field consolidates monthly office-level statistics and enters data into PAS on-line at the end of the reporting month. INS collected baseline data for this measure in FY 1999.

Data Validation and Verification: CATS verification occurs through review of management reports and statistics. Investigations-related information is verified by the Headquarters Asset Forfeiture Office in the Office of Field Operations through comparison with regional reports or verification with districts and field staff. PAS verification is conducted by the Statistics Office of the Office of Policy and Planning. The statistics are corroborated through submission audits, and logic, range and computational edits. The Office of Statistics produces monthly statistical and production reports. Some manual tracking is required to identify the type(s) of cases that included pursuit of forfeiture and those in which forfeiture was accomplished. This manual case information is collected and verified by staff in the headquarters Office of Field Operations. As programming opportunities, funding, or migration to ENFORCE becomes available, this manual component of tracking will be eliminated.

Data Limitations: Asset forfeiture baseline data will be reviewed to standardize recording and reporting and improve the accuracy of information in subsequent years. PAS records are complete with 95% of field office records entered within the first eight working days of the

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reporting month. The remaining 5% are subsequently obtained through submission audits. However, since PAS data are manually consolidated at an office level, audits of individual case records cannot be performed.

Infrastructure and Professionalism Goal

Promote and maintain a professional, motivated and diverse workforce

- Number of Border Patrol Agents On-Board (DOJ SPI)
- % of women and minorities hired and promoted
- Number of EEO complaints over 180 days old

Data Collection and Storage: Data reflecting the number of agents hired is compiled monthly by the National Hiring Center. An automated personnel file is created of each new agent hired at the INS Headquarters Human Resources Office. An additional automated personnel file is created to the National Payroll Center for payroll and benefit processing. The data (including all personnel actions) is stored in the Service-wide personnel database that is operated and maintained by the INS Office of Human Resources.

Data Validation and Verification: To measure the number of agents on-board, INS produces a monthly INS training report categorized by pay periods during the fiscal year. The total number of agents on board are aggregated each pay period by the Offices of Human Resources and Budget and reported by projected/actual accessions, projected/actual losses, and projected/actual on-board. The data is reconciled each pay period through payroll data at the National Payroll Center to ensure consistency. The National Payroll Center is the centralized processing center where all INS employee payrolls are processed.

Data Limitations: There are no data limitations. The monthly INS-HRD training report is based the number of Border Patrol Agents included in the INS data at the National Payroll Center.

Improve and Maintain a Safe Working Environment

- % of employees housed in facilities in compliance with GSA workspace standards
- % of buildings in compliance with Federal security standards

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- % of vehicles in compliance with the replacement cycle standard
- Number staff-hours lost based on workers compensation injuries
- Improvements in health and safety compliance

Data Collection and Storage: The data for the "standards" measures are collected by components within the Office of Management and stored in an internal desktop database maintained by the Office of Management. The workers' compensation data is collected by the Office of Human Resources and stored in the HRD database. For health and safety issues, the Office of Management produces a report that reflects the improvements that INS has made in health and safety compliance with OSHA and other regulations. Data for the report is collected quarterly, by regional and field components and analyzed at the end of the fiscal year.

Data Validation and Verification: The data on the ratios of employees/facilities, buildings/security, and vehicles in compliance with INS standards is compared with the established standards produced by the General Services Administration (GSA). INS components report on activities against these standards and the Office of Management reports the status of each during the INS quarterly performance review meetings. For the worker's compensation and health/safety compliance measures, INS uses manual calculations to produce the data. Data for worker's compensation is verified through a comparison of work-related injuries and the "real" time that employees miss scheduled work times. Health and Safety compliance is verified using a qualitative analysis of INS actual INS ratios compared with the OSHA and/or other industry standards. The improvements in health and safety compliance is a qualitative report that presents information, analyses, and trends on the full range of environmental health and safety areas that are covered by law, regulation, or policy. Where possible, the report details factors that contribute to improved compliance along with the overall impact on INS of improvements.

Data Limitations: The ratios for the standards measures and number of staff hours are calculated manually (no feeder database system). Calculation flaws are possible, but unlikely due to the simplistic nature of the data gathering.

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Major FY 2001 Initiatives

INS' requested program increases total 935 positions and $230,171,000, and are targeted in four categories and three initiatives, each of which supports a key component of DOJ's Strategic Plan and the Administration's commitment to resolve long-standing immigration issues.

Initiative: Border Management (545 positions and $82,095,000). **This proposed initiative directly supports DOJ Core Function 4: Immigration, Goals 3 and 4. This initiative also supports INS' Strategic Plan goals: Border Management and Coordination.** The INS is dedicated to the basic tenets that the borders of the United States should be characterized by the rule of law, and that the physical integrity of those borders is essential to defining our national sovereignty. At the same time, it is equally imperative that the flow of lawful commerce and the passage of legitimate travelers be encouraged and assisted to the greatest extent practicable. In deterring and denying our border areas to the lawless, INS recognizes that it must not compromise or ignore the rights and needs of the lawful. As we enter a new millennium, the INS will continue to focus its FY 2001 efforts to the tasks of Border Enforcement (both domestic and overseas) and Border Facilitation. In all areas, emphasis has been placed on increasing not only the number, but also the effectiveness, of INS personnel through force-multiplying technology and first-rate equipment.

Initiative: Interior Enforcement (250 positions and $82,000,000) **This initiative directly supports DOJ Core Function 4: Immigration; Core Function 5: Detention and Incarceration; and also supports INS' Strategic Plan goals: Interior Enforcement.** The proposed INS Interior Enforcement Strategy sets forth five broad strategic goals and a series of related initiatives that plot the course for INS law enforcement efforts in the interior of the U.S. over the next five years. The proposed strategy recognizes the dynamic nature of international migration, and its effects on communities within the U.S. Therefore, the goals and objectives of this proposed Strategy will evolve over time as conditions change, new trends emerge and new capabilities and tactics are developed. INS also has developed this proposed Strategy within the context of its institutional core values, which include fair and effective enforcement of the immigration laws, a continuing commitment to increase the competency and professionalism of its law enforcement personnel and a fundamental and enduring respect for the Constitutional Rights and Human Dignity of all the people with whom it comes in contact. These core values serve to guide all the law enforcement activities in which the INS engages.

The INS vision of its Interior law enforcement Strategy expresses itself in the three words, Protect, Preserve, and Promote. INS will protect public safety, national security and the general welfare from the consequences of activities involving attempted or actual illegal entry; INS will preserve the integrity of the legal immigration system through prevention of fraud and abuse; INS

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will promote the common good by building trust with local communities in solving problems involving illegal immigration. The Strategy has established five goals: Investigate, disrupt and prosecute smuggling, trafficking and transporting by aliens and/or involving aliens; Identify and remove incarcerated illegal aliens, and minimize the chances of recidivism; Investigate and prosecute efforts to commit visa and other document fraud and abuse; Assist federal, state, and local law enforcement entities through criminal taskforces and effective community policing efforts; and, Investigate, deter and prosecute employers involved in criminal violations, including illegal employment and abuses.

Initiative: Professionalism and Infrastructure (140 positions and $66,076,000). **This proposed initiative directly supports DOJ Core Function 4: Immigration, Goal 2. This initiative also supports INS' Strategic Plan goals: Professionalism and Infrastructure.** INS is dedicated to the provision of institutional infrastructure and employee professionalism - which includes facilities, support staff, and planning - to support a mission that has grown significantly during the past 10 years and will continue to grow. Because of the rapid growth experienced by INS, the infrastructure and professionalism support has not been able to keep pace with the service and enforcement missions. IN FY 2001, INS will continue to address these serious deficiencies and backlogs to ensure that the workforce can perform efficiently and effectively. There are three major components to this effort: (1) supporting and protecting the workforce with a safe, secure, and adequate working environment, including facilities, vehicles, career development, along with relevant policies; (2) supporting the mission objectives with timely and efficient administrative processes and support for personnel, physical, and financial assets, procurement, budgeting, and planning; and (3) instilling productive attitudes into the workforce such as those dealing with teamwork, empowerment, and communication.

Immigration and Naturalization Service
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, $3,120,280,000, as follows:

Enforcement and Border Affairs

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including no to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed [3,075] *3,010*, of which [2,266] *2,215* are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; [$1,107,429,000] *$2,580,890,000* of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: [and of which not less than $18,500,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office:] *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, [2000] *2001, except in such instances when the Commissioner determines that enforcing this overtime provision would harm enforcement or service activities: Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year [: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued

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operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis].

Citizenship and Benefits, Immigration Support and Program Direction

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", [$535,011,000] *$539,390,000*, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: [*Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,150,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel or either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears:] *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, [2000] *2001, except in such circumstances when the Commissioner determines that enforcing this overtime provision would harm enforcement or Service activities*: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That the notwithstanding any other provision of law, during fiscal year [2000] *2001*, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

[Violent Crime Reduction Programs]

[In addition, $1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.: *Provided*, that the Attorney General may use the transfer authority provided under the heading "Citizenship and Benefits, Immigration Support and Program Direction" to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund. (Department of Justice Appropriations Act, 2000, P.L. 106-113.)]

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Explanation of Changes:

1. This change in the Enforcement and Border Affairs appropriation language is needed to delete language regarding the transfer of $18,500,000 in funding to the Department of Justice Wireless Management Office. This funding has been transferred and the language is no longer required.

2. This change in both Enforcement and Border Affairs and Citizenship and Benefits, Immigration Support and Program Direction is needed to provide the Commissioner with the authority to authorize overtime above the calendar year $30,000 limitation in instances where enforcement or service activities would be adversely affected.

3. This change in the Enforcement and Border Affairs appropriation language is needed to delete language regarding the operation of the San Clemente and Temecula Border Patrol checkpoints. These checkpoints are being operated in a manner which addresses Congressional concerns regarding their operation. In view of this, the language is no longer needed.

4. This change in Citizenship and Benefits, Immigration Support and Program Direction appropriation is needed to delete language regarding the staffing level of the Offices of Legislative Affairs and Public Affairs and resources budgeted for their operation. The office's combined staffing level remains within the Congressionally established limit. In view of this, the language is no longer needed.

Immigration and Naturalization Service
Salaries and Expenses/Violent Crime Reduction Programs
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity / Program	1999 Enacted			Approved Reprogrammings			Transfers			Carryover			1999 Availability		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Enforcement:															
Inspections	1,634	1,691	$171,595	...	...	...	...	...	...	...	...	...	1,634	1,691	$171,595
Border Patrol	10,491	9,407	916,780	...	...	...	...	...	$1,345	...	...	$4,726	10,491	9,407	922,851
Investigations	2,761	2,476	283,702	...	...	...	...	...	387	...	...	1,256	2,761	2,476	285,345
Detention & Deportation	3,361	3,026	553,731	...	...	...	...	...	...	...	...	17,899	3,361	3,026	571,630
Intelligence	86	86	9,518	...	...	...	...	...	...	...	...	...	86	86	9,518
Subtotal	18,333	16,686	1,935,326	...	...	...	...	...	1,732	...	...	23,881	18,333	16,686	1,960,939
Citizenship & Benefits:															
Adjudications & Naturalization	100	150	77,713	...	...	...	...	...	...	...	...	...	100	150	77,713
International Affairs	42	38	11,525	...	...	...	...	...	...	...	...	1,958	42	38	13,483
Subtotal	142	188	89,238	...	...	...	...	...	...	...	...	1,958	142	188	91,196
Immigration Support:															
Training	134	122	17,470	...	...	...	...	...	...	...	...	262	134	122	17,732
Data & Communications Syst.	210	194	239,548	...	...	...	...	...	...	...	...	2,522	210	194	242,070
Information & Records Mgmt.	1,042	934	101,311	...	...	...	...	...	...	...	...	...	1,042	934	101,311
Construction & Engineering	...	...	...	...	...	...	...	...	...	...	...	1,696	...	...	1,696
Legal Proceedings	623	625	60,335	...	...	...	...	...	...	...	...	...	623	625	60,335
Subtotal	2,009	1,875	418,664	...	...	...	...	...	...	...	...	4,480	2,009	1,875	423,144
Program Direction:															
Management & Admin	1,250	1,232	115,799	...	...	...	...	...	...	...	...	3,633	1,250	1,232	119,432
Subtotal	21,734	19,981	2,559,027	...	...	...	...	...	1,732	...	...	33,952	21,734	19,981	2,594,711

Transfers. This column includes a transfer of $1.7 million from HIDTA.

Immigration and Naturalization Service
Salaries and Expenses/Violent Crime Reduction Programs
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity / Program	2000 President's Budget Request/1			Base Transfer from S&E to Exams Fee			Congressional Action/2												2000 Appropriation Anticipated		
							Base Reductions			WMO Transfer	Requested Increases			Congressionally Approved Increases			.38% Rescn.				
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Amount		Perm. Pos.	WY	Amount
Enforcement:																					
Inspections	1,721	1,735	$188,771	...	...	(79)	..	..	($858)	...	(87)	(44)	($6,000)	...	..	...	...		1,634	1,691	181,834
Border Patrol	10,491	10,111	1,044,011	...	...	(280)	..	..	(24,204)	(14,059)	..	..	...	430	215	$50,000	(24)		10,921	10,328	1,055,444
Investigations	2,863	2,668	313,543	...	...	(111)	(102)	(102)	(12,699)	(3,194)	...	...	...	...	..	...	...		2,761	2,566	297,539
Detention & Deportation	3,546	3,215	576,504	...	...	(94)	..	..	(986)	(1,257)	(185)	(92)	(20,000)	186	93	174,000	(21)		3,547	3,216	728,146
Intelligence	86	86	10,258	...	...	(5)	..	..	(48)	...	...	...	...	...	...	...	...		86	88	10,205
Subtotal	18,707	17,815	2,133,087	...	...	(569)	(102)	(102)	(38,795)	(18,510)	(272)	(136)	(26,000)	616	308	224,000	(45)		18,949	17,885	2,273,168
Citizenship & Benefits:																					
Adjudications & Naturalization	100	200	87,272	...	...	(376)	..	..	...	..	..	..	..	...	...	...	...		100	200	86,896
International Affairs	42	38	12,235	...	...	(1,401)	..	..	(3)	..	..	..	..	...	...	...	...		42	38	10,831
Subtotal	142	238	99,507	...	...	(1,777)	..	..	(3)	..	..	..	..	...	..	...	...		142	238	97,727
Immigration Support:																					
Training	134	122	17,942	...	...	.	..	..	(6)	..	..	..	..	...	...	...	...		134	122	17,936
Data & Communications Syst	224	201	282,584	...	...	(27,893)	..	..	(25)	..	(14)	(7)	(50,000)	...	..	...	...		210	194	204,666
Information & Records Mgmt	1,042	1,087	106,278	(21)	(21)	(4,315)	..	..	(60)	..	..	..	..	...	...	...	...		1,021	1,066	101,903
Construction & Engineering	...	...	...	...	...	...	...		...	..	..	..	..	...	...	...	...		...	...	...
Legal Proceedings	623	625	64,403	...	...	(10)	..	..	(65)	...	...	...	...	...	...	...	...		623	625	64,328
Subtotal	2,023	2,035	471,207	(21)	(21)	(32,218)	..	..	(156)	..	(14)	(7)	(50,000)	...	..	...	...		1,988	2,007	388,833
Program Direction:																					
Management & Admin	1,250	1,237	131,837	...	...	(320)	...	...	(135)	...	...	...	...	...	...	...	(10)		1,250	1,237	131,372
Subtotal	22,122	21,325	2,835,636	(21)	(21)	(34,884)	(102)	(102)	(39,089)	(18,510)	(286)	(143)	(76,000)	616	308	224,000	(55)		22,329	21,367	2,891,100

1/Includes permanent effects of 9 position Table of Organization technical adjustment which originated in FY 1998. This adjustment was needed following a comparison of the Table of Organization (TO) to the TO reprogramming that was submitted to Congress in FY 1998.

2/Congressional Action: The Congress approved an increase of 616 positions, 308 workyears, and $224,000,000 for the combined S&E/VCRP Accounts. This includes430 Border Patrol Agent positions, as well as 186 positions, 93 workyears, and $174,000,000 for the Detention and Deportation program.

The Congress directed base transfers from the Salaries and Expenses Appropriation of: 1) 21 positions, 21 workyears, and $34,884,000 to the User Fee Account and 2) $18,510,000 to the Wireless Management Office.

Included in the base reductions amount is $7,849,000 related to annualization of the FY 99 pay raise; $20,000,000 associated with delays in the hiring of Border Patrol Agents; and 102 positions, 102 workyears, and $11,240,000 reflecting the retention of Interagency Crime Drug Enforcement (ICDE) activities in the ICDE account.

Immigration and Naturalization Service
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Enforcement and Border Affairs Account

	Perm. Pos.	WY	Amount
2000 Enforcement Account as enacted			
(Direct)	13,928	13,332	$1,107,429
(VCRP)	5,021	4,553	1,075,446
Total, 2000 Enforcement Account as enacted	18,949	17,885	2,182,875
Government-wide .38% Recission pursuant to H.R. 3425	...	...	(45)
Transfers:			
Transfer from S&E - Benefits 1/	...	...	108,848
Transfer to Wireless Management Office	...	...	(18,510)
Total, 2000 Enforcement Account Availability	18,949	17,885	2,273,168
Adjustments to Base			
Increases	...	889	107,627
FY 2001 Enforcement Account Base	18,949	18,774	2,380,795
Program Changes, Enforcement Account (Detailed Below)	795	398	200,095
Total, FY 2001 Enforcement Account	19,744	19,172	2,580,890

Citizenship and Benefits, Immigration Support and Program Direction Account

	Perm. Pos.	WY	Amount
2000 Citizenship and Benefits Account as enacted			
(Direct)	3,152	3,269	$535,011
(VCRP)	228	213	191,779
2000 Appropriation as enacted	3,380	3,482	726,790
Government-wide .38% Recission pursuant to H.R. 3425	...	...	(10)
Transfers:			
Transfer to S&E - Enforcement 1/	...	...	(108,848)
Total, 2000 Citizenship and Benefits Account Availability	3,380	3,482	617,932
Adjustments to Base			
Increases	...	60	15,382
Decreases 2/	(304)	(404)	(124,000)
FY 2001 Citizenship and Benefits Account Base	3,076	3,138	509,314
Program Changes, Citizenship and Benefits Account (Detailed Below)	140	70	30,076
Total, FY 2001 Citizenship and Benefits Account	3,216	3,208	539,390
Total, FY 2001 S&E Enforcement/S&E Benefits Request	22,960	22,380	3,120,280

1/ In order to comply with congressional direction contained in the FY 2000 appropriation, a transfer of $108,848 is to be transferred from the INS Benefits appropriation to its Enforcement appropriation. No programmatic changes are associated with this transfer. It is needed only to align resources in the accounts to match base program requirements.

2/ Transfer of the Naturalization Initiative Back to Exams Fee

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Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Enforcement and Border Affairs Account

Estimates by budget activity	2000 Availability Perm. Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
1. Enforcement	18,949	17,885	$2,273,168	18,949	18,774	$2,380,795	19,744	19,172	$2,580,890	795	398	$200,095
Direct (non-add)	[13,928]	[13,332]	[1,197,746]	[13,928]	[13,913]	[1,265,164]						
VCRP (non-add)	[5,021]	[4,553]	[1,075,422]	[5,021]	[4,861]	[1,115,631]						
Reimbursable Workyears		117			117			117			...	

Citizenship and Benefits, Immigration Support and Program Direction Account

	2000 Availability Perm. Pos.	WY	Amount	2001 Base Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
1. Citizenship and Benefits	142	239	$97,727	42	38	$19,109	42	38	19,109	...	...	...
2. Immigration Support	1,988	2,007	388,833	1,784	1,852	352,833	1,834	1,877	377,637	50	25	24,804
3. Program Direction	1,250	1,237	131,372	1,250	1,248	137,372	1,340	1,293	142,644	90	45	5,272
Total, Benefits	3,380	3,482	617,932	3,076	3,138	509,314	3,216	3,208	539,390	140	70	30,076
Direct (non-add)	[3,152]	[3,269]	[426,153]	[2,848]	[2,925]	[317,532]						
VCRP (non-add)	[228]	[213]	[191,779]	[228]	[213]	[191,782]						
Reimbursable Workyears		1			1			1			...	
Subtotal, FY 2001 INS Enforcement	18,949	17,885	2,273,168	18,949	18,774	2,380,795	19,744	19,172	2,580,890	795	398	200,095
Subtotal, FY 2001 INS Benefits	3,380	3,482	617,932	3,076	3,138	509,314	3,216	3,208	539,390	140	70	30,076
Total, INS FY 2001 Enfr. & Benefits	22,329	21,367	2,891,100	22,025	21,912	2,890,109	22,960	22,380	3,120,280	935	468	230,171
Reimbursable Workyears		[118]			[118]			[116]			[...]	

Immigration and Naturalization Service
Salaries and Expenses/VCRP
Summary of Resources by Program
(Dollars in thousands)

Enforcement and Border Affairs Account

Estimates by Program	1999 Availability			1999 Actual			2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Enforcement:																		
Inspections	1,834	1,691	171,595	1,634	1,809	170,210	1,634	1,691	181,834	1,634	1,705	192,987	1,749	1,783	218,182	115	58	$25,195
Border Patrol	10,491	9,407	922,851	10,491	9,576	920,853	10,921	10,326	1,055,444	10,921	10,816	1,114,650	11,351	11,031	1,207,550	430	215	92,900
Investigations	2,761	2,475	265,345	2,761	2,628	265,157	2,761	2,566	297,539	2,761	2,708	318,858	2,761	2,709	318,858	...	...	...
Detention and Deportation	3,361	3,026	571,630	3,361	3,245	569,355	3,547	3,216	728,148	3,547	3,459	745,874	3,797	3,584	827,874	250	125	82,000
Intelligence	86	86	9,518	86	79	9,610	86	86	10,205	86	86	10,826	86	86	10,826	...	...	...
Direct (non-add)	13,928	13,332	1,283,780	13,928	14,125	1,283,923	13,928	13,332	1,197,748	13,928	13,913	1,265,184	19,744	19,172	2,580,890	795	398	200,095
VCRP (non-add)	4,405	3,354	677,159	4,405	3,212	671,362	5,021	4,553	1,075,422	5,021	4,861	1,115,831	...	...	...	...	...	...
Total	18,333	16,686	1,960,939	18,333	17,337	1,955,185	18,949	17,885	2,273,168	18,949	18,774	2,380,795	19,744	19,172	2,580,890	795	398	200,095
Reimbursable Workyears		103			103			117			117			117			---	
Total Workyears		16,789			17,440			18,002			18,891			19,289			398	

Citizenship and Benefits, Immigration Support and Program Direction Account

Estimates by Program	1999 Availability			1999 Actual			2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Citizenship & Benefits:																		
Adjudications & Naturalization	100	150	77,713	100	31	75,788	100	200	86,896	...	...	8,621	...	...	8,621	...	...	...
International Affairs	42	38	13,483	42	38	13,199	42	38	10,831	42	38	12,488	42	38	12,488	...	...	...
Subtotal	142	188	91,196	142	69	88,987	142	238	97,727	42	38	19,109	42	38	19,109	...	...	...
Immigration Support:																		
Training	134	122	17,732	134	157	13,512	134	122	17,936	134	134	18,251	134	134	18,251	...	...	...
Data and Communications Systems	210	194	242,070	210	192	231,808	210	194	204,666	210	206	199,865	210	206	219,865	...	...	20,000
Information and Records Mgmt	1,042	934	101,311	1,042	713	93,025	1,021	1,066	101,903	817	862	67,563	817	862	67,563	...	...	...
Construction and Engineering	...	...	1,896	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	823	625	60,335	823	665	60,878	823	625	64,326	823	650	67,154	673	875	71,958	50	25	4,804
Subtotal	2,009	1,875	423,144	2,009	1,727	399,223	1,988	2,007	388,833	1,784	1,852	352,833	1,834	1,877	377,637	50	25	24,804
Program Direction:																		
Management and Administration	1,250	1,232	119,432	1,250	1,277	115,759	1,250	1,237	131,372	1,250	1,248	137,372	1,340	1,293	142,644	90	45	5,272
Direct (non-add)	3,173	3,082	442,504	3,173	2,868	414,468	3,152	3,269	426,153	2,848	2,925	317,532	3,216	3,208	539,390	140	70	30,076
VCRP (non-add)	228	213	191,168	228	213	189,501	228	213	191,779	228	213	191,782	...	...	...	...	...	...
Total	3,401	3,295	633,772	3,401	3,073	603,969	3,390	3,482	617,932	3,076	3,138	509,314	3,216	3,208	539,390	140	70	30,076
Reimbursable Workyears		1			1			1			1			1			---	
Total Workyears		3,296			3,074			3,483			3,139			3,209			70	
Total, S&E Combined	21,734	19,981	2,594,711	21,734	20,410	2,559,154	22,329	21,367	2,891,100	22,025	21,512	2,890,109	22,966	22,580	3,120,280	935	468	230,171
Reimbursable Workyears		104			104			118			118			118			---	
Total Workyears, S&E Combined		20,085			20,514			21,485			22,030			22,498			468	

Immigration and Naturalization Service
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections - Judgements, Savings:	1999 Actual	2000 Appropriation Enacted	2001 Estimate	Increase/Decrease
Immigration User Fee	$454,144	$487,000	$529,103	$42,103
Immigration Examinations Fee	639,042	754,200	807,317	53,117
Immigration Services Capital Investment	..	..	92,500	92,500
Non-Immigrant Petitioner H-1B Fee	754	1,125	1,125	...
Land Border Inspections Fee	1,050	1,548	1,641	93
Breached Bond/Detention Fund	149,315	69,035	110,134	41,099
Immigration Enforcement	3,929	1,850	1,850	...
Interagency Crime and Drug Enforcement	10,719	15,300	15,759	459
Assets Forfeiture Fund	3,256	5,503	5,778	275
Reimbursement from the Wireless Management Office	..	8,741	8,916	175
Miscellaneous reimbursements	...	11,990	12,864	874
Budgetary Resources	1,262,209	1,356,292	1,586,987	230,695

	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
Estimates by Program	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Immigration User Fee:												
Enforcement	3,438	3,321	$370,020	3,436	3,261	$380,831	3,592	3,595	$420,270	154	332	$39,439
Citizenship and Benefits	..	..	..	..	..	..	..	..	..	...	...	...
Immigration Support	216	198	61,989	216	198	81,875	216	201	83,267	...	3	1,392
Program Direction	182	160	22,135	182	160	24,294	182	160	25,566	...	...	1,272
Total	3,836	3,679	454,144	3,836	3,621	487,000	3,990	3,956	529,103	154	335	42,103
Immigration Examinations:												
Enforcement	505	480	32,207	505	443	34,785	559	470	46,743	54	27	11,958
Citizenship and Benefits	3,885	4,262	446,721	3,885	4,566	499,878	4,126	4,791	535,626	241	225	35,748
Immigration Support	1,005	1,040	148,224	1,026	1,006	204,761	1,230	1,193	209,010	204	187	4,249
Program Direction	131	113	11,890	131	105	14,776	131	105	15,938	...	...	1,162
Total	5,526	5,895	639,042	5,547	6,120	754,200	6,046	6,559	807,317	499	439	53,117
Immigration Services Capital Investment:												
Citizenship and Benefits	.					.	..	...	92,500	...	...	92,500
H-1B Fee:												
Citizenship and Benefits	.	.	754		.	1,125	.	...	1,125	...	...	...
Land Border Inspections Fee:												
Enforcement	12	18	1,050	12	26	1,548	12	26	1,641	...	...	93
Breached Bond/Detention Fund:												
Enforcement	6	6	144,943	6	5	67,182	6	44	107,991	...	39	40,809
Immigration Support	4	3	472	4	3	389	4	3	421	...	...	32
Program Direction	11	11	3,900	11	11	1,464	11	16	1,722	...	5	258
Total	21	20	149,315	21	19	69,035	21	63	110,134	...	44	41,099
Immigration Enforcement:												
Enforcement	...	.	3,929	.		1,850	..	...	1,850	...	...	...
Interagency Crime and Drug Enforcement:												
Enforcement	..	102	10,719	.	115	15,300	..	115	15,759	...	...	459
Assets Forfeiture Fund:												
Enforcement	...	.	3,256	..	.	5,503		...	5,778	...	...	275
Reimbursement from the Wireless Management Office:												
Enforcement	...	.		.	.	8,741	...	...	8,916	...	...	175
Miscellaneous Reimbursements	.	.		..	1	11,990	...	1	12,864	..	..	874
Total	9,395	9,714	1,262,209	9,416	9,902	1,356,292	10,069	10,720	1,586,987	653	818	230,695

Notes:

Obligations for the Examinations Fee and the User Fee accounts for FY 2000 include resources contained in planned reprogramming notifications.

Obligations for the Breached Bond/Detention Fund do not include the annual $6,000,000 transfer to the General Fund of the U.S. Treasury.

Obligations shown for Reimbursements from the Wireless Management Office are not contained in the estimate of offsetting collections in the FY 2001President's budget

FTE amounts shown in this exhibit differ from those shown in the President's Budget Appendix.

Immigration and Naturalization Service
Salaries and Expenses
Program Performance Information
(Dollars in thousands)

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Inspections			
2000 Appropriation Enacted	1,634	1,691	$181,834
2001 Base	1,634	1,705	192,987
2001 Estimate	1,749	1,763	218,182
Increase/Decrease	115	58	25,195

BASE PROGRAM DESCRIPTION:

- The Inspections program staffs 136 land border ports-of-entry on the Canadian and Mexican borders through which 85 percent of the persons who enter the United States each year are admitted. The number of persons entering the United States through land border ports exceeds four hundred million per year. Inspectors at land border ports administer immigration and other federal laws, civil and criminal, to all applicants. They carry out enforcement actions such as expedited removals, prosecutions, seizure of property, interdiction of narcotics, and levy and collect bonds posted as a condition of entry. Land border Inspectors also serve as canine handlers interdicting smuggled aliens and drugs, serve as intelligence officers, and as national Immigration Response Team members.

- At land ports, Inspectors operate several special facilitation programs, such as dedicated commuter lanes (including Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) lanes on the Mexican border) for pre-cleared enrollees, automated permit ports, which extend the hours of small remote ports on the Canadian border, and remote video inspection on the Canadian border that links low volume ports, through interactive video connections, to an open port, allowing real time inspections after hours. Some of the cost of providing special services is defrayed by levying fees for processing nonimmigrant permits and enrollment in special programs.

- Additionally, many land border Inspectors service nearby general aviation airports for private international aircraft arrivals, small vessels and ferries on the Great Lakes and connecting waterways, and international train arrivals. Besides being specially

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trained in the application of immigration law and skilled in the detection of fraudulent documents and malafide applicants. Inspectors are cross-designated to perform Customs checks. At land border ports, INS Inspectors carry out the primary inspection duties for INS, Customs, and Department of Agriculture's Animal and Plant Inspection Service.

- INS Inspectors exercise a new responsibility, formerly assigned to immigration judges, to remove inadmissible applicants to their countries of origin. During these formal expedited removal proceedings, Inspectors apprehend, investigate, create records of proceeding and remove inadmissible aliens. In excess of 70,000 cases are processed annually.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Border Patrol			
2000 Appropriation Enacted	10,921	10,326	$1,055,444
2001 Base	10,921	10,816	1,114,650
2001 Estimate	11,351	11,031	1,207,550
Increase/Decrease	430	215	92,900

BASE PROGRAM DESCRIPTION

- The Border Patrol's primary mission is to apprehend illegal aliens and alien smugglers that enter the U.S. illegally. As such, the Border Patrol is responsible for ensuring that the entry of persons into the U.S. between ports-of-entry is controlled in a manner that is consistent with national interests.

- Border Patrol agents deter uncontrolled entry into the interior of the U.S. by: the rapid detection, interception, and apprehension of illegal entrants at or near the border; interdicting or deterring illegal aliens, drug smugglers, potential terrorists and criminals from attempting illegal entry between ports-of-entry; and causing persons seeking admission into the United States to present themselves at designated ports for inspection.

- Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors. Additional support is provided by observation aircraft, low light level television systems, and infrared viewing devices. Border Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including bicycles, motorcycles, all-terrain vehicles, boats, and

horses. Traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason.

- The Border Patrol arrests thousands of undocumented aliens, non-deportable aliens, and U. S. Citizens for violating Immigration laws, and other criminal offenses. Border Patrol Agents use the Automated Fingerprint Identification System (IDENT) to collect and record fingerprint and biographical data on all apprehended aliens, and the Enforcement Case Tracking System (ENFORCE) to process undocumented aliens arrested for voluntary departure or removal from the United States.

- The Border Patrol has primary responsibility for drug interdiction between the land ports-of-entry. The Border Patrol participates in numerous interagency drug task force operations with other federal, state and local law enforcement agencies through its participation in Operation Alliance along the southern border. The Border Patrol also works closely with Joint Task Force Six (JTF-6), Department of Defense, in support of the Patrol's border enforcement operations. To further assist the Border Patrol in this endeavor, all Border Patrol Agents receive Drug Enforcement Administration Title 21 cross-designated authority as part of their basic training.

- The Border Patrol conducts border control activities from the decks of various sized marine craft along the coastal waterways of the United States, Puerto Rico and the interior waterways common to the United States and Canada. The marine patrol consists of 55 vessels in 16 Border Patrol sectors, nationwide.

- The Border Patrol canine program was implemented in 1986 in response to escalating alien and drug smuggling activities along the Mexican and Canadian borders. The canines are trained to locate hidden persons, marijuana, heroin and cocaine. The canines are used in nearly every enforcement activity of the Patrol including linewatch, traffic operations, and train and bus checks. The canine program is responsible each year for the detection of record numbers of smuggled aliens and large narcotic loads, including the apprehension of the criminals involved in smuggling activities.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
2000 Appropriation Enacted	2,761	2,566	$297,539
2001 Base	2,761	2,708	316,858
2001 Estimate	2,761	2,708	316,858
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Investigations program represents the interior enforcement component of the INS charged with investigating violations of the criminal and administrative provisions of the INA, and other related provisions of the United States Code. The program's staff of Special Agents, immigration agents, and support personnel perform their duties at INS district offices, and their respective sub-offices, Border Patrol sector offices, and domestic and foreign detail posts.

- There are six broad investigative objectives: 1) support national drug interdiction and reduction efforts and counter criminal alien activity by participating in federal (ICDE, OCRSF), State and local task forces; 2) identify and remove incarcerated criminal aliens; 3) counter immigration fraud; 4) counter alien smuggling; 5) enforce alien employment provisions of the INA; and 6) investigate aliens who are determined to be national security or terrorist threats.

- Although there are distinct differences between each of the investigative objectives, there is also a relationship and overlap. For example, it is not unusual for a Worksite Enforcement investigation to lead to a fraud or alien smuggling organization.

- **Violent Gang and Drug-Related Activity**: One area in which the INS is focusing its efforts is violent criminal alien gangs in designated cities where INS Special Agents, in coordination with other law enforcement agencies, are working to dismantle criminal organizations through the identification, apprehension, conviction, and removal from the country of alien members in these criminal groups. The Investigations program will continue its commitments to the task force activities funded by the Interagency Crime and Drug Enforcement appropriation, (previously known as the Organized Crime Drug Enforcement appropriation) and Violent Gang Task Force (VGTF) efforts, and work in coordination with other federal, state and local law enforcement agencies.

- **Criminal Aliens:** The Criminal Alien Program has responded to the various statutes in recent years that have directed INS to identify and process aliens convicted of deportable offenses through different approaches:
  (1) The Institutional Removal Program (IRP) was developed in order to identify criminal aliens within Federal, State, and local correctional institutions, who are subject to removal once they have completed their sentences, and commence removal proceedings while they are still serving their sentences. The IRP process makes possible the immediate removal of aggravated felons and other criminal aliens at the completion of their sentences. This process eliminates the need for an agent to locate an alien after his release, and eliminates the need for INS detention after release from a State, Federal, or local correctional institution.
  (2) The Probation and Parole Program was developed in order to identify, process, and remove criminal aliens that are living in the community. Special Agents work closely with Probation and Parole Officials in order to process criminal aliens that were not identified during their incarceration in state and federal prisons, or who were placed on probation in lieu of incarceration.
  (3) County Jail Projects were developed in order to identify, process, and remove criminal aliens within a county or local jail. Investigators visit large county jails on a regular basis in order to identify and process criminal aliens for removal from the United States.
  (4) The Reentry After Deportation Prosecution Program was developed in order to prosecute criminal aliens reentering the United States after deportation.

- **Fraud**: The Fraud program focuses on the detection and deterrence of immigration fraud, which falls into two broad categories - document fraud and benefit application fraud. Document fraud involves the illegal manufacture, sale, purchase, or use of identity documents to circumvent immigration laws. Benefit application fraud involves the willful misrepresentation of material fact to gain an immigration benefit in the absence of lawful entitlement. Alien criminals and terrorists employ both document and application benefit fraud to facilitate expansion of their illegal activities, which often includes violence, vice, narcotics trafficking, welfare fraud and terrorism. The investigation and prosecution of complex fraud cases is both labor and time-intensive, often requiring many months of work by several agents who conduct undercover operations to identify principal conspirators. Agents utilize available technology to review hundreds of documents, conduct interviews, and gather and assemble evidence necessary to bring a case to trial for successful prosecution.

- **Smuggling**: The INS Anti-Smuggling program is engaged in disrupting and dismantling organizations that traffic in human cargo. There are unprecedented social, political and economic pressures that have created extensive changes in human migration patterns. Anti-Smuggling agents conduct investigations in source and transit countries, at the border and at ports-of-entry, and in the interior, aggressively pursuing criminal organization members domestically and internationally. These agents also are engaged in the identification and prosecution of contractors involved in the recruiting and transporting of illegal workers, organizations that rely on illegal aliens for prostitution, the distribution of weapons and narcotics, and those that facilitate the entry of possible terrorists and/or criminal aliens.

- **Worksite Enforcement**: The Worksite Enforcement program enforces the employer sanctions provisions of the Immigration Reform and Control Act of 1986 (IRCA), which require employers to hire only U.S. citizens or authorized aliens, and to verify the employment eligibility of all workers. The program results in civil and criminal penalties against employers who violate these provisions. INS officers investigate employers, verify eligibility documents, determine the nature and degree of employer compliance, and remove unauthorized aliens from the worksite effectively opening job opportunities for legal workers. The resources for worksite enforcement are primarily directed to lead-driven investigations that involve alien smuggling, human rights abuses, other criminal offenses and substantive administrative violations.

- **Counter-terrorism**: The Investigations program, with its authority to enforce immigration law, is in a unique position to assist in counter terrorism efforts. The INA and related laws, including new provisions contained in IIRIRA (including one establishing the Alien Terrorist Removal Court), allow INS to arrest and detain suspects both criminally and administratively. In order to enter into and remain within the U.S., terrorists often violate immigration laws by smuggling aliens, providing false statements, claiming asylum, and committing other forms of immigration fraud. Through its participation on the FBI's Joint Terrorism Task Forces and other proactive efforts with members of the Intelligence community, INS targets and aggressively pursues members of these organizations, which can lead to the identification of their leaders and thereby disrupt the organization as a whole.

- Asset forfeiture is one of the most effective tools available to law enforcement to dismantle criminal organizations, deter criminal activity, and attack organizations by seizing the proceeds of the criminal enterprise. It fosters a closer working relationship with State and local law enforcement agencies. Through the use of the equitable sharing program INS can share the forfeited assets or proceeds from the sale, with agencies that participated in the investigation.

- The Law Enforcement Support Center (LESC) is responsible for identifying and tracking criminal aliens in the United States. The LESC works in cooperation with State, local and other Federal enforcement agencies that encounter foreign-born individuals during the conduct of criminal investigations or arrests. As part of this investigative assistance, the LESC provides access to information contained in INS databases to these agencies. The LESC also provides access to the United States Marshals Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of State, Bureau of Diplomatic Security. The LESC also participates in the investigation of all individuals who INS has previously encountered and fingerprinted who are subsequently arrested anywhere in the United States and whose fingerprints are submitted to the FBI. Based on the results of these investigations, INS can ensure that individuals whose detention by INS is mandatory are detained and either prosecuted or processed for removal from the United States.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
2000 Appropriation Enacted	3,547	3,216	$728,146
2001 Base	3,547	3,459	745,674
2001 Estimate	3,797	3,584	827,674
Increase/Decrease	250	125	82,000

BASE PROGRAM DESCRIPTION:

- The Detention and Deportation (D&D) program is a critical element in the structure of the INS. Its functions are to detain, exclude, remove, and deport aliens. INS uses Service Processing Centers (SPCs), contract facilities, Joint INS/BOP Federal Facilities, and State/local facilities to detain those aliens subject to deportation, exclusion or removal proceedings who are likely to abscond, or whose freedom at-large would clearly represent a danger to public safety and security until they are ready for removal. To perform these functions, the INS maintains a system of controls that ensures that a case involving an alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

- The D&D program removes deportable, excludable and removable aliens, and avoids detention to the greatest extent possible. The D&D program: (1) tracks the cases through the IHP; (2) updates the necessary data bases; (3) provides case status updates to inmates and their attorneys; (4) obtains required travel documents; (5) makes the necessary travel arrangements, including notification to foreign governments; (6) executes the warrants of deportation and removal; and (7) physically removes criminal aliens from the country, including providing overseas escorts, when necessary, to protect the traveling public or to ensure the criminal's arrival at the intended destination.

- The D&D program ensures that an adequate alien detention capability is available by detaining aliens through nine SPCs, seven INS contract facilities, four joint INS/BOP Federal facilities, and by utilizing State/local facilities that meet INS detention standards.

- The D&D program is responsible for making sure that human, statutory, and regulatory rights are consistently respected. The program provides a health care program staffed by Public Health Service Commissioned Corps officers who provide or arrange for health care for aliens in INS custody. The program also provides humane juvenile shelter care programs in coordination

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with INS International Affairs and through direct INS contracting. In addition, the D&D program conducts a jail inspections program to ensure appropriate detention standards are met in INS contract facilities.

- The D&D program allows other enforcement programs to operate effectively by detaining and removing aliens. Abscondee Removal Teams further support efforts to remove aliens with final orders of deportation or removal, and by locating and removing absconders. This will become more crucial due to provisions contained in IIRIRA, which mandate the detention of every alien with a final removal order during the 90-day removal period.

- Initiatives which have significantly changed D&D operations include use of contract detention facilities; long-range detention resource planning; and major long-term, multi-year detention space augmentation efforts. Other examples are the Institutional Hearing Program under which hearings are conducted while alien inmates serve their sentences and the use of video teleconferencing in hearings to reduce the need to take alien inmates and detainees to hearings outside prisons and detention facilities. Yet another example is criminal alien centralization at sites with enough detention space and personnel for processing cases, for expediting removal hearings.

- The nationwide D&D transportation system has been restructured to make more efficient use of transportation and detention resources. New resource multiplier technology, to further maximize utilization of D&D resources, continues to be developed. Legislation since 1986, in large part emphasizing stricter criminal provisions, has similarly transformed the way D&D does its work. These and other initiatives to remove criminal and other illegal aliens from the U.S. communities, supported by enhanced resources, have recently produced record numbers of removals.

- The Administration's policy is to interdict smuggled illegal aliens at sea prior to entry into our Nation's territorial waters. Over the past few years, INS, working with the Departments of Defense and State, and with the U.S. Coast Guard, have cooperated on numerous operations that have resulted in the swift interdiction and repatriation of hundreds of aliens attempting to be smuggled into this country illegally.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Intelligence			
2000 Appropriation Enacted	86	86	$10,205
2001 Base	86	86	10,626
2001 Estimate	86	86	10,626
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Intelligence program provides strategic and tactical intelligence support to INS offices enforcing the provisions of the INA, and assists other federal agencies in addressing national security issues. Intelligence program activities contribute support to: preventing the entry of illegal aliens, terrorists and narcotics traffickers; identifying alien smuggling operations; detecting fraudulent documents and false claims to U.S. citizenship; and detecting other individuals or organizations involved in the manufacture and sale of counterfeit documents, in application and benefit fraud schemes, and other related criminal activity.

- The Intelligence program provides strategic intelligence assessments to INS management that have long-term importance/relevance to the mission of the agency in terms of operations, planning and policy.

- The Intelligence program maintains communication with appropriate U.S. and foreign government agencies on immigration and national security matters, including the identification and monitoring of known or suspected international terrorists and alien smuggling operations.

- The Intelligence program provides personnel on a full time basis to various national multi-agency task forces including the CIA Counterterrorism Center, the CIA Counternarcotics and Organized Crime Center, the FBI Counterterrorism Center, INTERPOL, and the El Paso Intelligence Center.

- The Intelligence program provides assistance to international law enforcement agencies and international air carriers to detect fraudulent identity documents.

- The Intelligence program provides technical support and assistance to prosecute major document counterfeiters, alien smugglers and other violators of the INA.

- The INS Intelligence program supports the Commissioner's annual priorities in the areas of border and interior enforcement. This is accomplished through provision of specialized training in the areas of intelligence and document fraud to INS officer corps personnel at all levels, through dissemination of investigative leads, through development of threat assessments covering a range of enforcement topics, and through identification and targeting of smuggling organizations, especially those smugglers involved in the death or inhumane treatment of smuggled aliens.

- The Forensic Document Laboratory (FDL) is the only federal crime laboratory dedicated exclusively to the forensic examination of travel and identity documents. It provides a wide variety of forensic document analysis and other law enforcement support services to INS offices, as well as other federal, state, and local agencies and foreign government entities. The FDL works closely with law enforcement officials to detect, interdict, disrupt, apprehend and remove from the United States individuals and organizations involved in the production and distribution of counterfeit documents that facilitate acts of terrorism, smuggling, and other criminal activities.

ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	FTE	Amount
Adjudications and Naturalization			
2000 Appropriation Enacted	100	200	$86,896
2001 Base	...	...	6,621
2001 Estimate	...	...	6,621
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- In FY 1998 appropriations action, the Congress provided $16,830,000 for the purchase and installation of fingerprint scanners to support fingerprinting benefit applicants in INS facilities. Of this amount, $6,621,000 recurs in the 2001 base funding level, primarily for equipment operations and maintenance, as well as a limited amount of equipment replacement .

- The FY 2001 base amount reflects the end of appropriated funding for the naturalization initiatives that were funded in the Salaries and Expenses appropriation in response to a revenue shortfall in the Examinations Fee Account. These resources were provided to accelerate Service efforts to improve the naturalization process and implement major new initiatives designed to improve major new initiatives designed to improve customer service by making the process more timely and efficient.

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ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	FTE	Amount
International Affairs			
2000 Appropriation Enacted	42	38	$ 10,831
2001 Base	42	38	12,488
2001 Estimate	42	38	12,488
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- Enforcement Activities: In coordination with the Department of State, the U.S. Coast Guard, and components of the Department of Justice, the Office of International Affairs actively participates in working with foreign governments to monitor and disrupt the movement of groups being smuggled into the U.S. Through the program's operations, the three overseas district offices work closely with other countries, host country officials, and air and sea carriers in planning, directing, advising and implementing plans that are targeted towards individuals and organizations attempting to move persons illegally into the U.S. through third, or transit, countries, resulting in the repatriation of those persons who do not articulate a fear of return and the prosecution of smugglers. A 1999 smuggling disruption activity in Central America resulted in more than 2,400 individuals, headed towards the U.S., being returned to their country of origin.

- The placement of INS staff overseas allows the INS to establish and maintain an effective long-term working relationship with host country migration authorities, consular officers, and enforcement organizations. This relationship, coupled with a working knowledge of cultural, social and economic conditions in the area, enables officers to gather intelligence information and coordinate enforcement operations, which have a significant positive impact on INS domestic operations.

- INS Overseas personnel, through coordination with domestic INS offices, other U.S. Government agencies, host country governments, airline officials, and other non-government entities, pursue proactive international enforcement strategies such as operation Global Reach. These strategies are aimed at identifying, investigating, deterring, disrupting and reducing illegal activities at their source, as well as identifying key overseas transit locations used by smugglers and mala fide aliens bound for the U.S. As greater diplomatic relations between foreign governments and immigration enforcement officials are forged, INS will more effectively identify illegal migrants seeking to transit to the U.S., as well as to define more collective approaches to deter illegal migration worldwide.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Training			
2000 Appropriation Enacted	134	122	$17,936
2001 Base	134	134	18,251
2001 Estimate	134	134	18,251
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Training program provides the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of the INS workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program operates in a variety of ways: through residential training at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia (basic officer training); at Artesia, New Mexico (advanced/journeyman/specialized training); at the Leadership Development Center in Dallas, Texas (supervisory/management training); through programs conducted by other federal agencies; by private contractors; or in combined presentations using INS and non-INS resources.

- The INS activated a satellite training facility at Charleston Naval Base, South Carolina in April 1996. Beginning in August 1996, the Charleston facility has been used exclusively for Border Patrol training. All other INS officer training, both basic and journeyman, will be conducted at one of the FLETC facilities at Glynco, Georgia, or Artesia, New Mexico, or will be provided via exportable modules at or near employee's duty stations.

- The Training program ensures basic training for all new officers, and advanced and technical training for journeyman officers. It also periodically updates curricula for the basic and advanced training programs. The INS must ensure that its workforce is being utilized to its full potential and this is achieved through the provision of basic and advanced training. Timely training will ensure that the INS Officer Corps is kept current with policies and procedures, thus reducing potential liability costs; (an under-trained workforce would increase the Service's liability exposure).

- The Training program provides mandatory training for INS supervisors, managers, management officials and executives, and technical and specialized training for professional, administrative, technical, clerical and other personnel who support agency operations.

- New training technology will afford the INS an opportunity to provide continuous training for all INS employees at or near their duty station, reducing travel costs, and internal and external costs that come with having to train off-site. While certain requirements such as basic training, firearms and driver training, and other courses involving group interaction and practical exercises may justify a group/residential learning environment, many learning objectives can be addressed by distanced learning packages using video cassettes, workbooks, training pamphlets, and computer-based instruction and, in certain instances, video conferencing. This training can be learner-based, self-paced, ongoing, and reusable. Distanced learning technology promotes the dissemination of information, increases certain desired skill levels, strengthens efficiency, and changes entrenched attitudes.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Data and Communications			
2000 Appropriation Enacted	210	194	$204,666
2001 Base	210	206	199,865
2001 Estimate	210	206	219,865
Increase/Decrease	...	...	20,000

BASE PROGRAM DESCRIPTION:

- The Data and Communications program provides the linkage of employees to information and information technology. There are seven major technology programs included under the Data and Communications program plus the functions collectively known as Information Resources Management (IRM) Operations. The seven program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing systems and technologies, are: 1) Infrastructure 2) Examinations Systems, 3) Inspections Systems, 4) Biometric Identification Systems, 5) Corporate Information Systems, 6) Management Systems (financial and administrative), and 7) Enforcement Systems. IRM Operations include the functions necessary to support the activities of the Data and Communications program. Through development and implementation of these initiatives, the Service will improve the effectiveness and efficiency of Service functions through the use of automation, provide for the operation of data and communications networks, and provide radio communications, telephone call handling, intrusion detection sensors, and electronic security equipment and systems. INS automation efforts are designed to directly support efforts to control the borders of the United States, reduce incentives for unauthorized employment and benefits, and remove criminal and non-criminal aliens. The INS will continue to place an emphasis and priority on its role as a repository of the Nation's records on immigrants, visitors, and illegal entrants, as well as on meeting the customer needs for enhanced technology services and information. A brief description of each of the seven major automation programs follows.

- Infrastructure - The IRM Infrastructure Program provides standard office automation hardware and software to support improved communications and interoperability between INS sites. Through the use of these products, the INS workforce will effectively and efficiently communicate, share data, and provide professional products and services that support customer requirements. The Infrastructure Program encompasses three significant IRM activities. The first and most significant of these activities is Infrastructure Deployment in which the primary goal is to equip each INS office with standard integrated sets of office automation hardware, software, and LAN configurations, along with the telecommunications backbone through which remote and centralized systems and the corporate database are accessed. The second activity, Infrastructure Support, encompasses the full range of ongoing services to support the technology and systems architecture. Included are hardware maintenance, Field Operations Support (FOS), help desk operations, training, and data communications. Hardware maintenance provides the necessary services to ensure ADP equipment is maintained in operating order consistent with manufacturer specifications. The FOS contract provides on-site user support to INS facilities throughout the United States. FOS also provides INS help desk operational support and computer operations and production control services for Headquarters. The training element includes training in the use of the office automation hardware and software, and computer network training to the field to support the modernized computer systems that have been and continue to be installed at INS field offices. Data Communications provides data communication circuits that allow operational users to access INS centralized ADP systems from offices worldwide. The third activity is the Video Teleconferencing (VTC) initiative in support of the Service's Institutional Hearing Program (IHP). The VTC provides for audio and video connectivity between distant INS locations to support INS hearings and legal proceedings.

- Examinations Systems - The Examinations Systems Program provides for an integrated set of functions that incorporates all individual casework-oriented subsystems used to support the processing of applications and petitions for immigration benefits, and associated processes, such as the production of immigration documents. These functions and processes include employment authorization, asylum, resident alien processing, and citizenship application and processing for naturalization.

- Inspections Systems - The Automated Inspections Systems Program supports efforts to manage admissions at ports-of-entry while facilitating passenger travel. Three major automation efforts included under this program are the Interagency Border Inspection System (IBIS), the INS Passenger Accelerated Services System (INSPASS), and the SENTRI/Dedicated Commuter Lane (DCL) and Pilot.

  IBIS, a project operated jointly with the U.S. Customs Service, Public Health Service, and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS provides the deployment, configuration, installation, and support for the personal computers, servers, gateways, and controllers that service these ports-of-entry. INSPASS is an automated inspection system for low-risk, frequent travelers using automated inspection kiosks. This system is currently installed at several of the Nation's major international airports. DCL allows border crossers, pre-enrolled

and authorized by INS, to use automated verification instead of manual inspection. This program develops and deploys machine readable travel documents, which will allow for positive identification of air travelers destined for the United States.

A combination of technology and advanced production techniques will produce entry documents that are fraud resistant and easy to use. Profile scanning and a sophisticated worldwide law enforcement network will quickly and accurately identify persons of interest. Smart card technology, with positive identification features, will facilitate the quick and accurate inspection of low-risk, frequent land travelers. Technology will allow for improved service to the public while increasing the number of inspection hours devoted to high-risk activities.

- Biometric Identification Systems - The INS is developing a single-fingerprint identification system enables the Service to rapidly and accurately identify persons of interest. Work is proceeding to integrate the INS fingerprint identification system with that of the FBI (IAFIS). IDENT is the current INS fingerprint-based identification subsystem that is used by Service law enforcement and benefit systems to assist in the positive identification of persons who are arrested, as well as those who apply for benefits, including the identification of travelers referred to secondary inspection processing, and for automated inspection.

- Corporate Information Systems - This program seeks to integrate and consolidate INS information and records management capabilities in a secure, open system environment. As a part of this program, the Verification Information System (VIS) supports the confirmation of an alien's immigration status, eligibility for certain entitlement benefits, and authorization to work. The INS has continued to re-engineer its data repository systems to streamline and improve its corporate information systems and the data contained in those systems.

- Management Systems - The Management Systems Program includes the development, implementation, and maintenance of financial and administrative applications providing decision support information on INS workload, personnel, and financial resources.

- Enforcement Systems - The INS has continued deployment of the ENFORCE/IDENT capability to designated INS sites, as well as implementing the Encrypted Voice Radio Program (EVRP), in conjunction with the Department's Wireless Management Office. The INS continues providing services to support and maintain the applications systems that support the Enforcement Systems Program (i.e., ENFORCE and ICAD), and the radios, scopes, sensors, and night vision equipment deployed.

- Information Resource Management (IRM) Operations - IRM Operations consists of the planning, policy development, acquisition management, computer security, field and program support, and management activities required to support the technology requirements of the Service. IRM Operations provide the strategic direction and tactical implementation strategies for the effective and efficient development, deployment, and maintenance of automated information resources.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information and Records Management			
2000 Appropriation Enacted	1,021	1,066	$101,903
2001 Base	817	862	67,563
2001 Estimate	817	862	67,563
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Information and Records Management program maintains and manages alien records and files, provides information from those files to fulfill requests, controls and monitors the release of information through the SAVE program and the Congressionally mandated verification pilot programs, the Freedom of Information/Privacy Acts program, it oversees the Service mail management program, and delivers forms and applications to internal and external customers.

- The program develops, implements, and monitors records policy and procedures, promulgates regulations, plans and executes the budget, and carries out operational support functions to support the responsibilities described above.

- Every operational entity in INS relies on accurate, timely and complete data and records, as well as the day-to-day records support operations that make it possible to conduct law enforcement activities, adjudicate benefits, facilitate foreign travel, and support administrative functions. It is the responsibility of the Information and Records Management program to ensure the high level of support demanded by our internal customers. In addition, the program represents the public's interest as the custodian of records and information. The safeguarding of immigration related information, and the appropriate dissemination of that information including its provision to the public and other governmental entities, is a primary objective of this program.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
2000 Appropriation Enacted	623	625	$64,328
2001 Base	623	650	67,154
2001 Estimate	673	675	71,958
Increase/Decrease	50	25	4,804

BASE PROGRAM DESCRIPTION:

- INS attorneys represent INS before the Immigration Courts, the Board of Immigration Appeals, the Office of the Chief Administrative Hearing Officer, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and Boards of Contract Appeals. The attorneys review charging documents for legal sufficiency, prepare for hearings, represent INS in court, prepare appellate briefs, train INS officers, and provide legal advice. The Legal Proceedings program provides litigation support in agency litigation conducted in U.S. District Courts and U.S. Courts of Appeals. Its attorneys provide advice to the Commissioner, Regional Directors, District Directors, Border Patrol Sector Chiefs, and to their respective staffs, on legal matters arising at all levels of agency operations.

- The success of the Service in its responsibilities is intrinsically tied to the effectiveness of its legal representation. Recently-enacted legislation and new Congressional mandates, powers, and resources granted to the Service require expanded enforcement activities, increased arrests, criminal alien removal programs, Institutional Hearing Programs, anti-smuggling efforts, conveyance seizures, expedited removal proceedings, and mandatory detention and removal of undesirable aliens.

- Between FY 1998 and FY 1999, the number of cases received by the Board of Immigration Appeals increased by 23 percent. Indeed, the number of cases received has increased dramatically every year for at least the past five years. Between FY 1994 and FY 1999, the workload increased by 129 percent.

- The number of INS cases received by the Merit Systems Protection Board has increased by 207 percent in just three years -- from 27 cases in FY 1996, to 43 cases in FY 1997, and to 83 cases in FY 1998.

- The additional legal personnel dedicated to labor-related matters will more than pay for themselves by saving the Service tremendous sums of money in attorneys fees and compensatory damages. From FY 1997 through FY 1999, the Service paid over $6.8 million in adverse settlements -- an average of almost $2.3 million per year.

- The U.S. Army Manpower Analysis Agency (USAMAA) recently completed a comprehensive review of the staffing needs of the Legal Proceedings Program. As part of its study, the USAMAA visited the General Counsel's Office in Washington, D.C., the three Regional Counsel Offices, and 29 of the 32 District Counsel Offices. In a 600-page report, the USAMAA thoroughly documented each office's staffing shortfalls and concluded as follows:

  Our study clearly demonstrates that the Legal Proceedings Program is vastly understaffed and underfunded. Its attorneys cannot adequately perform their assigned functions without significant increases in personnel.

The Legal Proceedings program at Headquarters provides the following legal support:

- Examinations Division: This division provides legal assistance to INS program offices as well as to INS and DOJ attorneys on issues related to immigrant and nonimmigrant benefits, naturalization, denaturalization, and inspections. In providing such assistance, the division issues legal opinions, drafts and/or reviews regulations, field guidance, and legislative proposals, responds to inquiries/correspondence from non-agency sources, and provides litigation support.

- Refugee and Asylum Law Division: This division provides formal legal opinions and other legal advice to INS components on issues arising in connection with the Service's asylum, refugee, and temporary protected status programs; takes a major role in devising and carrying out procedures to implement IIRIRA provisions, such as expedited removal; supervises, along with the Office of International Affairs, various programs for screening persons interdicted at sea; drafts and reviews regulations, field instructions, and guidance to the agency, legislative proposals, and management initiatives concerning asylum and refugee processing; represents INS in dealings with other U.S. government agencies, the United Nations, non-government organizations, the media, and foreign governments; oversees efforts to carry out U.S. non-return obligations under the Torture Convention; and participates in the training of INS attorneys, Asylum Officers, Refugee Officers, and other officers throughout the Service and the Executive Branch.

- Enforcement Division: This division provides legal advice related to the Service's enforcement operations. A primary focus is the removal of criminal aliens, including aliens convicted of aggravated felonies and aliens involved in terrorist activities. INS attorneys are stationed in all district and regional offices to coordinate and help ensure the effectiveness of the efforts to remove criminal aliens, including the Institutional Hearing Program. This division also supports and monitors removal proceedings against aliens, litigation in the federal courts, primarily as it relates to removal matters, and the development of Service enforcement operations, including undercover matters, enforcement policies, and implementation of the enforcement-related provisions of AEDPA and IIRIRA legislation.

- Commercial Law Division: Conducts litigation of all contract matters and complex personnel cases for INS. Oversees FOIA, Privacy Act, ADA, and personnel (EEO, MSPB, and OSC) litigation nationwide. Drafts, reviews, and advises on implementation of interagency agreements, MOUs with state and local governments, and audits by the OIG and GAO. Initiates

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financial collection efforts from air and sea carriers, as well as bond sureties, and supports district court litigation of such matters by DOJ.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
2000 Appropriation Enacted	1,250	1,237	$131,372
2001 Base	1,250	1,248	137,372
2001 Estimate	1,340	1,293	142,644
Increase/Decrease	90	45	5,272

BASE PROGRAM DESCRIPTION:

- The Management and Administration program provides management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;

- Executes the provisions of the INA and related policies through the development and implementation of immigration programs and the management of resources;

- Provides for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs, as well as externally mandated requirements;

- Responds to congressional and public inquiries; performs audits, conducts internal investigations, provides informational responses to inquiries from GAO, OIG, OMB and Departmental offices, and develops and evaluates policies and procedures to improve the effectiveness of INS' programs.

- The major administrative functions within the program include: personnel; budget; accounting; internal controls; equal employment opportunity; procurement; property management; fleet management; security; safety and health; and other miscellaneous general services that support all programs.

Border Management and Coordination
Salaries and Expenses
(Dollars in thousands)

Initiative Summary

Elements/Programs	Positions	Workyears	Amount
Border Enforcement			
Inspections	115	58	$10,095
Border Patrol	430	215	52,000
Data and Communication	...	...	20,000
Total, Border Management and Coordination	545	273	$82,095

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Strategy

The INS is dedicated to the basic tenets that the borders of the United States should be characterized by the rule of law, and that the physical integrity of those borders is essential to defining our national sovereignty. At the same time, it is equally imperative that the flow of lawful commerce and the passage of legitimate travelers be encouraged and assisted to the greatest extent practicable. In deterring and denying our border areas to the lawless, INS recognizes that it must not compromise or ignore the rights and needs of the lawful. In FY 2001, the INS will continue to focus its efforts to the tasks of Border Enforcement and Border Facilitation. The FY 2001 request also continues the integration of all INS' enforcement activities, and into those interior areas of our nation that have been targeted by illegal immigrants and criminal organizations.

INS' multi-faceted aspects of the Border Management and Control Strategy is separated into several distinct elements. First, the special requirements of the Ports-of- Entry (POE) are addressed under *Port Enforcement*, where enforcement efforts must target not only more sophisticated methods of illegal immigration and alien smuggling but, also, implement the expedited removal authority granted under IIRIRA. INS, in response to the Attorney General's and Treasury Secretary's Border Coordination Initiative (BCI), is starting to formalize its joint agency efforts with the United States Customs Service (USCS). The BCI outlines a major strategic plan for INS, developed with the USCS, to build a stronger platform of cooperation based on six core initiatives: Port Management Model, Intelligence, Investigations, Technology, Communications, and Aviation and Marine. By creating enforcement and facilitation strategies that prioritize inspections by security risk, INS can expedite the inspection of U.S. citizens and legal aliens, and dedicate more resources to the detection and apprehension of aliens attempting to enter the country illegally. Second, the request speaks to the *Deterrence & Apprehension* of unlawful border crossers who seek to enter between the POEs.

These requests specifically support the National Border Control Strategy, as well as the FY 2001 Strategy Statements addressing Officer Safety and the Border Coordination Initiative (BCI). BCI has been so successful, that it has expanded from its original 6 initiatives (Port Management, Intelligence, Investigations, Air/Marine, Technology and Communications) to 8. The two new initiatives are Performance Measurements and Integrity. The goals that have been achieved with BCI include: increased cooperation among agencies; joint intelligence sharing, unified intelligence reporting, joint enforcement efforts at the POEs, joint community outreach efforts; jointly working on investigations, implementation of a coordinated effort on controlled deliveries; exchange of seizure and investigative information; improved coordinated processing of INS documents to allow for a smoother transition of controlled deliveries; expanded use of Interagency Border Inspection System, progress in improving radio communications; joint operations provided knowledge of method and best practices for use by both USCS and USBP; numerous joint field operations were conducted; and with the Air/Marine initiative, joint fuel usage, training, landing pads and safety mission effort sharing.

Element: Border/Port Enforcement and Facilitation

Program	Positions	Workyears	Amount
Inspections	115	58	$10,095

Narrative Description:

Included in this element are two pieces--1) Port Enforcement: 28 additional Immigration Inspectors to support expedited removal workload requirements, and 2) Port Facilitation: 87 Immigration Inspectors to staff (backfill staffing) the three new ports-of-entry along the southern border.

- 28 Immigration Inspectors, 14 workyears, and $2,458,000 are requested for the Inspections program, in order to meet the increased workload related to the expedited removal process at land border POEs in FY 2001. Under Section 302 of IIRIRA, INS inspectors are now authorized and required to process inadmissible aliens for expedited removal, rather than send these cases through the Executive Office for Immigration Review (EOIR). The expedited removal process is very labor intensive (1-2 hours on the average) for Inspectors in secondary inspection, requiring an increased amount of time spent in alien interviews, completion of required paperwork and entries into the Deportable Alien Control System (DACS), and supervisory reviews of the case. After its first full year of activity, expedited removals at the land borders continue to generate a tremendous workload for the Inspections program. In FY 1998, INS Inspectors removed approximately 76,000 aliens at land border ports who previously would have been scheduled for a hearing with an Immigration Judge or simply asked to withdraw their applications. The number of expedited removals continue to grow and show no signs of reversing this pattern. For example, just in the span of one month's increase (Dec 1998 to Jan 1999), expedited removals surged over 4,000.

- To conform with the law, expedited removal workload cannot be deferred or backlogged, but is performed by existing Inspections staff. Additional overtime has been authorized to allow extra officer hours to be available at the heavy processing location. This is particularly so at regions where expedited removal authority was used to complement Border Patrol enforcement strategies. Also, officer hours have been moved from other important primary and secondary functions to alleviate the long waits for expedited processing. Finally, a significant segment of the aliens have been allowed to withdraw applications for admission who otherwise would have been processed as expedited removals had sufficient staff resources been available. With an additional 28 Immigration Inspectors, about 24,000 additional expedited removals would be completed annually (based on 2 hours per completion).

- 87 Immigration Inspectors 44 workyears, and $7,637,000 are requested in the Inspections program to staff (backfill staffing) the opening of three new POEs along the southern border. Section 121 of IIRIRA mandates that INS eliminate undue delays in the inspection of persons and vehicles lawfully entering the United States over land borders via increases in INS and USCS inspectors. To avoid delays, POEs must be appropriately staffed for the volume of traffic. INS was authorized to open three new southern ports but did not receive any FY 2000 staffing enhancements. USCS received comparable staffing for these ports in FY 2000. The requested positions will allow INS, in conjunction with USCS, to ensure that primary inspection lanes at these new POEs will be staffed for peak travel times. Eagle Pass II and Los Tomates, Texas have already opened their ports, and the requested positions would backfill staffing needs. Laredo, Texas is scheduled to open in June of FY 2000.

- Facilitation of lawful travel and commerce through northern and southern land POE serves as a major component of the INS' overall Border Management and Coordination and Control strategy. Under the auspices of treaties and accords between the United States, Canada, and Mexico, such as the North American Free Trade Agreement (NAFTA) and the Canadian Accords on our Shared Borders, INS has a responsibility to assist in the free movement of persons and goods between countries.

- In FY 1996, INS total inspections at land POEs numbered just over 400 million. In FY 1997, INS received 150 additional land border Inspectors to address a growing workload but has not received any more since that time. Land border traffic in FY 1998 was approximately 420 million inspections and then increased to almost 440 million in FY 1999. INS anticipates that total inspections will increase to approximately 460 million in FY 2001. Currently, INS' Workload Analysis Model indicates that there still remains a large unmet need for additional land border Inspectors at the northern and southern borders.

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Program	Positions	Workyears	Amount
Border Patrol	430	215	$ 52,000
Data & Communications	...	...	20,000
Total	430	215	$72,000

Narrative Description

- **Border Enforcement Operations.** This request pertains to the full range of strategic, tactical and support activities designed to sustain and expand INS' continuing commitment to controlling all our nation's borders. However, there is a clear emphasis on the Agency's determination to gain control and manage the Southwest border -- a continuing, focused, but as yet unfinished effort. Over the past several years, the INS, the Administration and the Congress have invested extraordinary efforts and resources in the National Border Control Strategy and the concept of "Prevention through Deterrence." Both the San Diego and the El Paso areas have achieved and are maintaining control. The Rio Grande Strategy, that has evolved from Operation Rio Grande as a subset of INS' National Border Control Strategy, has significantly improved border control in the McAllen, Laredo and Del Rio Sectors of South Central Texas during the past two years. These are only some of the most visible of the many stretches of the Southwest border that have experienced an unprecedented improvement in their quality of life and economic well-being, in part as a result of the Border Patrol and other INS enforcement programs. But there are 1,900 miles of border between Imperial Beach, California and Port Isabel, Texas, and whenever one section is brought under control, another area is pressured. Furthermore, as the migration patterns and entry corridors are pushed from the urban and suburban areas into the more desolate and less hospitable lands, the incidents of human suffering and tragedy increase. Much of the staffing, equipment and technology employed along the border by INS serves the double duty of enforcing the law and preserving life.

  Beyond the Southwest border, the problems of the Northern and maritime borders are presenting new challenges. Reinforced by recent Congressional mandates, awareness of the troublesome potential of this area requires directing some of the requested resources in FY 2001 toward the deployment of staff, force-multiplying technology and infrastructure improvements to the Northern and maritime borders depending on migration patterns analyzed at the time of deployment. One of the most important lessons learned from our operations and deployments in the Southwest is that the Border Patrol must ensure that agents are provided with the necessary equipment and technology, shelter and support facilities, to do their job properly. Agents must have the tools to do the job for which they have been trained and assigned.

A total of 430 positions, 215 workyears, and $52,000,000 is requested to provide enhanced Border Patrol operations in FY 2001.

The number of apprehensions made by the Border Patrol have exceeded 1.5 million annually for three of the past four years. The number of other than Mexican nationals apprehended in 1999 was nearly 45,000, the highest level since 1993. Only in a limited number of border areas where a decisive level of agent staffing has been built up since 1993, such as San Diego, El Paso and the Brownsville area of the McAllen Sector, has a decline in the number of apprehensions occurred along with noticeable positive effects on the border communities in those locations. Unfortunately, many other areas of the border have not reached the same decisive levels of staffing necessary to bring about the same dramatic deterrent effects on illegal entry attempts. The 430 new agents in FY 2001 will also have a positive effect in the interdiction of drugs being smuggled across the border. The Border Patrol continues to make record numbers of drug seizures including nearly one million pounds of marijuana and nearly 30,000 pounds of cocaine seized along the border in FY 1999. The increase in drug smuggling between the land POE is expected to continue as additional resources and new detection equipment is deployed at and between the major ports of entry.

Closely following the vision and recommendations of the National Border Control Strategic Plan, the Border Patrol Five-Year Staffing Plan, and the 1997 INS Anti-Smuggling Strategy, the greatest portion of the new agents will augment existing forces along the Southern land border. However, as in the past, the FY 2001 deployment will be dependent upon the shift in migration patterns and organized smuggling activities, as well as the need to proactively place resources in areas of highest anticipated activity, before the illegal elements can become entrenched.

- **Border Enforcement Force-Multipliers:** In performing its mission, the Border Patrol cannot and does not function on staffing resources alone. There are simply too many miles of border, and too many ways to circumvent human senses and abilities. As a result, the Patrol has learned to enhance the capabilities of its personnel with "force-multipliers." This is the term that has come to be applied to that technology and specialized equipment that makes a single Border Patrol Agent, or a small group of agents, many times more effective and efficient. In effect, the technology and equipment "multiplies" the number of agents. Notwithstanding this, it must be remembered that technology and equipment do **not** replace Agents: *equipment does not make apprehensions.* It does, on the other hand, improve the capability of our agents to protect the border.

  Integrated Surveillance Intelligence System (ISIS): The budget requests $20,000,000 to support the deployment of an additional 60 ISIS systems along the Northern and Southern border and to fund an operations and maintenance program to ensure system quality. The program mission of ISIS is to provide a capability to effectively monitor and manage vast portions of the border from remote facilities and permit officer responses to known incursions.

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The deployment of the ISIS technology along the border provides day and night visual coverage of the border through high resolution color and infrared cameras. Major component systems of ISIS include: the Intelligent Computer Aided Detection (ICAD) systems, unattended ground sensors, portable infrared scopes and a comprehensive system of fixed camera along the border (i.e. the Remote Surveillance System(RVS)). Each RVS system consists of a pole with one to four cameras. A site consists of a fixed monitoring point for an area covered by many of these systems. By the end of FY 1999, INS had deployed 76 ISIS systems and expects to add 74 additional systems in FY 2000. In locations along the Mexican and U.S. border in New Mexico, Arizona and Texas, this technology has had a dramatic effect on border control and management and is credited with increasing the safety of officers who must respond to border incursions. Because this technology can be deployed to vast, open areas and to rugged terrain not easily accessible by Border Patrol agents it serves as an effective deterrent to potential illegal border crossers.

The border enforcement request of 430 Border Patrol agents and 60 ISIS systems will permit INS to enforce the rule of law and enhance border management over larger portions of the border. In support of the 2001 request for Border Patrol agents and technology, INS will deploy these staff and technology resources in a manner that will permit their combined performance and the results from the deployment to be measured. The performance of the agents and surveillance technology will help develop an "optimum mix" of staff, border barriers and technology and assist in determining what future resources are needed to gain control over specific border locations.

Interior Enforcement
Salaries and Expenses
(Dollars in Thousands)

Programs	Positions	Workyears	Amount
Identify & Remove Criminal Aliens			
National Transportation	...	...	$10,000
Juvenile Bed	11	6	3,465
State and Local Bed Space	109	54	51,891
Detention Standards for IGSAs	80	40	8,644
Improve Utilization of NCIC	50	25	8,000
Total, Interior Enforcement	**250**	**125**	**$82,000**

Strategy

For FY 2001, INS has adopted a two-tiered approach to support these priorities: 1) refocus existing enforcement resources; and 2) enhance certain activities with new resources. The resources requested will directly support the first of the strategic priorities as follows:

Priority 1: Identification and Removal of Criminal Aliens

Identify criminal aliens as they are processed through the criminal justice system and remove them as appropriate. These activities will direct resources to state and federal prisons where criminal aliens are currently incarcerated, to programs in which aggravated felons currently on parole or probation are apprehended, and to activities actively seeking out absconders convicted of a crime and subject to removal.

1. Enhance the National Transportation System
2. Expand Juvenile Bed Space
3. Expand State and Local Beds
4. Implement Detention Standards in IGSAs
5. Improve Utilization of the National Crime Information Center

Priority 2: Detection, Disruption, and Dismantling of Organized Smuggling and Trafficking

INS is changing the emphasis of its law enforcement efforts. The focus is now on disrupting and dismantling the criminal infrastructure that encourages and benefits from illegal migration including smugglers, counterfeit document producers, transporters and employers who exploit and benefit from illegal migration.

Priority 3: Respond to Local Reports and Complaints

Of special concern to local communities and law enforcement has been the impact of criminal alien activity, unauthorized employment of illegal aliens, the movement of smuggled aliens along interior transportation routes, and its effect on the economy and the quality of life in local communities.

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Priority 4: Benefit Fraud and Other Document Abuse

Maintaining the integrity of the legal immigration system requires an aggressive investigation and prosecution strategy against immigration benefit fraud and document abuse.

Priority 5: Block and Remove Employers' Access to Unauthorized Workers.

The INS will maintain a sustained and comprehensive approach to denying employers access to unauthorized workers, thus re-affirming the crucial role played by the employer in creating an effective deterrent to illegal migration. INS will identify and target notorious and egregious employers.

Element: Enhance the National Transportation System

Programs	Positions	Workyears	Amount
Detention and Deportation	...	...	$10,000

Narrative Description

- With 275,000 illegal aliens annually entering the U.S., INS' Detention and Deportation Program continues to face a growing workload.

- Detention and Deportation patterns shift along with the flow of alien traffic. As INS infuses more enforcement resources along the southwest border, illegal aliens adjust their movements accordingly. These shifting detention patterns impact various jurisdictions throughout the country whereby Detention and Deportation staff provide air and ground transportation to move deportable aliens to and from limited nationwide detention facilities, medical facilities, Courtroom hearings, non-U.S. destinations, and other such locales. Over the years, the requirements to transport, escort, and execute alien removals have resulted in the evolution of a Detention and Deportation "National Transportation System." Expedited deportation of illegal aliens is a crucial component for an effective enforcement of the Nation's immigration laws.

Enhance JPATS Resources for 85,000 Total JPATS Movements

- This request includes the following resources for JPATS movements:

- Detention and Deportation: A total of $10,000,000 -- and 5,550,000 in the Breached Bond Detention account -- to fund 16,000 additional domestic and repatriation JPATS movements. This request, combined with the $5,550,000 requested in the Breached Bond Detention Fund will enable INS to fund a total of 85,000 total JPATS movements in FY 2001.

- In October 1995, the Attorney General directed INS and the United States Marshals Service (USMS) to merge their respective air transport operations into the Justice Prisoner and Alien Transportation System (JPATS), under the management of the USMS. This system incorporates air operations of the INS, Federal Bureau of Prisons (BOP), and USMS into a safe, secure, and efficient network for the transportation and/or removal of INS deportable aliens, BOP prisoners, and USMS detainees.

- Air transport operations via JPATS are a critical component of the National Transportation System. JPATS movements serve as one of the more economical means of transporting large numbers of aliens from various staging areas around the country to those locations where they may be removed from the United States. From FY 1996 to FY 1999, INS increased its use of JPATS by 117 percent.

- Resources requested for increased JPATS movements are based on projected Service-wide usage. The FY 2001 request includes resources for repatriation flights to Central America, the Caribbean, and parts of Africa. The FY 2001 request is an 18 percent increase over the FY 2000 projected target. Increased INS JPATS movements were determined using the following factors: 1) DOJ recommendations to eliminate prolonged bus trips thereby improving treatment of aliens as well as safety compliance; 2) compensation for a lack of available local jail space in certain areas; 3) accommodation of several INS work-site special operations and Border Patrol highway operations simultaneously; 4) Congressional and DOJ recommendations to decrease the transportation of INS detainees on commercial airlines; and 5) a priority to increase the removal of aliens.

Element: Expand Juvenile Bed Space, and State and Local Beds

Programs	Positions	Workyears	Amount
Detention and Deportation	200	100	$64,000

Narrative Description

- Increasing bed space is linked to increased removal numbers. Implied in efforts to increase the number of formal removals is an appropriate increase of detention capabilities. In practice, increased removal targets and increased detention capabilities do not always move hand in hand. Few cases are uncontested, making it hard to gauge an alien's length of stay in INS custody. Certain types of aliens necessitate more bed detention resources due to the complexity of the docket case as is the case with unaccompanied minor illegal aliens and long-term detainees; and even after INS invests its resources, for many of these aliens removals are not imminent. This initiative, combined with the funding for beds requested in the Breached Bond Detention Fund, requests funding to increase INS' average daily detention beds by 1,167 above the FY 2000 base level for a total of 19,702 beds.

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Enhanced Juvenile Bed Space
The request for an increase in beds for unaccompanied minors includes the following components:

- Detention and Deportation: 11 positions (7 Deportation Officers, 3 Detention Enforcement Officers, and 1 Procurement Analyst to be based at Headquarters), 6 workyears, and $3,465,000. This includes $2,270,000 for alien detention, $114,000 for detention vehicles and $40,000 for laptop computers, pagers, and cellular telephones. This initiative, when fully implemented in FY 2002, will result in the removal of 190 additional juvenile aliens supported by 38 average daily beds funded with S&E resources.

- As stated in INS' Annual Performance plan, Management Core Function Goals, INS needs to provide increased bed space for unaccompanied minors to support the growing influx of juvenile illegal aliens apprehended by INS Enforcement Officials. Also, INS' Detention and Incarceration Goal addresses the critical importance of providing a safe, secure, and humane confinement for persons detained. Jenny Lisette Flores, et al vs. Janet Reno was a class action lawsuit filed against INS that challenged INS' policy regarding the arrest, processing, detention, and release of minors in INS custody. The settlement actions, effective February 1997, resulted in stricter policies concerning juvenile illegal aliens. In support of these goals and responding to the Flores settlement, INS implemented a new, comprehensive unaccompanied minor alien program in April 1997, providing national standards to ensure the safety and welfare of unaccompanied minors who are in the United States illegally. This request supports INS' strategic goals by increasing the number of bed spaces available for detaining juvenile aliens while also supporting INS' efforts to promote Federal, State, and local cooperation to expedite the removal of unaccompanied minor detainees.

- INS' Enforcement Officials have experienced a steady increase in the illegal alien traffic flow of unaccompanied minors since fiscal year 1995. The number of juveniles taken into INS custody increased 34 percent from FY 1995 to FY 1997. In FY 1998, the number of unaccompanied minors taken into custody reached 4,457, an increase of 61 percent over FY 1997. This rate of increase is continuing; 5,644 juveniles were taken into custody in FY 1999.

- To address increasing numbers of unaccompanied minor illegal aliens, this S&E funded initiative will fund 38 critically needed detention bed spaces for juveniles nationwide in both contract and shelter care facilities. Detention space for unaccompanied minors is procured through INS' Unaccompanied Minors Shelter Care Program (UMSCP) and through a number of Intergovernmental Service Agreements (IGSAs) with State and local governments nationwide. After unaccompanied minors are apprehended, like their adult counterparts, some are removed immediately; others are held for short periods (under 72 hours); and the remaining require longer detention periods. Both shelter care and contract facilities are

required to address the different needs of the unaccompanied minor illegal aliens.

- This initiative also requests Detention and Deportation staff to perform services associated with the processing, detention, and release of unaccompanied minors. Given the high level of scrutiny placed on juvenile aliens in INS custody by advocacy groups, INS requires resources to hire, train, and equip INS Enforcement Officers so that they learn how to apply and comply with the stringent constraints associated with Flores, as well as keeping abreast of new developments and trends in immigration law regarding unaccompanied minors. Increased staff for the unaccompanied minor program is based on the following factors: guidance from the Flores settlement; INS' Escort and Restraint Policy for unaccompanied minors, which in some categories is 1:1; and INS' new detention standards developed for juvenile aliens in its custody.

- Resources for Detention and Deportation Docket Clerks will provide the necessary support for the processing of the juvenile detainees. Advocacy groups have long held unaccompanied minor detention cases under a microscope, and with the Flores settlement the INS has committed itself to maintaining a high level of care for juvenile aliens and their interests.

Increase Funding for State and Local Bed Space

- INS requests 109 positions (25 Deportation Officers, 67 Detention Enforcement Officers, and 17 support) 54 workyears, and $51,891,000 to support an additional 1,000 funded average daily State and local beds. This amount includes $27,375,000 for alien detention, $13,500,000 for removals, and $1,870,000 for vehicles to transport aliens. This initiative will facilitate the removal of an additional 10,000 illegal aliens. This enhancement will add 1,000 new detention beds enabling INS to reach an average annual funded bed level in FY 2001 of 19,702.

- INS has been faced with an explosion in its need for detention beds. In FY 1994, INS had funding for 5,532 detention bed spaces. This number of funded bed spaces grew 172 percent, an annual average of almost 2,400 bed spaces per year, to 15,050 bed spaces from FY 1994 to FY 1998. The INS detained population grew with the beds. In FY 1999, due to an increase in mandatory spending on personnel costs, on JPATS movements, and on Public Health Service costs, INS was faced with funding 801 less beds than it had in FY 1999. INS was, therefore, unable to adhere to its plan for bed space expansion as outlined in the Federal Detention Plan 1997-2001. Faced with this situation, with the end of the Temporary Period Custody Rules (TPCR), and coupled with the destruction caused by Hurricane Mitch in four Central American countries, INS found itself detaining permanent residents that it now was required by IIRIRA to detain, and that it formerly had released based on the unlikelihood that they would abscond. Furthermore, INS was unable to remove criminal aliens in its detention facilities to those Central American countries affected by Hurricane Mitch while those countries recovered from the hurricane. Indeed, INS scrambled to make bed spaces available for criminals being released from prisons who had completed the Institutional Removal Program. However, they could not be removed until travel documents and clearances had been obtained.

Furthermore, Hurricane Mitch had the effect of causing tens of thousands of people to begin the trek northward toward the United States border.

- Although INS bed space requirements for FY 1999 were estimated by the Federal Detention Plan as far back as 1997 to be 18,200, INS did not have funding for this number of beds and was forced to request a supplemental appropriation and a reprogramming to deal with the cascading effects of the end of TPCR and the destruction of Hurricane Mitch. INS must continue to expand its detention bed space in FY 2001 to meet its mandatory detention requirements.

- INS is required by law to detain aliens subject to mandatory detention. In FY 1999, approximately 97% of INS' detention beds were devoted to the detention of mandatory detainees, thereby leaving very few beds for the detention of non-mandatory detainees. As a result, INS enforcement efforts suffered. INS was compelled to bond out of custody most of the non-mandatory detainees it apprehended in enforcement operations including aliens INS believed would abscond and never appear for their hearing before an immigration judge. Thus, INS enforcement suffered without the ability to detain non-mandatory aliens. INS has determined that, given the current level of enforcement resources, an appropriate number of average daily detention beds for non-mandatory detainees is 2,500. Anything less would not enable INS to enforce the Immigration and Nationality Act in regards to non-mandatory administrative cases. INS projects a need of 19,702 detention beds in FY 2001 in order to comply with the mandatory detention provisions in IIRIRA. With this enhancement, INS should at least be able to address its detention requirement for mandatory detainees.

Detention Standards for IGSAs

- As INS' detainee population has grown since FY 1994, INS has been forced to expand its funded bed space levels by purchasing detention space in State and local jails through Intergovernmental Service Agreements (IGSAs). Indeed, INS' IGSA average daily bed space usage rate of 1,654 had grown to 7,430 by FY 1998. INS is projecting an average daily IGSA bed space usage rate of 11,050 in FY 2001. Because INS is compelled to rapidly expand IGSA utilization in a vast and varied number of non-Federal facilities, INS cannot rely on obtaining IGSA bed space that is always completely compliant with INS' detention standards. The INS, therefore, proposes implementing a program in which its detention standards will be administered, implemented, and maintained with a dedicated staff and funding for upgrading both small and large IGSA facilities. Phase I of this three phase implementation plan will be implemented with funds provided in FY 2000. A total of 80 positions (40 Deportation Officers, 37 Detention Enforcement Officers, and 3 Procurement Officers), 40 workyears, and $8,644,000 will be needed in FY 2001 to pay for the second phase of this implementation plan.

- The detention standards consist of four services for detainees. First, detainees will attend a Group Legal Rights video presentation in which their legal rights are outlined; this will require the purchase of a television and video cassette recorder

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for the IGSAs. Second, detainees will have access to Legal Materials; this will require the initial purchase of Legal Reference material, the maintenance of the legal material, the purchase of updates to the legal material, the replacement of the legal material when necessary, office supplies, and miscellaneous costs to include envelopes, stamps, notary services, certified mail, and interpreters. Third, detainees will have access to telephones, which will meet a one phone per 25 detainees standard, assuring reasonable privacy for detainees when using the telephones; alternate means to meet the telephone standard when telephone use is needed outside telephone contracts (cell phones, transportation of aliens to an INS District Office to make certain phone calls); provisions for detainees to make inter-facility calls to family members; and establishment of detainee messaging systems. Finally, detainees will have visitation in private consultation rooms for attorney/client meetings.

- The INS potentially has access to IGSA bed space in approximately 900 state and local facilities. The INS has IGSAs with 538 facilities, and access to another 400 facilities through IGSAs with the U.S. Marshals Service. The INS will concentrate its efforts and resources in Phase I by implementing the detention standards in those facilities actively in use. In the first half of FY 1999, INS was actively utilizing a total of 227 IGSA facilities. By the end of FY 1999, INS will implement the detention standards and operating procedures in its Service Processing Centers and Contract Detention Facilities within its base level of resources; these hold more than 45% of INS detainees. In Phase I, during FY 2000, detention standards will be implemented in the 25 local facilities with the most INS detainees (an average daily population of 100 or more detainees), holding approximately 35% of all INS detainees; counting persons held in SPCs and CDFs, the cumulative total will be 75-80% of all detainees. In FY 2001, during Phase II, 100 more facilities (those with an average daily population of 10-100 detainees), holding approximately 20% of INS detainees, will receive upgrades in compliance with the detention standards. Phase II will be completed by the end of FY 2001, and a total of 95% of INS detainees will be covered by the detention standards.

- In FY 2001, 37 deportation teams are requested to implement and administer the detention standards. Each deportation team will consist of a single Deportation Officer and a single Detention Enforcement Officer. In implementing the detention standards at IGSAs, the following distribution of positions was applied: 1) One deportation team was assigned to every facility with 100 or more detainees and currently without any INS liaison; 2) One deportation team was assigned to every 6 facilities within a district that detain 100 or fewer detainees each; 3) Regional Office supervision of the program will require two Procurement Officers and two Regional Deportation Officers at each Regional Office; 4) Headquarters administration of the program will require one Procurement Officer, one Program Analyst, and two Supervisory Deportation Officers.

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FY 2001 Requests for Increased Beds (Funded Average Daily Population)	
FY 1998 Bed Level	15,050
Impact of Higher than expected costs & full hiring of staff to Bed Level	(801)
Resulting Initial FY 1999 Bed Level	14,249
FY 1999 Emergency Supplemental	2,945
FY 1999 End of Year Bed Level	17,194
Expiration of One Year Supplemental Funding for Beds in FY 2000	(2,945)
FY 2000 Detention Amendment (net increase)	4,286
FY 2000 Bed Level	18,535
FY 2001 Interior Enforcement Enhancements **Juvenile Bed Space (average daily population)** Requested in the S&E Account (38 bed spaces)) Requested in the BB/DF Account (82 bed spaces)	**120**
State & Local Bed Space (average daily population)	**1,000**
NCIC Bed Space	**47**
TOTAL FY 2001 Initiatives	**1,167**
GRAND TOTAL FUNDED AVERAGE DAILY BEDS	**19,702**

1973

Element: Improve Utilization of the National Crime Information Center (NCIC)

Programs	Positions	Workyears	Amount
Detention and Deportation	50	25	$8,000

Narrative Description

Expand NCIC Capabilities to Address Serious Backlog of Inputting INS's Criminal Alien Records into Nationwide Database

- This request totals 50 positions (18 Deportation Officers, and 32 support), 25 workyears, and $8,000,000 for expanding NCIC data entry. This includes $1,286,625 for alien detention (75 total detention beds), $1,000,000 to install terminal connections through State and local systems, $344,000 for detention vehicles, $175,000 for an NCIC/CJIS Expert Contractor, $310,000 for travel costs, and $1,494,375 for alien removals. INS requests resources for the National Crime Information Center (NCIC)/Criminal Justice Information Services (CJIS) to improve and expedite its capability to locate aliens on the Wanted Persons File and the Deported Felon File, track stolen property, and to obtain criminal history records.

- The NCIC is a centralized automated database of information which is entered primarily over a nationwide telecommunications system to the FBI's central computer. All authorized criminal justice agencies can enter records and make inquiries regarding individuals and property which they encounter on a day-to-day basis. In fact, NCIC databases are accessed by hundreds and thousands of law enforcement officers in their routine investigations of law violators. This technology provides an excellent opportunity for INS to post alerts to law enforcement officers that the detained person may be a deportable criminal alien. When law enforcement officers become more aware of INS' use of the NCIC System and make additional inquiries that are not being made now, they will become a considerable asset in identifying criminal aliens. INS will then have the opportunity to process the alien for removal. To obtain any benefits from the NCIC System, the NCIC System records must first be entered into the System. Thereafter, all encounters of individuals by the criminal justice system, which are run through the System, can be harnessed to locate records subjects thus avoiding more resource-intensive investigative efforts.

- Presently, INS is not using NCIC to its full potential and is in jeopardy of losing its NCIC privilege if it cannot maintain its database records in full compliance. Over the past 6 years INS has grown tremendously and is now close to becoming the largest user of NCIC but does not have the necessary program management structure in place, nor the resources to enter records and respond to confirmed record matches of criminal aliens. INS cannot afford to succumb to bigger backlog

problems. In 1974 INS lost the privilege to enter records into the NCIC System as a result of failing to properly maintain the database and, 17 years later, after providing assurances to the FBI, INS was permitted to make inquiries of the NCIC system again.

- In 1991, INS pursued a cautious limited approach to participating in the NCIC System, which was to centralize the entry of records at INS Headquarters. All qualifying information was required and sent from the field to Headquarters via mail or facsimile. The Headquarters staff performs quality control and enters the record. INS received a budget enhancement in FY 1996 to meet the workload criteria at that time. Subsequently, the criteria for records entry has increased dramatically. In December of 1996 the Attorney General mandated that all qualifying wanted persons information had to be entered into the NCIC Wanted Person File, and within 24 hours. As of September 10, 1999, 230,929 cases qualified for entry in the Wanted Person File but only 8,925 qualifying records were contained in the File. INS is unable to enter all qualifying records within the mandated 24 hours. Also in 1996, with FBI's approval, INS created and implemented a new NCIC file exclusively for INS to enter records on deported aggravated felons. IIRIRA expanded the definition of aggravated felons whose records qualify for entry into the File. As of September 10, 1999, only 29,625 qualifying records were contained in the Deported Felon File, resulting in a backlog of 170,375 remaining to be entered. Given the serious backlog of data entry, INS is further restricted from performing other mandated NCIC System requirements such as adequate periodic validation/quality control checks of records, and resources to verify that records match is confirmed. INS must have sufficient staff and equipment in the field to ensure that the record subject and individual being detained are the same, that the arrest process is still outstanding or the deportee has re-entered illegally, to make a detention decision, and to transport, process, and then remove the individual. The NCIC System requires that INS provide records confirmation 24 hours a day, seven days a week.

- This initiative proposes to decentralize the record entry back to the field where the initial qualifying information is developed. This is absolutely necessary to avoid delays in the entry of records and ensure timely updating and removal of records. This model of decentralized entry adopts the national approach to entry of NCIC records. Following the FBI model, INS would connect INS District Offices to local, regional, and State computer systems, which interface to the FBI NCIC System. Requested resources would permit the field to respond to the growing demand placed on INS to administer its NCIC System, and result in the entry of 54,000 qualifying records per year into the Deported Felon File. This request is based on the number of positions and growth in the program that INS can absorb in a single fiscal year. Requests for resources to further address the need to enter qualifying records may be made in future years.

- Resources for Detention and Deportation Program Specialists, and administrative staff, will provide the necessary support for data entry of the thousands of records, validation and quality control checks on the records, and legal support, necessary to gain the full benefits the NCIC database provides to law enforcement.

- In addition, the $1,000,000 for Data and Communications program is needed to install terminal connections through local, regional, and State systems to NCIC. INS will staff the NCIC System at INS Field Offices. This funding will also be used for leasing and/or purchasing terminals required for the connections, as well the purchase of some telecommunication and modem equipment. Telecommunications cost requirements vary by State.

Infrastructure and Professionalism
Salaries and Expenses
(Dollars in thousands)

Initiative Summary

Programs	Positions	Workyears	Amount
Legal Proceedings	50	25	$4,804
Management & Administration	90	46	$5,272
Total	140	71	$10,076

***Note: Infrastructure and Professionalism elements are also in the Construction Account.**

Strategy

For FY 2001, the INS continues its commitment to improving the institutional development and infrastructure needed to sustain the enormous growth in the workforce over the past several years. This priority provides critical services to support the service and enforcement missions of the Agency. It also ensures that a motivated and diverse workforce is well-trained and empowered to do its job. The Infrastructure and Professionalism initiative focuses on restoration of base resources, improving personnel management and accountability, increasing staffing support in both the Regions and Headquarters, developing and implementing employee support requirements, and achieving integration of the various mission areas and strategies. This initiative will improve the INS' ability to support its operational requirements and the FY 2001 Infrastructure and Professionalism strategies. INS' strategy under this initiative is to:

- reduce backlogs and increase vehicle replacement;
- Improve professionalism and motivation through effective management of diversity in our workforce, and through more flexible career development and geographic mobility strategies;
- improve organizational discipline and responsiveness by establishing more effective modes of internal communication, and by better integrating strategic planning across the various complex service areas.

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Infrastructure and Professionalism
Salaries and Expenses
(Dollars in thousands)

Element: **Financial and Debt Management Services**

Program	Positions	Workyears	Amount
Management & Administration	60	31	$3,312

Narrative Description

- INS requests 60 positions, 31 workyears, and $3,312,000 to staff the Burlington Debt Management Center and the Dallas Finance Center. Twenty-five positions will go to Burlington, 25 to Dallas, and 10 to the Headquarters. With the requested positions, INS will have a fully independent and operational Debt Management Center (DMC) that will report to the Office of Financial Management (OFM). This center will perform all duties and responsibilities relating to the servicing of deposits, bond receipt administration, as well as the collection and administration of other account receivable services (ie, administrative fines, un-collectable checks, etc.).

- Under Congressional approval of the INS finance restructuring, a debt management center was approved for Burlington, Vermont, as well as the Dallas Finance Center, this request is the first step in implementing the restructuring. This increase in data entry capabilities will benefit INS through the production of better financial reports and systems control. The Burlington Center will be a revenue producer for INS, and will more then pay for itself annually, through improved debt collections and other receivables:

  a. Aggressively pursue outstanding debt after 45 days (prior to referral to Treasury), and collect money that would otherwise be uncollectible or cost INS a fee for collection.

  b. Bond audits – The DMC could provide the field with timely reports and follow-up on bond breaches that have not been finalized. This would result in breaches being collected and recorded in the financial system more timely.

1978

- The mission of the Dallas Finance Center has evolved from a regional support staff to a national payments management center, which in conjunction with the Debt Center in Burlington and the National Hiring Center, Twin Cities, results in a consolidated financial operation at three locations. The additional positions requested herein will support a strategy of integration of budgetary, financial and property systems. This center also allows INS to be compliant with the Prompt Pay Act and to process travel vouchers within 5 days.

- The additional support at the Dallas Finance Center along with additional support at other OFM sites will give INS the ability to obtain and maintain a "clean" audit opinion by directing accounting resources to the reconciliation of accounting records such as open obligations and the fund balance with Treasury. Additional resources will also be used to update financial records accurately and timely.

- The headquarters positions are for accountants to fill current voids that contribute to INS' inability to obtain a clean audit opinion. The OFM's lack of accountant positions was recognized in the FY98 Financial Statement Audit Report. The report stated that INS lacks adequate staff resources (notably accountants) to perform the reconciliation of financial transactions. In October of 1998, a Clean Audit Team (CAT) was formed using employees from various offices within INS. This group was convened because of the lack of resources within the Office of Finance. The implementation of the CAT Team confirmed that if OFM is given the proper resources (skill level & numbers), great strides can be made in producing accurate financial data.

- This enhancement request, provides the staffing and financial requirements to continue operations beyond FY 2001.

Element: Administrative Center Staffing

Program	Positions	Workyears	Amount
Management & Administration	30	15	$1,960

Narrative Description

- INS requests 30 positions, 15 workyears, and $1,960,000 to restore service to an acceptable level that meets customers needs and expectations. These positions directly support field operation, administering a full range of administrative support services as provided by each of the Administrative Centers.

1979

- As the Administrative Centers' customer base has increased, so too has the demand for the personnel services, including: the Labor Management Relations caseload, EEO complaints, payroll, employee benefits, personnel actions, and awards. Each branch within the Administrative Centers' Human Resources Division has seen between a 30-50% increase in their workloads. The permanent staffing levels in the Administrative Centers have remained static 147 for Burlington, 146 for Dallas, and 160 for Laguna Niguel, while the officer corps has grown by over 75%.

- In February 1996, the Justice Management Division issued a Report, Management Review of Administrative Services. In the summary of Chapter 1, Overview of INS, the report states:

> "During the last five years, INS has experienced considerable growth in funding and staff resources in response to policy emphases on better controlling illegal immigration and serving legal immigrants more efficiently. The agency has naturally been required to adjust its organizational design, not without some "growing pains." For a number of reasons, INS' administrative resources have not kept pace with enforcement and immigration service enhancements. This has been particularly true in the case of management and administration resources within the large direct Salaries and Expenses appropriation. .....the overall decline in INS' staffing in almost every major administrative activity suggests a disturbingly weak administrative infrastructure which has been hard pressed to support achieving the agency's mission effectively."

Element: **Legal Proceedings Base Shortfall**

Program	Positions	Workyears	Amount
Legal Proceedings	50	25	$4,804

Narrative Description

- INS is requesting 50 positions, 25 workyears, and $4,804,000 for the Legal Proceedings program.

- These positions are requested to ensure INS can meet its legal representation requirements, without the requested positions, INS will have: (1) delayed removal of illegal aliens, including aggravated felons and other criminal aliens; (2) prolonged detention of aliens; (3) escalated detention costs; (4) inadequate representation before the Immigration Courts and the BIA; (5) an ineffective employer sanctions program; (6) an ineffective enforcement program; (7) delayed naturalization revocations; (8) delayed legal advice to INS personnel; (9) an escalation in the number of subpoenas issued against INS; (10) an escalation in

the number of Freedom of Information Act and Privacy Act requests; (11) delayed services to the public;; (12) adverse decisions in labor-related litigation; (13) delayed promulgation of regulations; (14) the issuance of mandamus orders against INS; (15) the issuance of injunctions against INS; (16) class action suits resulting in additional work for INS; (17) adverse federal court decisions; (18) unfavorable public scrutiny and Congressional oversight; (19) inadequately trained immigration officers; (20) payment of EAJA fees and other costs; and (21) a significant degradation of our ability to effectively litigate sensitive cases involving terrorism and national security.

- Several other recently-enacted laws require significant additional attorney consultation support, including: (1) a new statute requiring reinstatement of prior deportation and removal orders, (2) amended statutes emphasizing the need for administrative removal proceedings by the INS and judicial removal proceedings by district court judges, (3) new statutes eliminating relief from deportation or removal and restricting waivers available to inadmissible and deportable aliens, and (4) a new statute requiring the expedited removal of certain inadmissible arriving aliens. In addition, recent legislation eliminates or severely restricts judicial review of removal orders and INS detention determinations involving criminal aliens. These statutes are generating a significant increase in judicial review proceedings, requiring more attorney representation and consultation support.

- The U.S. Army Manpower Analysis Agency (USAMAA) recently completed a comprehensive review of the staffing needs of the Legal Proceedings Program. As part of its study, the USAMAA visited the General Counsel's Office in Washington, D.C., the three Regional Counsel Offices, and 29 of the 32 District Counsel Offices. In a 600-page report, the USAMAA thoroughly documented each office's staffing shortfalls and concluded as follows:

> Our study clearly demonstrates that the Legal Proceedings Program is vastly understaffed and underfunded. Its attorneys cannot adequately perform their assigned functions without significant increases in personnel. Based on its FY 1997 workload, the program needs . . . an additional 444 employees -- 293 attorneys and 151 support personnel -- above and beyond its current authorized staffing levels. This analysis does not include the additional manpower that will be necessitated by future increases in the program's workload.

Element: **Financial Management System**

Program	Positions	Workyears	Amount
Management and Administration	...	...	[$4,200]

Narrative Description

- INS requested $4,200,000 for the Financial Management System implementation, interfaces, improved system functionality, and additional modules. Funding for this initiative is proposed from DOJ's Asset Forfeiture Fund. This enhancement is vital for the ongoing improvement of INS' financial system.

- This request for FFMS will further INS' ability to become compliant with requirements imposed by the Chief Financial Officers Act of 1990, and the Government Management Reform Act of 1994, for auditable financial statements that more accurately track the status and use of funds. These resources will also allow INS to become compliant with the requirements imposed by the Government Performance and Results Act (GPRA) by tracking and interrelating performance and cost information. These initiatives support the President's and the Commissioner's priorities to enhance professionalism and improve accountability within the INS financial management process. It also supports a Chief Financial Officers audit which states, "INS' financial management systems are not integrated, resulting in significant delays and burdensome reconciliation efforts; contain significant internal control weaknesses, affecting the accuracy and reliability of financial information; and limit, rather than enhance, effective decision making." Another finding in the CFO's audit was that, "accounts payable balances were not properly determined and recorded in the general ledger." Corrective action would be achieved, according to the audit, "in conjunction with the implementation of the new core financial system." The implementation of added systems functionality, new systems modules and interfaces will improve productivity and efficiency by automating manual functions. It is also imperative that manual financial functions are automated to improve processing controls and to maintain an appropriate financial infrastructure for an increasing INS budget that supports expanded immigration goals and strategies.

- The Office of Finance has provided a brief history of the FFMS, as well as future plans for the system:

  - FY 97: Obtained FFMS software through an interagency agreement with the Department of Treasury.
  - FY 98: Implemented system with a limited number of transactions (5-10%)
  - FY 99: Initiated first system stress test – system was unable to support adequate number of simultaneous users. Unable to identify problem as to whether it was a software or hardware issue.

1982

- FY 99: Initiated second system stress test – identified problem as platform capacity.
- FY 00: Department of Commerce upgraded platform capacity.
- FY 00: Initiated System Design Review and Functional Test to address whether system actually contains functionality in documentation and to address what remaining requirements need to be designed into the system.
- FY 00/01: Deployment of system modifications and full implementation of system

1983

Pay Reform
Salaries and Expenses
(Dollars in thousands)

Initiative Summary

Programs	Positions	Workers	Amount
Inspections	...	...	$15,100
Border Patrol	...	...	40,900

Inspections
A total of $15,100,000 is requested as part of a pay reform initiative requested for Immigration Inspectors in the Salaries and Expenses Appropriation. Additional resource funding is requested in the User and Exams Fee Accounts. This pay reform includes the upgrading of the journey grade of the Immigration Inspector position from GS-9 to GS-11.

Strategy

UPGRADING THE JOURNEY GRADE OF THE IMMIGRATION INSPECTOR POSITION

The role of the Immigration Inspector has evolved from one that primarily focused on facilitating the legal entry into the United States of properly documented aliens and U.S. citizens to one with an increased emphasis on the detection/identification and apprehension of persons attempting to enter the country illegally. In addition, IIRIRA has increased knowledge requirements, authorities and responsibilities of Immigration Inspectors to include the ability to remove immediately from the United State aliens attempting to enter by fraud or without proper documentation. The raising of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work, changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

Border Patrol

A total of $40,900,000 is requested as part of a pay reform initiative requested for Border Patrol Agents in the Salaries and Expenses Appropriation. This pay reform includes (1) position upgrades, and (2) the substitution of law enforcement availability (LEA) in place of standard and uncontrollable overtime pay, as well as the establishment of special salary rate authority for the Attorney General, to ensure fair and effective compensation for the Border Patrol workforce.

POSITION UPGRADES

The nature of Border Patrol work has evolved to the point that Border Patrol Agents continually deal with refined smuggling schemes, advanced technology, and sophisticated fraudulent document rings requiring the agents to engage in investigative and intelligence work on a regular and recurring basis. In addition, IIRIRA has imposed increased knowledge requirements, work complexities, and authorities on Border Patrol Agents in the pursuit of law enforcement objectives. The raising of the journey level for Border Patrol Agents to GS-11 will recognize changes in the basic nature of the work, changes in legislation, and will INS to recruit and retain employees who are a vital part of the goal to control illegal immigration into the United States.

SPECIAL SALARY RATES AND LEA FOR BORDER PATROL

Legislation is proposed to amend Title 5, United States Code, to create a new subsection 5545a(k), making border patrol agents and certain other specified law enforcement officer positions in INS eligible for law enforcement availability pay.

Border patrol agents, and the other specified law enforcement officer positions, currently receive annual premium pay for administratively uncontrollable overtime work (AUO pay) under 5 U.S.C 5545(c)(2). AUO pay has proven to be complex, prone to grievances and litigation, controversial, administratively burdensome, and difficult to administer. By contrast, administration of law enforcement availability pay under 5 U.S.C. 5545a has been relatively trouble-free. This proposal would substantially reduce the administrative burden, and make the premium pay system easier to understand. Nearly all of the employees in the specified categories receive AUO pay equal to 25 percent of their rate of basic pay. Over 80 percent of the employees in the specified categories also receive overtime pay under the Fair Labor Standards Act (FLSA) of 1938.

Law enforcement availability pay is paid at a rate equal to 25 percent of an employee's rate of basic pay. However, since employees receiving law enforcement availability pay are also exempt from the overtime pay provisions of the FLSA, FLSA overtime payments to non-exempt law enforcement officers would be discontinued. It is estimated that INS pays $18 million per year in FLSA overtime payments to the specified law enforcement positions.

The discontinuance of FLSA overtime pay for border patrol agents would be addressed and overcome by granting the Attorney General authority similar to that exercised by the Office of Personnel Management (OPM) in establishing special salary rates. However, the Attorney General would not be required to demonstrate significant recruitment and retention problems. The Attorney General would exercise this authority by granting border patrol agents the minimum basic pay rates necessary to prevent, on average, a loss in total pay due to the discontinuance of FLSA overtime pay. The levels of these special salary rates might therefore vary by grade level and geographic locality.

Pilots, deportation officers, and detention and deportation officers would not be covered by Subsection (c). The journey grade level of these occupations parallels the journey grade level of criminal investigator positions in the Immigration and Naturalization Service. When law enforcement availability pay became applicable to those criminal investigator positions, FLSA overtime pay was discontinued. The special salary rates would be administered in a manner similar to OPM-administered special salary rates. Border Patrol Agents would be paid comparable to other INS law enforcement officers.

Immigration and Naturalization Service
Salaries & Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Activity / Program	Border Mgmt. Strategy			Integrated Interior Enfor. Strategy			Professionalism and Infrastructure			Pay Reform			Total		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement															
Inspections	115	58	$10,095	...	...	...	...	...	...	...	...	$15,100	115	58	$25,195
Border Patrol	430	215	52,000	...	...	...	...	...	...	...	...	40,900	430	215	92,900
Investigations	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Detention & Deportation	...	...	...	250	125	$82,000	...	...	...	...	...	...	250	125	82,000
Intelligence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal, Enforcement	545	273	62,095	250	125	82,000	...	...	...	...	...	56,000	795	398	200,095
Immigration Support															
Training	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Data & Communications	...	...	20,000	...	...	...	...	...	...	...	...	...	...	...	20,000
Info. & Records Mgmt.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Const. & Engineering	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	...	...	...	...	...	...	50	25	4,804	...	...	...	50	25	4,804
Subtotal	...	...	20,000	...	...	...	50	25	4,804	...	...	...	50	25	24,804
Program Direction															
Mgmt. & Admin	...	...	...	...	...	...	90	45	5,272	...	...	...	90	45	5,272
Subtotal, Benefits	...	...	20,000	...	...	...	140	70	10,076	...	...	...	140	70	30,076
TOTAL	545	273	82,095	250	125	82,000	140	70	10,076	...	...	56,000	935	468	230,171

Immigration and Naturalization Service
Salaries and Expenses Account
Financial Analysis - Program Changes
(Dollars in thousands)

All S&E Initiatives

Item	Border Patrol		Detention and Deportation		Inspections		Legal Proceedings		Data and Communications		M&A		All Acounts	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades														
GS-15	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GS-14	...	...	4	288			...	...	...	...	...	...	4	$288
GS-13	...	...	3	228			34	2,529	...	...	...	...	37	$2,757
GS-12	...	...	...	-			...	...	...	...	...	...	...	...
GS-11	...	...	...	...			...	...	...	...	30	1,588	30	1,588
GS-9	...	...	...	...			...	...	...	...	4	146	4	146
GS-7	430	20,273	87	3,618	115	5,421	16	584	...	...	41	1,223	689	31,119
GS-6	...	...	...	...			...	...	...	...	...	...	...	...
GS-5	...	...	156	5,102			...	...	...	...	...	...	156	5,102
GS-4	...	...	...	...			...	...	...	...	15	323	15	323
Total Positions & Annual Rate	430	45,491	250	9,236	115	15,691	50	3,113	...	...	90	3,280	935	76,811
Lapse (-)	(215)	(12,841)	(125)	(4,488)	(69)	(2,993)	(25)	(1,804)	...	...	(44)	(1,772)	(478)	(23,898)
Other than permanent	34	...			12	...							46	...
Other personnel compensation	...	7,494				599							...	8,093
Total workyears and personnel Compensation	249	40,144	125	4,748	58	13,297	25	1,309	...	...	46	1,508	503	61,006
Personnel Benefits	...	12,753	...	1,582		6,356	...	353		...	...	408	...	21,451
Travel & transportation of persons	...	...	...	8		21	...	64		...	...	57	...	150
Travel & transportation of things	...	...		...		342		...		...	...	...	...	342
GSA Rent	...	...		...		-		...		...	...	...	...	...
Comm/Utilities/Miscellaneous	...	673		393		162	...	78		...	...	140	...	1,465
Other Services													...	...
25.1-Advisory and assistance services	...	...		...		...		...		...	...	...	...	...
25.2-Other services	...	15,783		65,091		3,948	...	1,757		20,000	...	1,762	...	108,341
25.3-Purchases from Govt accounts	...	...				...		...		...	...	...	...	...
25.4-Op. and maintenance of facilities	...	...				...		...		...	...	...	...	...
25.5-Research & development contract	...	...				...		...		...	...	...	...	...
25.6-Medical care	...	...				...		...		...	...	...	...	...
25.7-Op. and maintenance of equipment	...	...				...		...		...	...	...	...	...
25.8-Subsistence of persons	...	...				...		...		...	...	...	...	...
Supplies and Materials	...	3,175		1,011		362	...	28		...	...	52	...	4,628
Equipment	...	18,497		7,078		187	...	997		...	...	1,953	...	28,712
Land & structures	...	1,875		1,089		501	...	218		...	...	392	...	4,075
Total program WY & obligations changes requested, 2001	249	$92,900	125	$81,000	58	$25,195	25	$4,804		$20,000	46	$6,272	503	$230,171

Immigration and Naturalization Service
Salaries and Expenses

Financial Analysis - Program Changes
(Dollars in thousands)

BORDER MANAGEMENT COORDINATION

	Item	Inspections Pos.	Inspections Amount	Border Patrol Pos.	Border Patrol Amount	Data and Communications Pos.	Data and Communications Amount	Subtotal, Refine Border Management Pos.	Subtotal, Refine Border Management Amount
	Grades								
	GS-15	...	...			...	...	...	...
	GS-14	...	...			...	...	...	...
	GS-13	...	...			...	...	...	...
	GS-12	...	...			...	...	...	...
	GS-11	...	...			...	...	...	...
	GS-9	...	...			...	...	...	...
	GS-7	115	5,421	430	20,273	...	...	545	25,694
	GS-6	...	...			...	...	...	...
	GS-5	...	...			...	...	...	...
	GS-4	...	...	...	...	...	...	...	...
								...	...
	Total Positions & Annual Rate	115	5,421	430	20,273	...	...	545	25,694
	Lapse (-)	(69)	(2,993)	(215)	(12,841)	...	...	(284)	(15,834)
	Other than permanent	12	...	34		...	...	46	...
	Other personnel compensation		599		1,657	...	...	...	2,256
								...	...
	Total workyears and personnel							...	...
11.1	Compensation	58	3,027	249	9,089	...	...	307	12,116
12.1	Personnel Benefits	...	1,525	...	2,908	...	...	...	4,433
21.0	Travel and transportation of persons	...	21	...	...	...	...	...	21
22.0	Transportation of Things	...	342	...	...	...	...	...	342
	GSA Rent	...	...		...	...	...	...	...
23.0	Comm/Utilities/Miscellaneous	...	182		673	...	...	...	855
25.0	Other Services	...	3,948		15,783	...	...	...	19,731
26.0	Supplies and Materials	...	362		3,175	...	...	...	3,537
31.0	Equipment	...	187		18,497	...	20,000	...	38,684
32.0	Land & structures	...	501		1,875	...	...	...	2,376
	Total program WY & obligations changes requested, 2001	58	10,095	249	52,000	...	20,000	307	82,095

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Immigration and Naturalization Service
Salaries and Expenses Enforcement

Financial Analysis - Program Changes
(Dollars in thousands)

INTEGRATED INTERIOR ENFORCEMENT

Item	Detent. & Deport. Pos.	Detent. & Deport. Amount	Mgt. & Adm. Pos.	Mgt. & Adm. Amount	Total Interior Pos.	Total Interior Amount
Grades						
GS-15	...	...	...	...	...	...
GS-14	4	288	...	...	4	288
GS-13	3	228	...	...	3	228
GS-12	...	...	...	...	...	...
GS-11	...	...	...	...	...	...
GS-9	...	...	...	...	...	...
GS-7	87	3,618	...	...	87	3,618
GS-6	...	...	...	...	...	...
GS-5	156	5,102	...	...	156	5,102
GS-4	...	...	...	...	...	...
Total Positions & Annual Rate	250	9,236	...	...	250	9,236
Lapse (-)	(125)	(4,488)	...	...	(125)	(4,488)
Other personnel compensation		...				
Total workyears and personnel Compensation	125	4,748	...	...	125	4,748
Personnel Benefits		1,582	...	...		1,582
Travel and transportation of persons		8	...	...		8
GSA Rent		...	...	...		...
Comm/Utilities/Miscellaneous		393	...	...		393
Other Services		65,091	...	1,000		66,091
Supplies and Materials		1,011	...	...		1,011
Equipment		7,078	...	...		7,078
Land & structures		1,089	...	...		1,089
Total program WY & obligations changes requested, 2000	125	81,000	...	1,000	125	82,000

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Immigration and Naturalization Service
Salaries and Expenses Account

Financial Analysis - Program Changes
(Dollars in thousands)

Professionalism and Infrastructure

Item	Legal Proceedings Pos.	Legal Proceedings Amount	M&A Pos.	M&A Amount	Professionalism and Infrastructure Pos.	Professionalism and Infrastructure Amount
Grades						
GS-15	...	...	...	...	...	...
GS-14	...	...	...	...	...	...
GS-13	34	2,529	...	...	34	$2,529
GS-12	...	...	...	...	...	...
GS-11	...	...	30	1,588	30	$1,588
GS-9	...	...	4	146	4	$146
GS-7	16	584	41	1,223	57	$1,807
GS-6	...	...	...	...	...	...
GS-5	...	...	...	...	...	...
GS-4	...	...	15	323	15	$323
					...	...
Total Positions & Annual Rate	50	3,113	90	3,280	140	$6,393
Lapse (-)	(25)	(1,804)	(44)	(1,772)	(69)	($3,576)
Other than permanent	...	...			...	...
Other personnel compensation	...	...	...	...	...	...
Total workyears and personnel Compensation	25	1,309	46	1,508	71	$2,817
Personnel Benefits	...	353	...	408	...	$761
Travel & transportation of persons	...	64	...	57	...	$121
Travel & transportation of things	...	...	...	...	...	...
GSA Rent	...	...	...	...	...	...
Comm/Utilities/Miscellaneous	...	78	...	140	...	$218
Other Services					...	...
25.1-Advisory and assistance services	...	...	...	...	...	...
25.2-Other services	...	1,757	...	762	...	$2,519
25.3-Purchases from Govt accounts	...	...	...	...	...	...
25.4-Op. and maintenance of facilities	...	...	...	...	...	...
25.5-Research & development contract	...	...	...	...	...	...
25.6-Medical care	...	...	...	...	...	...
25.7-Op. and maintenance of equipment	...	...	...	...	...	...
25.8-Subsistence of persons	...	...	...	...	...	...
Supplies and Materials	...	28	...	52	...	$80
Equipment	...	997	...	1,953	...	$2,950
Land & structures	...	218	...	392	...	$610
					...	...
Total program WY & obligations changes requested, 2001	25	4,804	46	5,272	71	10,076

Immigration and Naturalization Service
Salaries and Expenses

Financial Analysis - Program Changes
(Dollars in thousands)

PAY REFORM

Item	Inspections Pos.	Inspections Amount	Border Patrol Pos.	Border Patrol Amount	Subtotal Pay Reform Pos.	Subtotal Pay Reform Amount
Grades						
GS-15	...	...	...	...	...	...
GS-14	...	...	...	...	...	...
GS-13	...	...	...	...	...	...
GS-12	...	...	...	...	...	...
GS-11	...	...	...	...	...	...
GS-9	...	...	...	...	...	...
GS-7	...	...	...	...	...	...
GS-6	...	...	...	...	...	...
GS-5	...	...	...	...	...	...
GS-4	...	...	...	...	...	...
					...	...
Total Positions & Annual Rate	...	10,268	...	25,218	...	35,486
Lapse (-)	...	...	...	...	...	...
Other than permanent	...	...	...	5,837	...	5,837
Other personnel compensation	...	...	...	...	...	...
					...	...
Total workyears and personnel Compensation	...	10,268	...	31,055	...	41,323
Personnel Benefits	...	4,832	...	9,845	...	14,677
Travel and transportation of persons	...	...	...	...	...	...
Transportation of Things	...	...	...	...	...	...
GSA Rent	...	...	...	...	...	...
Comm/Utilities/Miscellaneous	...	...	...	...	...	...
Other Services	...	...	...	...	...	...
Supplies and Materials	...	...	...	...	...	...
Equipment	...	...	...	...	...	...
Land & structures	...	...	...	...	...	...
					...	...
Total program WY & obligations changes requested, 2001	...	15,100	...	40,900	...	56,000

Immigration and Naturalization Service
Salaries and Expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. The FY 2000 Conference report directs the Attorney General submit recommendations on a Department-wide strategy to plan for and manage its detention needs. The report was transmitted to the Congress on October 14, 1999.

2. The FY 2000 Conference report directs the INS to submit a report on the status of Border Patrol hiring, plans for recruitment, and a detailed plan of its expenditures of fiscal year 1999 funds provided for Border Patrol agents. The report was transmitted to the Congress on December 14, 1999.

3. The FY 2000 Conference report requests the INS to submit any document containing policy directives or instructions, including training manuals, on stopping or detaining individuals thought to have violated U.S. immigration laws. The report was transmitted to the Congress on December 14, 1999.

4. The FY 2000 Conference report directs the INS to submit a report on the problems in the Tucson sector, the measures that INS has taken and plans to take to address the problems, including a date by which each measure is expected to be implemented. The report was transmitted to the Congress on December 27, 1999.

5. The FY 2000 Conference report requests INS/DOJ submit a plan to integrate INS IDENT and the FBI IAFIS systems. The plan should address concerns that current environment does not provide other Federal, State, local law enforcement agencies with access to fingerprint identification information captured by INS BoP agents, nor does it provide the BP with the full benefit of FBI criminal history records when searching criminal histories or persons apprehended at the border. DOJ has the lead on this report. The report is being finalized within the DOJ.

6. The FY 2000 Conference report directs the INS to revise its strategy to comply with the original Committee directive - to focus on the end-outcome of deportation - and resubmit the report. The revised report should include details of the specific steps necessary to implement this goal. The report is being finalized within the INS.

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7. The FY 2000 Conference report directs the INS to assess the overall detention needs to support this effort and to report to the Committee as to the number of beds and associated costs estimated to be needed to support Operation Vanguard. The report is being finalized within the INS.

8. The FY 2000 Conference report directs the INS to provide a status on the obligation of funds for night vision technology. The report is being finalized within the INS.

9. The FY 2000 Conference report directs the Assistant Attorney General for Administration to submit a proposed spending plan on the use of existing base funds available for IDENT for the following studies: a system design effort; a joint INS-FBI criminality study, involving a matching IDENT recidivist records against the Criminal Master file; a study to determine the operational impact of 10-printing apprehended illegal crossers at the border; an engineering proposal for the first phase to determine the validity of the systems development costs that have been estimated by the FBI; and other related expenditures. Upon completion of the studies, results should also be provided. The report is being finalized within the INS.

10. The FY 2000 Conference report directs DOJ to provide a report on the status of the lawsuit filed against the INS and the Army Corps of Engineers challenging the major drug interdiction effort known as Operation Rio Grande and its impact on the environment. DOJ has the lead on this report. The report is being finalized within the DOJ.

11. The FY 2000 Conference report requests that the INS submit a report on the feasibility of expanding the pilot project begun in fiscal year 1998 to implement section 563 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to the Tucson Sector in Arizona. The report is being finalized within the INS.

12. The FY 2000 Conference report directs the INS to identify new additional locations for future Quick Response Teams, including Alabama, and report its findings. The report is being finalized within the INS.

13. The FY 2000 Conference report directs the INS to report on the results of program to identify and deport criminal aliens in local and county jails, pursuant to P.L. 105-141. The report is being finalized within the INS.

14. The FY 2000 Conference report directs the INS to fully fund the records centralization and redesign activities in Harrisonburg, VA and Lee Summit, MO and provide a progress report on records centralization. The report is being finalized within the INS.

15. The FY 2000 Conference report directs the INS to provide a detailed assessment of its current and projected detention needs for the next three years. This report was originally due May 1, 1999. The INS was granted an extension to March 1, 2000. The report is being finalized within the INS.

16. The FY 2000 Conference report directs the INS to report on the lightweight, hand-held, night-vision range-find binocular system technology. The Committee has learned this technology may be of use to Border Patrol agents and directs the INS to investigate this technology for possible use by the Border Patrol in the future. The report is due to the Congress March 1, 2000.

17. The FY 2000 Conference report directs the INS to evaluate a low-cost, all weather, and all light level ground surveillance capability and report to on its findings. The report is due to the Congress March 1, 2000.

18. The FY 2000 Conference report requests the INS to report on the additional 71,413 unreviewed cases processed during the Citizenship USA initiative. The report is due to the Congress March 1, 2000.

19. The FY 2000 Conference report requests that the INS provide a report on the cost, security, and logistical assessment of providing a Secure Electronic Network for Travelers Rapid Inspection (SENTRI) dedicated commuter lane at San Luis, New Mexico. The report is due to the Congress March 1, 2000.

20. The FY 2000 Conference report directs the INS to provide a feasibility study and implementation plan for utilizing the Justice Prisoner and Alien Transportation System (JPATS) for a greater number of deportations. The report is due to the Congress March 1, 2000.

21. The FY 2000 Conference report directs the INS, in consultation with the Executive Office of Immigration Review (EOIR), to report on IRP caseload, by case type, for fiscal years 1997-1999. If the IRP caseload does not give priority to aliens imprisoned for serious violent felonies or drug trafficking, the INS is directed to explain why and to outline steps it will take to focus IRP efforts on the most dangerous incarcerated aliens. The report is due to the Congress March 31, 2000.

22. The FY 2000 Conference report directs the Executive Office of Immigration Review (EOIR) to consult with the INS and the private bar on the feasibility of electronic filing of documents, such as Notices to Appear, etc. with the Offices of Immigration Judges and with the Board of Immigration Review. The report is due to the Congress April 1, 2000.

23. The FY 2000 Conference report directs the INS to conduct a pilot program to collect demographic data on persons referred to secondary inspection at J. F. Kennedy airport in New York. The data should be collected beginning January 1, 2000, for a six-month period. The report is due to the Congress August 1, 2000.

24. The Conference report directs the INS to continue its consultation with the Committees on Appropriations before deployment of new Border Patrol agents included in the conference report. The conferees expect that the proposed deployment plans will include an appropriate distribution to address the needs in and around El Centro, California; Tucson, Arizona; the Southeastern states; and the Northern border. This report is due prior to determining final allocation.

25. The FY 2000 Conference report directs the INS to provide a fiscal year 1999 Border Patrol aviation final report. This report is due, as information becomes available.

26. The FY 1999 Conference report requires the AG/INS, among others, to conduct a joint review and report to the Congress on a plan to improve coordination of Federal agencies with responsibility to protect borders against drug trafficking, including coordination with State and local agencies and assessment and an action plan. A draft report was transmitted to ONDCP in May. DOJ has requested an official response on the report from ONDCP.

27. The FY 1999 Conference report requires a report on the feasibility of locating permanent INS detention center at Salt Lake City and the resources and training needed to address the overall INS mission in Utah, with specific reference to detention space and the number and distribution of agents assigned to the State.

28. The FY 1999 Conference report directs the INS to evaluate and report on existing technical infrastructure and the quality and integrity of the data used in the System for Alien Verification of Eligibility (SAVE) system, or any comparable INS system, and recommend how INS can meet the needs of States seeking to comply with Title IV of P.L. 104-193. The report is being finalized within the INS.

29. The FY 1999 Conference report directs the INS to report on the feasibility of expanding the local ambulance pilot program. The report is being finalized within the INS.

30. The FY 1999 Conference report requires the INS to report on efforts to improve response rates to State/local calls to remove illegal aliens, including the number of calls, the number of aliens per call, actual response time from call to pickup, the number of aliens determined removable, and actual disposition of each case. The fourth quarter 1999 report is being finalized within the INS.

31. The FY 1998 Conference report requires a written monthly report addressing INS' status in processing applications for naturalization adjustment of status, and employment authorization documents. The October 1999 report was transmitted to the Congress on December 9, 1999.

32. The FY 1998 Conference report directs the INS provide a quarterly report on the status of the revocation proceedings and any actions that follow for deportation of those individuals improperly naturalized in 1996. The third quarter 1999 report was transmitted to the Congress on October 18, 1999.

33. The FY 1998 Conference report requires the INS to conduct an analysis of current resources among district offices to determine whether an appropriate staffing model is being used to address the application workload requirements and report the findings. The report was transmitted to the Department of Justice on January 3, 2000.

34. The FY 1998 Conference report directs the INS to provide a report which addresses how INS intends to fully implement section 563 of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and recommend solutions with respect to providing ambulance services even when the injured undocumented immigrant is not formally under the custody of the State or local government. The report is being finalized within the INS.

35. The FY 1998 Conference report directs the INS to provide a report outlining the number of removals as follows: criminal aliens, non-criminal aliens, expedited removals, and the number of outstanding final orders of deportation or exclusion. The fourth quarter 1999 report is being finalized within the INS.

Immigration and Naturalization Service
Salaries and Expenses
Priority Ranking
Fiscal Year 2000

Base Program		Program Increases	
Program	Ranking	Initiative	Ranking
Border Patrol	1	Pay Reform	1
Inspections	2	Professionalism and Infrastructure	2
Adjudications & Naturalization	3	Border Management Strategy	3
Detention & Deportation	4	Integrated Interior Enforcement Strategy	4
Investigations	5		
International Affairs	6		
Intelligence	7		
Legal Proceedings	8		
Training	9		
Data & Communications	10		
Information & Records Mgmt	11		
Management & Administration	12		

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Immigration and Naturalization Service
Salaries and expenses/VCRP Combined
Detail of Permanent Positions by Category
Fiscal Years 1999 2001

Category	1999 Enacted			2000 Appropriation Anticipated			2001 Estimate				
	Revised Auth.	Other Appr/ Reimb.*	Total Positions	Revised Auth	Other Appr/ Reimb.*	Total Positions	Transfer w/Exams	Increases	Request	Other Appr/ Reimb.*	Total Positions
Attorneys (905)	484	154	638	484	154	638		34	518	154	672
Asylum Officer (930)	..	404	404	..	404	404			..	404	404
Paralegal Specialist (950)	53	23	76	53	23	76			53	23	76
Other Legal and Kindred (900-999)	165	473	638	165	473	638		16	181	473	654
Contact Representative (962)	27	101	128	27	101	128			27	101	128
General Enforcement & Support (1800-1899)	1,709	883	2,592	1,732	883	2,615		33	1,765	888	2,653
Detention and Deportation Officer (1801)	821	37	858	863	37	900		90	953	37	990
Detention Enforcement Officer (1802)	1,722	116	1,838	1,820	116	1,936		107	1,927	116	2,043
Immigration Agent (1801)	286	..	286	286	..	286			286	..	286
Criminal Investigators (1811)	1,940	260	2,200	1,940	273	2,213			1,940	317	2,257
Immigration Inspectors (1816)	1,567	3,286	4,853	1,567	3,286	4,853		115	1,682	3,440	5,122
Adjudications Officers(1801)	101	2,102	2,203	101	2,102	2,203	(100)		1	2,293	2,294
Border Patrol Agents (1896)	8,947	..	8,947	9,377	..	9,377		430	9,807	..	9,807
Other Miscellaneous Occupations (001-099)	81	38	119	81	38	119		..	81	38	119
Social Sciences, Economics and Kindred (100-199)	77	19	96	77	19	96		..	77	19	96
Personnel Management (200-299)	280	111	391	280	111	391	..	14	294	111	405
General Administrative and Clerical (300-399)	2,184	1,294	3,478	2,186	1,317	3,503	(204)	20	2,002	1,576	3,578
Accounting and Budget (500-599)	232	81	313	232	81	313	..	76	308	81	389
Medical, Dental and Public Health (600-799)	7	..	7	7	..	7	..	..	7	..	7
Engineering and Architecture (800-899)	150	70	220	150	72	222	..	..	150	93	243
Information and Arts Group (1000-1099)	66	16	82	66	16	82	..	..	66	16	82
Business and Industry Group (1100-1199)	83	35	118	83	35	118	..	..	83	35	118
Physical Sciences Group (1300-1399)	1	12	13	1	12	13	..	..	1	12	13
Library and Archives Group (1400 -1499)	2	..	2	2	..	2	..	..	2	..	2
Mathematics and Statistics Group (1500-1599)	22	2	24	22	2	24	..	..	22	2	24
Equipment Facilities and Service (1600-1699)	15	1	16	15	1	16	..	..	15	1	16
Education Group (1700-1799)	30	20	50	30	20	50	..	..	30	20	50
Quality Assurance, Inspection Group (1900-1999)	1	..	1	1	..	1	..	..	1	..	1
Supply Group (2000-2099)	85	21	106	85	21	106	..	..	85	21	106
Transportation (2100-2199)	36	3	39	36	3	39	..	..	36	3	39
Other (WG)	560	6	566	560	6	566	..	..	560	6	566
Total	21,734	9,568	31,302	22,329	9,606	31,935	(304)	935	22,960	10,280	33,240
Washington	1,113	327	1,440	1,113	327	1,440	..	12	1,125	327	1,452
U.S. Field	20,538	9,015	29,553	21,133	9,053	30,186	(304)	923	21,752	9,727	31,479
Foreign Field	83	226	309	83	226	309	..	..	83	226	309
Total	21,734	9,568	31,302	22,329	9,606	31,935	(304)	935	22,960	10,280	33,240

*Other appropriated and reimbursable positions include those in the Construction appropriation, as well as those in the Service's fee accounts. Also included in this number in FY 1999 , FY 2000 and FY 2001 are118 reimbursable positions (111 Investigators and 7 Administrative and clerical positions).

Immigration and Naturalization Service

Salaries and Expenses

Summary of Agents and/or Attorneys and Support Positions

FY 2000-2001

	2000 Appropriation Anticipated								2001 Changes								2001 Request Level							
	Agents*		Attorneys		Support		Total		Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE
Inspections	1,567	1,622	...	...	67	69	1,634	1,691	115	73			...	(1)	115	72	1,682	1695	...	...	67	68	1,749	1,763
Border Patrol	9,377	8,866	1	1	1,543	1,459	10,921	10,326	430	665			..	40	430	705	9,807	9531	1	1	1,543	1499	11,351	11,031
Investigations	1,893	1,759	...	...	868	807	2,761	2,566	.	98	.	.	...	44	..	142	1,893	1857	...	...	868	851	2,761	2,708
Detention & Deportation	2	2	...	...	3,545	3,214	3,547	3,216					250	368	250	368	2	2	..	...	3,795	3582	3,797	3,584
Intelligence	24	24	...	...	62	62	86	86					.	...	...	...	24	24	..	..	62	62	86	86
Adjudications & Naturalization	...	...	...	...	100	200	100	200	..		.	.	(100)	(200)	(100)	(200)	...	..	...	...	...	...	...	...
International Affairs	5	5	...	...	37	33	42	38				...	.	...	...	...	5	5	..	...	37	33	42	38
Training	...	...	...	...	134	122	134	122	.		.	.	...	12	...	12	...	...	..	...	134	134	134	134
Data & Communications	...	...	...	...	210	194	210	194	..		.	.	..	12	...	12	...	...	..	...	210	206	210	206
Information & Records Mgmt.	...	...	...	...	1,021	1,066	1,021	1,066	.		.	...	(204)	(204)	(204)	(204)	...	...	...	...	817	862	817	862
Const. & Engineering	...	...	...	...	...	...	...	...	..	.	.	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	...	...	479	481	144	144	623	625	...	...	34	34	16	16	50	50	...	...	513	515	160	160	673	675
Management & Administration	16	16	4	4	1,230	1,217	1,250	1,237	...	(1)	...	...	90	57	90	56	16	15	4	4	1,320	1274	1,340	1,293
Total	12,884	12,294	484	486	8,961	8,587	22,329	21,367	545	835	34	34	52	144	631	1,013	13,429	13,129	518	520	9,013	8,731	22,960	22,380

*Note: Agents include Criminal Investigators (GS-1811), Border Patrol Agents (GS-1896), and Immigration Inspectors (GS-1816)

2000

Immigration and Naturalization Service
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999 Acquired	1999 Disposed	1999 End of Year	2000 Acquired	2000 Disposed	2000 End of Year	2001 Acquired	2001 Average Cost	2001 Disposed	2001 End of Year
Direct Purchase:											
Subcompact sedan	185	17	17	185	...	...	185	...	$15,000	...	185
Compact sedan	384	38	35	387	9	...	396	11	16,000	15	392
Midsiz sedan	653	164	136	681	579	419	841	640	18,000	457	1,024
Large sedan	2,218	355	264	2,309	576	409	2,476	582	20,000	365	2,693
Station wagon	14	3	3	14	...	...	14	...	18,980	...	14
Van	2,089	482	250	2,321	290	126	2,485	349	27,800	192	2,642
Utility, 4X2	31	38	8	61	...	...	61	15	21,000	16	60
Carryall, 4X2	124	28	18	134	...	...	134	10	21,000	10	134
Bus	272	18	10	280	26	26	280	30	350,000	15	295
Special purpose:											
4-wheel drive	4,351	991	570	4,772	1,405	905	5,272	1,174	32,000	956	5,490
Other	45	12	...	57	...	...	57	...	...	5	52
Trucks:											
Pickup	323	76	75	324	...	...	324	...	30,700	10	314
Other	234	5	4	235	...	...	235	...	...	...	235
Subtotal purchased	10,923	2,227	1,390	11,760	2,885	1,885	12,760	2,811		2,041	13,530
Leased:											
Midsize sedan	...	...	...	...	...	...	...	...	...	...	...
Large sedan	...	...	...	...	...	...	...	...	...	...	...
Other	47	...	...	47	...	...	2	...	...	...	47
Subtotal leased	47	...	...	47	...	...	2	...		...	47
Seized or no cost excess											
Subcompact	86	6	10	82	6	10	78	6		10	74
Compact	23	14	16	21	14	16	19	14		16	17
Midsize sedan	39	8	12	35	8	12	31	8		12	27
Large Sedan	13	3	1	15	3	1	17	3		1	19
Other	519	168	135	552	168	135	585	168		135	618
Subtotal seized	680	199	174	705	199	174	730	199		174	755
Total Vehicles	11,650	2,426	1,564	12,512	3,084	2,059	13,492	3,010		2,215	14,332

Immigration and Naturalization Service
Salaries and Expenses
Schedule of Aircraft

Type of Aircraft	1998	1999			2000			2001			
	End of Year Inventory	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Average Cost	Disposed	End of Year
Direct Purchase											
Fixed Wing:											
Single Engine	24	...	1	23	...	1	22	...		...	22
Two Engine	...	...	...	...	...	...	...	...		...	...
Four Engine	...	...	...	...	...	...	...	...		...	...
Turbo Prop	...	...	...	...	...	...	...	...		...	...
Jet Engine	...	...	...	...	...	...	...	...		...	...
Helicopter:											
Single Engine	20	...	...	20	...	...	20	...		...	20
Multi-Engine	...	...	...	...	...	...	...	...		...	...
Subtotal, purchased	44	...	1	43	...	1	42	...		...	42
Leased:											
Fixed Wing:	...	1	...	1	...	...	1	...		...	1
Helicopter:	...	1	...	1	...	...	1	...		...	1
Subtotal, leased	...	2	...	2	...	...	2	...		...	2
Siezed or no cost excess:											
Fixed Wing:											
Single Engine	8	...	...	8	...	...	8	...		...	8
Two Engine	...	...	...	...	...	...	...	...		...	...
Turbo Prop	...	...	...	...	...	...	...	...		...	...
Jet Engine	...	...	...	...	...	...	...	...		...	...
Helicopter:											
Single Engine	59	...	1	58	...	1	57	...		...	57
Mutl-Engine	...	...	...	...	...	...	...	...		...	...
Subtotal, siezed	67	...	1	66	...	1	65	...		...	65
On Loan:											
Helicopter:											
Single Engine	...	...	...	...	...	...	...	...		...	...
Subtotal, loaned	...	...	...	...	...	...	...	...		...	...
Total Aircraft (1)	111	2	2	111	...	2	109	...		...	109

(1) Includes 19 helicopter & 5 airplane airframes retained for parts. Two aircraft - (1) helicopter & (1) airplane held pending excess.

Immigration and Naturalization Service
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	22,329	21,367	$2,891,100
Adjustment-to-Base Increases:			
Realignment of positions and FTE	...	641	...
2001 pay raise	...	...	50,708
Annualization of 2000 pay raise	...	...	19,863
Annualization of 2000 enhancements (net)	...	308	1,627
Annualization of 1999 enhancements	...	...	29,125
Increased FERS costs	...	...	391
Federal Health Insurance Premiums	...	...	9,316
GSA rent	...	...	3,912
Lease expirations	...	...	1,722
Antenna Fees	...	...	1,714
Accident Compensation	...	...	2,786
ICASS Costs	...	...	1,448
GSA Blue Pages	...	...	26
Medical Hospital Service Costs	...	...	9
Travel Management Centers Contract	...	...	185
National Archives/Records Projections	...	...	177
Total mandatory increases	...	949	123,009
Decreases:			
Reduction of Naturalization Initiative	(304)	(404)	(124,000)
2001 Base	22,025	21,912	2,890,109
Program Changes	935	468	230,171
2001 Estimate	22,960	22,380	3,120,280

2003

Immigration and Naturalization Service
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Pos.	Work-years	Amount
Base Restorations/Transfers of Funding Sources:			
Realignment of Naturalization Initiative	(304)	(404)	($124,000)
This action reflects the realignment of the recurring elements of the Naturalization Initiative from the Salaries and Expenses - Citizenship and Benefits, Immigration Support and Program Direction account to the Immigration Examinations Fee account.			
Total, base restorations and transfers	(304)	(404)	($124,000)
Increases:			
Adjustment of FTE	...	641	...
Based on current FTE utilization, an analysis shows an adjustment in work years is necessary for the INS.			
2001 pay raise	...	...	50,708
This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $50,708,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($37,977,000 for pay and $12,731,000 for benefits totaling $50,708,000).			

	Pos.	Work-years	Amount
Annualization of 2000 pay raise	...	...	$19,863

This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $19,863,000, represents total annualization of pay amounts for the fiscal year plus appropriate benefits ($14,698,000 for compensation and $5,165,000 for benefits).

Annualization of additional positions approved in 2000	...	308	1,627

This provides for the annualization of 616 additional positions requested in the anticipated 2000 appropriation for the Border Patrol and Detention and Deportation programs. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a two-year progression to the journeyman level. This request includes a decrease of $22,923,000 for one-time items associated with the increased positions, and an increase of $24,550,000 for full year costs associated with these increases, for a net increase of $1,627,000.

	Approved 2000 Increases	Annualization Required
Annual salary rate of 616 approved positions	$22,493	...
Less lapse (50%)	(14,942)	...
Net Compensation	7,551	$14942
Other personnel compensation	.72	155
Associated employee benefits	3,011	6,077
Travel	15	2,269
Transportation of Things	...	89
Communications/Utilities	1,607	966
Other Services	7,295	(2,940)
Subsistence and Support of Persons	159,925	...
Supplies/Materials	6,209	52
Equipment	33,143	(17,297)
Land and Structures	5,172	(2,686)
Total costs subject to annualization	224,000	1,627

Annualization of 1,510 additional positions approved in 1999 .... $29,125

This provides for the annualization of 1,510 additional positions approved in the 1999 President's budget for the Border Patrol, Investigations, Detention and Deportation, and Management and Administration programs. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a two-year progression to the journeyman level. This request includes an increase of $29,125,000 for pay and benefits associated with the increased positions at their journeyman grade.

	Approved 1999 Increases	Annualization Required
Annual salary rate of 1,510 approved positions	$73,006	...
Less lapse	.....	...
Net Compensation	73,006	$21,424
Other personnel compensation	3,400	...
Associated employee benefits	29,089	7,701
Travel	4,039	...
Transportation of things	2,921	...
Communications/Utilities	3,117	...
Other Services	13,171	...
Purchases from other govt. accounts	1,119	...
Operation and maintenance of facilities	5,630	...
Operation & maintenance of equipment	1,777	...
Subsistence & support of persons	15,984	...
Supplies/Materials	8,658	...
Equipment	12,429	
Land and Structures	...	...
Total costs subject to annualization	174,340	29,125

	Perm. Pos.	Work-years	Amount
Transfer of CSRS employees FERS retirement system This request provides for the increase in Federal Employees Retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. This request includes $391,000 for benefits.	...	...	$391
Increased Federal Health Insurance Costs This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $9,316,000 for these costs.	...	...	9,316
General Services Administration (GSA) rent GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $3,912,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data, and rates reflecting a 5 percent increase over 2000 levels.	...	...	3,912
Lease Expirations GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $1,722,000 is requested for INS.	...	...	1,722
Antenna Fees GSA will charge the Department antenna fees in FY 2001. The fees include all current antenna's utilized by Justice components that have antenna's atop their buildings. Funding of $1,714,000 is requested for the Immigration and Naturalization Service.	...	...	1,714
Accident compensation This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $2,786,000.	...	...	2,786

	Perm. Pos.	Work-years	Amount
International Cooperative Administrative Support Services (ICASS) ..... Under the ICASS, an annual charge will be made by the Department of State (DOS) for administrative support based on the overseas staff of each Federal agency. This request is based upon the actual 1999 ICASS invoice billing for post invoices and other ICASS costs from DOS. Funding of $1,448,000 is requested for the Immigration and Naturalization Service.	...	...	$1,448
General Services Administration (GSA) Blue Pages ..... Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $26,000 is requested for the Immigration and Naturalization Service.	...	...	26
Medical Hospital Service costs ..... The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 3.8 percent against medical services. An increase of $9,000 will be required for 2001.	...	...	9
Travel Management Center Fees ..... In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservations made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $185,000 is requested for the Immigration and Naturalization Service.	...	...	185
National Archives and Record Projections (NARA) ..... The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,581, an increase of almost $300,000, based on current records maintained by NARA. Funding of $177,000 is requested for the Immigration and Naturalization Service.	...	...	177
Total increases	...	949	123,009
Total, adjustments to base	(304)	545	(991)

Immigration and Naturalization Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Positions & Workyears	1999 Actual Amount	2000 Estimate Positions & Workyears	2000 Estimate Amount	2001 Request Positions & Workyears	2001 Request Amount	Increase/Decrease Positions & Workyears	Increase/Decrease Amount
EX 4, $122,400	1		1		1		...	
ES 1-6, $115,811-130,200	33		33		33		...	
GS-15, $84,638-110,026	260		260		260		...	
GS-14, $71,954-93,537	889		889		893		4	
GS-13, $60,890-79,155	1,195		1,195		1,232		37	
GS-12, $51,204-66,564	2,879		2,879		2,879		...	
GS-11, $42,724-55,541	2,153		2,195		2,225		30	
GS-10, $38,885-50,554	67		67		67		...	
GS-9, $35,310-45,900	6,503		7,031		7,480		449	
GS-8, $31,968-41,557	176		178		178		...	
GS-7, $28,886-37,522	3,697		3,743		3,785		42	
GS-6, $25,976-33,768	560		560		560		...	
GS-5, $23,304-30,292	2,263		2,242		2,296		54	
GS-4, $20,828-27,080	601		601		616		15	
GS-3, $18,555-24,120	67		67		67		...	
GS-2, $17,005-21,398	31		31		31		...	
GS-1, $15,125-18,921	13		13		13		...	
Wage Grade	344		344		344		...	
Total, appropriated positions	21,734		22,329		22,960		631	
Average ES Salary		$98,520		$102,180		$106,267		
Average Ungraded Salary		32,519		33,819		35,171		
Average GS Salary		38,159		38,195		39,111		
Average GS Grade		8.92		8.97		8.82		

2009

Immigration and Naturalization Service
Salaries and expenses/VCRP Combined
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	19,439	$824,668	20,309	$876,022	21,422	$990,600	1,113	$114,578
11.3 Other than full-time permanent	1,045	24,700	1,058	20,795	958	22,527	(100)	1,732
11.5 Other personnel compensation	4,464	270,595	4,783	220,854	5,419	234,699	636	13,845
1931 Act	*672*	*24,997*	*720*	*26,096*	*816*	*28,013*	*96*	*1,917*
AUO	*2,463*	*78,207*	*2,639*	*82,015*	*2,990*	*88,040*	*351*	*6,025*
Law Enforcement Availability Pay	*497*	*19,749*	*533*	*23,766*	*603*	*24,716*	*70*	*950*
Other	*812*	*74,539*	*891*	*78,287*	*1,010*	*84,038*	*119*	*5,751*
11.8 Special personal services payments	...	465	...	1,450	...	1,450	...	...
Total, workyears and personnel compensation	24,948	1,120,428	26,150	1,119,121	27,799	1,249,276	1,649	130,155
Reimbursable Workyears:								
Full-time Permanent	[103]		[118]		[118]		[...]	
12.1 Civilian personnel benefits		380,565		361,036		421,935		60,899
13.0 Benefits for former personnel		670		6,433		6,547		
21.0 Travel and transportation of persons		78,762		78,368		79,641		1,273
22.0 Transportation of things		11,035		17,355		17,786		431
23.1 Rental Payments to GSA		81,557		106,798		111,987		5,189
23.2 Rental payments to others		12,610		9,077		9,077		...
23.3 Communications, utilities & misc. charges		25,017		38,670		42,273		3,603
24.0 Printing and reproduction		2,215		1,761		1,787		26
25.1 Adv. & Asst. Srvc.		96		51		51		
25.2 Other Services		297,451		273,237		256,353		
25.3 Purchase from Govt. Accts.		127,014		232,672		214,397		
25.4 Operation of GOCO's		62,316		62,279		62,279		
25.6 Medical care		1,326		4,841		4,850		
25.7 Oper. & maint. of equip		15,063		23,632		23,632		
25.8 Subs. & Supp. of persons		128,468		265,250		247,088		
26.0 Supplies and materials		82,030		91,457		95,013		3,556
31.0 Equipment		120,605		244,715		266,083		21,368
32.0 Land and structures		236		8,608		9,997		1,389
41.0 Grants		2,303		...		...		...
42.0 Insurance claims and indemnities		385		174		177		
91.0 Unvouchered		2		50		51		
Total obligations	24,948	2,550,154	26,150	2,945,585	27,799	3,120,280	1,649	174,695
Unobligated balance, start of year		(33,789)		(54,485)		...		
Unobligated balance, end of year		54,485		...		...		
Total, requirements		2,570,850		2,891,100		3,120,280		
Relation of Obligations to Outlays:								
Total Obligations		2,550,154		2,945,585		3,120,280		
Obligated balance, start of year		1,182,899		1,168,495		882,505		
Obligated balance, end of year		(1,188,015)		(882,505)		(780,614)		
Outlays		2,545,038		3,231,575		3,222,171		

Department of Justice
Immigration and Naturalization Service
Construction
Estimates for Fiscal Year 2001
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2011

Immigration and Naturalization Service
Construction Account
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) requests 93 permanent positions, 81 workyears, and $111,135,000 in its Construction account. This request represents a total increase of 21 positions, 10 workyears, and $11,473,000 above the FY 2000 appropriation level of 72 positions, 71 workyears, and $99,662,000.

The INS Construction account was established in the FY 1995 Appropriations Act for the Department of Justice (P.L. 103-317). Section 34 of the law provided an initial $50,000,000 to fund prioritized border infrastructure requirements of the INS. The Construction account includes requested funding for enhancements for Border Patrol and Detention facilities, Operations and Maintenance (O&M), Repairs and Alterations (R&A), and Lease acquisition (One-Time Costs).

During the FY 1998 budget cycle, the INS implemented a major change concerning construction planning and budget requests. Prior to FY 1998, the INS requested the entire amount required to design and construct a new facility in one fiscal year. This practice resulted in low obligation rates during the first two years of the project – the planning and design phases. To correct this problem, a Construction Program Steering Committee was established to review requirements and approve a single set of INS construction priorities. Each approved project has been segmented into a multi-year construction plan in order to best estimate when each phase of the construction will require funding. The INS now generally requests all planning, environmental, site acquisition, and design funds in the first year of the cycle, while the actual construction funds are requested in the following fiscal year. This phased approach to construction budgeting allows for close alignment of requests by construction phase.

In FY 2001, the Service will continue to address infrastructure weaknesses by: 1) implementing a maintenance and repair system to address operations and maintenance costs; 2) constructing new facilities to replace exiting structures which are obsolete and overcrowded; and 3) improving and modifying existing INS facilities.

2012

Immigration and Naturalization Service
Construction
Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized, and language proposed for deletion is bracketed.

Construction

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, [$99,664,000] *$111,135,000*, to remain available until expended. (Department of Justice Appropriations Act, 2000.)

Explanation of Changes

No substantive changes are proposed.

Immigration and Naturalization Service
Construction
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Unobligated Balance			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Construction and Engineering	70	51	90,000	...	...	...	...	...	5,586	70	51	95,586
Total	70	51	90,000	...	...	...	...	...	5,586	70	51	95,586

Immigration and Naturalization Service
Construction
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on FY 2000 Request			Reprogrammings			2000 Appropriation Enacted		
Activity/Program	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Construction and Engineering.....	70	69	$99,664	2	2	...	...	...	($2)	72	71	$99,662
Total.....	70	69	99,664	2	2	...	...	...	(2)	72	71	99,662

Immigration and Naturalization Service
Construction
Summary of Requirements
(Dollars in thousands)

	Perm Pos.	WY	Amount
2000 Appropriation Enacted	72	71	$99,664
Government-wide .38% rescission pursuant to H.R. 3425	...	...	(2)
2000 Availability	72	71	99,662
Adjustments to base:			
Increases	...	...	479
Decreases	...	...	(66,141)
2001 Base	72	71	34,000
Program changes (see Program Narrative for details)	21	10	77,135
2001 Estimate	93	81	111,135

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Construction and Engineering	72	71	$99,662	72	71	$34,000	93	81	$111,135	21	10	$77,135

2016

Immigration and Naturalization Service
Construction
Summary of Resources by Program
(Dollars in thousands)

Estimates by program	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Immigration Support:																		
Construction and Engineering.....	70	51	$95,586	70	35	$78,094	72	71	$99,662	72	71	$34,000	93	81	$111,135	21	10	$77,135

Immigration and Naturalization Service
Construction
Program Performance Information
(Dollars in thousands)

The INS Construction account was established in the FY 1995 Appropriations Act for the Department of Justice (P.L. 103-317). The law established the account appropriating $50,000,000 to fund prioritized border infrastructure requirements of the INS.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	AMOUNT
Construction and Engineering			
2000 Appropriation Enacted	72	71	$99,662
2001 Base	72	71	$34,000
2001 Estimate	93	81	$111,135
Increase/Decrease	21	10	$77,135

BASE PROGRAM DESCRIPTION:

- The functions of the Construction and Engineering Program include the acquisition, environmental compliance, design, construction, alteration, repair, maintenance, and management of all buildings, structures, facilities, and other infrastructure for which the INS is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction, and through assignment by airport authorities. New inspection facilities are coordinated as necessary with the U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, and with State, county, local, and foreign authorities.

- These resources are in addition to resources that may be made available in the S&E appropriations, which could be used to support construction related projects. These projects include but are not limited to, tactical enforcement support such as border roads, fence and vehicle barriers, communication equipment shelters/stations, additional border lighting, emergency maintenance and repairs to existing infrastructure.

- The Construction and Engineering Program also is responsible for preparing an annual workspace management plan and related rent and obligation estimates for submission to GSA and the Office of Management and Budget.

2018

Construction Account
(Dollars in thousands)

	Positions	Workyears	Amount
Construction and Engineering	21	10	$ 111,135
Total Construction Account	21	10	$ 111,135

Strategy

For FY 2001 the INS National Facilities Strategy remains unchanged: 1) Maintain Existing Infrastructure; 2) House New Missions; 3) Support Quality of Life; 4) Improve Environmental Stewardship; and 5) Optimize Public and Private Resources.

In FY 2001, the INS will continue to address infrastructure weaknesses by: 1) continuing to implement a maintenance and repair system to address operation and maintenance requirements; 2) constructing new facilities to replace existing structures which are obsolete and overcrowded; and 3) improving and modifying INS' existing facilities.

As of September 30, 1999, the INS had an estimated requirement for over $1,015,000,000 in facilities and construction projects. This includes $530,000,000 in Border Patrol; $254,000,000 in Detention; $21,500,000 in major unfunded Repair & Alterations requirements; and approximately $210,200,000 in GSA lease projects (one-time/buildout). These figures exclude projected, but not yet requested, repair and alteration projects, and does not include the additional facilities and construction that may be required with new increases in the number of Border Patrol agents. It is impossible to rectify this situation in a single year; but the INS is continuing to address these requirements in this budget.

2019

INITIATIVE: Border Management and Coordination

ELEMENT: Real Property Repairs & Alterations (R&A) Program

	Positions	Workyears	Amount
Construction and Engineering	21	10	$2,000

This request addresses the funding shortfall for maintenance and repair costs for INS-owned buildings, roads, grounds, janitorial services, utility systems, border roads and fences, stadium lights, and communication towers. The request provides an additional 21 positions and $2,000,000 to provide preventive, routine, and recurring maintenance at INS District offices, Service Processing Centers (SPCs), and Border Patrol facilities.

The resources requested provide funding to continue eliminating the 5-year backlog of INS maintenance and repair projects, which carry an anticipated cost of between $140,000,000 and $191,000,000. These backlogged projects, represent the most serious safety and health problems within the INS. The INS began addressing these long-standing backlog items in FY 1999. The increase will provide additional facilities management personnel to each of the INS' owned and operated facilities as recommended by a recent staffing study conducted by the Logistics Management Institute (LMI). These additional resources will enable the INS to bridge the gap between the new construction planned for these facilities, and the normal maintenance and repair programs, which are required to keep these facilities in operational condition.

Narrative Description:

The INS requests 21 positions, 10 workyears, and $2,000,000 to address severe backlogs in the maintenance and repair of INS-owned facilities. This request will provide additional facilities management personnel at major INS facilities for the preventive maintenance work necessary to maintain the original anticipated life of a facility or real property installed equipment, and to restore damaged or worn-out facilities in order to provide a safe, quality work environment.

2020

The distribution of positions will ensure one professional facility person/position at each of the INS service locations that have responsibility for INS-owned facilities, and at each Border Patrol Sector along the Southwest border.

- The maintenance and repair dollars support the INS' close to 2.11 million square feet of space. This space houses close to thirty-five percent of the INS work force. This thirty-five percent of the workforce represents almost sixty-five percent of the INS' Officer Corps employees. The maintenance and repair money also supports in excess of 762 miles of border roads and 82 miles of border fencing. Of the $19 million appropriated in FY 2000, $7 million is dedicated solely to supporting existing INS controlled network of roads and fences. The remaining $12,250,000 supports the buildings and facilities owned by INS. Approximately forty percent of the repair and maintenance dollars ($7.68 million) are used for temporary alterations/expansion of these older facilities, or the purchase of modular buildings to house new employees. These "quick-fixes" and modular buildings result in higher maintenance and utility costs incurred by INS. Subtracting maintenance for border roads and fences, along with modular structures to support additional employees, only around $6,000,000 remains to perform preventive maintenance and repair. Emergency maintenance normally usurps a significant portion of the remaining funding.

- The INS budget currently provides about fifty percent of the funds required to address the backlog over the next five years. Without the additional resources requested, it will take eight to ten years for INS to eliminate the backlog, based on LMI's projections. The FY 2001 request will provide, in the outyears, resources dedicated to performing the routine maintenance and repair necessary to ensure the operability of INS facilities -- the preventive work necessary to maintain the original anticipated life of a facility, and its real property installed equipment.

Footnotes:

Requirements for repair & alteration projects are developed under the following standards:

(a) "Required Facility Funding Levels for the U.S. Immigration and Naturalization Service", Logistics Management Institute, June 1997.

(b) Many Repair & Alteration projects are identified by the INSpect program during facilities reviews. The INSpect reviewers often cite overcrowding, and violation of National standards and the Occupational Safety Health Act (OSHA)

(c) All Repair & Alteration projects are undertaken to comply with the Uniform Building Code, or local building codes, if more stringent.

INITIATIVE: Border Management and Coordination

ELEMENT: New Construction - Border Patrol Facilities

	Positions	Workyears	Amount
Construction and Engineering	...	...	$ 50,302

This FY 2001 request conforms to changes implemented in the INS budget process, which requires that projects be segmented into multi-year construction plans in order to better estimate when each phase of construction will require funding. Only Planning/Site Development/Design (P/S/D) funds are requested in the first year of the multi-year cycle, with actual construction funding being requested in the following fiscal year. This phased approach to construction budgeting allows for a closer alignment of resources.

The INS requests $45,778,000 for the construction of FY 2001 planned and funded projects, and $4,524,000 for new P/S/D projects in FY 2001 to support future construction initiatives.

Narrative Description

Construction Projects have been identified for FY 2001 request based on the projected size of the Border Patrol staff, and in relation to the shortage of required space on hand. On average, Border Patrol stations identified for new construction projects in FY 2001 have experienced a 400 percent increase in staff since FY 1994, increasing from an average of 61 personnel per station in FY 1994, to an average of 250 personnel per station in FY 1999.

- In the majority of the Sectors that have received new staff, new facility construction is the only option at these locations, due to the magnitude of the staff increase and because of the age of existing facilities. Additionally, many of these sites have space restrictions and cannot be expanded to provide the necessary additional space.

- These projects are in line with the Department of Justice and INS initiatives for Phase I and Phase II of the Southwest Border Control Strategy. The resources for FY 2001 construction projects are based on approved FY 2000 space requirements and support the P/S/D funding requested in the FY 2000 budget.

2022

- The FY 2001 budget will continue testing the effectiveness of multi-tier border barriers in San Diego, California, as part of developmental efforts in support of the Tactical Southwest Border Barriers program. With the project approximately 65 percent complete, initial results indicate that this integrated system of urban corridor tactical border controls is very successful in sustaining deterrence once border control has been achieved. The 1994 Border Patrol National Strategy has been expanded to include border barrier systems for border operations in critical urban areas all along the Southwest border. Once the final plan for Tactical Southwest Border Barrier program has been completed, resources to implement the plan in other high traffic sites will be necessary.

*** SEE ATTACHED BORDER PATROL CONSTRUCTION PROJECT SUMMARY SHEETS ***

Footnotes:

1. **The development of new Border Patrol facilities is required to comply with the following:**

   (a) Functional standards for all Border Patrol Facilities are required to comply with the Border Patrol Station Facilities Design Guide, dated 1996, and the Border Patrol Sector Headquarters Design Guide, dated 1998.

   (b) All Border Patrol Facilities are required to comply with the National Environmental Protection Act, and nationally recognized building codes, local zoning laws, and State and local government recommendations, pursuant to U.S. Code Title 40, Chapter 12, Section 619.

2. **The development of new Border Barriers is required to comply with the following:**

   (a) Conceptual configuration of Border Barriers are required to comply with the Draft Southwest Border Strategic Master Plan, dated March 1999, by the U.S. Army Corps of Engineers.

   (b) All Border Barriers are required to comply with nationally recognized building codes, local zoning laws, and State and local government recommendations, pursuant to U.S. Code Title 40, Chapter 12, Section 619.

2023

INITIATIVE: Border Management and Coordination

ELEMENT: New Construction - New Detention Facilities

	Positions	Workyears	Amount
Construction and Engineering	...	...	$24,833

The INS requests $24,833,000 for the construction of new detention facilities in FY 2001. This request includes $20,700,000 for construction projects in FY 2001, based on approved FY 2000 space requirements and associated P/S/D funding, and $4,133,000 for planning resources (P/S/D) to support future construction.

Narrative Description

- This request will add detention space to detain criminal and non-criminal aliens subject to removal, replace old, antiquated dorms and buildings that have not been adequately upgraded, and allow the INS to meet congressionally mandated requirements to increase the number of illegal aliens detained under the Immigration Reform and Immigrant Responsibility Act of 1996 Act (IIRIRA). Additionally, detention facility improvements and upgrades have been requested to improve the safety and health standards for both detained aliens and INS personnel.

- INS anticipates that its average daily population will increase from 8,279 in FY 1996 to 19,702 in FY 2001. To meet this growing population the INS needs to drastically increase its available detention space. Over the last several years as the number of detainees has risen from under 8,000 to over 17,000 the percentage of INS detainees actually in INS-owned facilities has shrunk to 20%, down from approximately 70% in FY 1995. The impact of this trend on the Detention and Deportation Program's operational expenses is tremendous. Currently, projected daily costs per detainee in contract facilities can run up to three times higher than the cost for equivalent space in INS-owned facilities.

2024

- The Antiterrorism and Effective Death Penalty Act (AEDPA), and IIRIRA, greatly expanded both the numbers and types of aliens to be detained by the INS. IIRIRA requires mandatory detention during removal proceedings for most inadmissible and deportable criminal/subversive aliens. Congress has already expressed serious concern over the great difficulties the INS has had complying with the mandatory provisions of the law, due to insufficient bed-space for an increasingly more violent and criminal alien population.

- Overall, AEDPA and IIRIRA increase the percentage of aliens detained who may not have been previously detained during the removal process.

- The budget request will add 400 beds expected to come on line by 2003 and supports the renovation and expansion of 6 additional facilities.

*** SEE ATTACHED DETENTION CONSTRUCTION PROJECT SUMMARY SHEET. ***

Footnotes:

Requirements for new Detention facilities and requirements for repair & alteration projects are developed under the following standards:

(a) INS Service Processing Center Design Guide, dated November 17, 1992, and the INS Hold Room Design Guide, dated January 1993. Both of these design guides are now being updated by the A-E firm of Henningson, Durham & Richardson (HDR).

(b) Standards for Adult Local Detention Facilities by the American Correctional Association (ACA).

(c) All detention projects are constructed to comply with the National Environmental Protection Act, and nationally recognized building codes, local zoning laws, and State and local government recommendations, pursuant to U.S. Code Title 40, Chapter 12, Section 619.

2025

FY 2001 Budget

Date 02/07/00

Border Patrol Projects

2001Construction - Phased Projects

	Construction Projects	Investment to date	Phased Funding required in in FY 2001	Phased Funding required to Complete	Total Cost
1	Tucson, AZ BPS	$ 6,500,000	$ 500,000		$ 7,000,000
2	Rio Grande City, TX - BPS	$ 4,690,000	$ 3,837,000		$ 8,527,000
3	Hebbronville, TX - BPS	$ 4,034,000	$ 1,955,000		$ 5,989,000
4	El Centro, CA BPS	$ 6,269,000	$ 4,000,000	$ 2,000,000	$ 12,269,000
5	Yuma, AZ BPSH	$ 7,672,000	$ 4,000,000	$ 2,000,000	$ 13,672,000
6	Douglas, AZ BPS	$ 7,107,000	$ 8,000,000	$ 4,000,000	$ 19,107,000
7	Temecula, CA BPS	$ 447,000	$ 5,373,000	$ 4,000,000	$ 9,820,000
8	Campo, CA BPS	$ 600,000	$ 5,000,000	$ 6,800,000	$ 12,400,000
9	Yuma, AZ BPS	$ 687,000	$ 5,133,000	$ 4,000,000	$ 9,820,000
10	Sanderson, TX BPS	$ 238,000	$ 3,880,000		$ 4,118,000
11	Laredo, TX Checkpoint System (5)	$ 34,000	$ 400,000	$ 4,566,000	$ 5,000,000
12	Del Rio, TX Checkpoint System (5)	$ 34,000	$ 400,000	$ 4,566,000	$ 5,000,000
	Construction TOTAL	$ 38,312,000	$ 42,478,000	$ 31,932,000	$ 112,722,000

FY 2001 Planning/Site/Design Projects

	Construction Projects W/ FY 01 PSD		PSD Funding in 2001	Phased Funding required to Complete	Total Cost
1	El Cajon, CA BPS		$ 307,000	$ 14,273,000	$ 14,580,000
2	McAllen, TX BPS		$ 813,000	$ 9,664,000	$ 10,477,000
3	Port Isabel, TX BPS		$ 500,000	$ 8,468,000	$ 8,968,000
4	El Paso, TX BPS		$ 865,000	$ 10,893,000	$ 11,758,000
5	Eagle Pass, TX		$ 834,000	$ 12,854,000	$ 13,688,000
6	McAllen, TX BPSH		$ 685,000	$ 14,365,000	$ 15,050,000
7	Tucson, AZ BPSH		$ 520,000	$ 17,447,000	$ 17,967,000
	P/S/D TOTAL		$ 4,524,000	$ 87,964,000	$ 92,488,000

2026

PROPOSED FY 2001 BORDER PATROL CONSTRUCTION PROJECTS

PHASED CONSTRUCTION

TUCSON, ARIZONA, BORDER PATROL STATION – The Tucson Border Patrol Station is collocated with the Sector headquarters and housed in a total of 7,562 square feet of space consisting of a small building and four modular trailers. Currently, the station is staffed by 93 agents and 4 support staff, and operates 24 hours per day seven days a week. The most recent review of the facility identified almost total non-compliance with the Uniform Building and Fire Codes. In addition, the facility was over crowded, and functionally obsolete. Of the total construction funds requested in FY 1996, $3,500,000 was earmarked to begin the design and construction of a modern replacement station. An additional $3,000,000 was appropriated in FY 1998, to complete the project. Subsequently, projected agent staffing levels have risen to approximately 240 agents. As a result, the revised cost estimate for the replacement station has risen to approximately $7,000,000. The FY 2001 funds ($500,000) will serve to complete fit-out of the Station in the second quarter of FY 2001.

TOTAL COST:	**$ 7,000,000**
FY 2001 REQUEST:	**$ 500,000**
FUNDING TO DATE	$ 6,500,000

2027

RIO GRANDE CITY, TEXAS, BORDER PATROL STATION – The existing Rio Grande City Station is a Service-owned 1,320 square foot cinder block building built in 1956 to support a staff of six agents. There is little or no area for processing and detaining aliens or criminal defendants. The armory, supply, locker, and communications (radio) rooms are inadequate. Parking space on the property is very limited and it encroaches upon adjacent property. A substantial portion of the station's operations are housed in a trailer which is located adjacent to the station building. The station is currently staffed by 41 agents, with anticipated growth to 125 agents. The station's area of responsibility extends over 1,640 square miles, which includes 41 miles along the Rio Grande River. The station has long since surpassed its ability to support the staff and workload, and the physical condition of the permanent structure is deteriorating rapidly. The end of the trailer's life cycle, which was added to the station in 1985, has been reached.

The project consists of a new Station and Vehicle Maintenance Building built on seized asset forfeiture land. In addition, 215 parking spaces, covered parking for 90 Service vehicles, parking for all-terrain vehicles, a fuel island, wash rack, emergency generator, and small kennel will be constructed. The project has been divided into multiple phases. The initial phase included P/S/D. The next phase includes the administration portion of the Station and site development. The final phase includes the processing area of the Station, Vehicle Maintenance and any remaining site work such as paving. FY 2001 funding will be used for construction and items such as cabling, security and furniture.

ESTIMATED TOTAL COST:	**$ 8,527,000**
FY 2001 REQUEST:	**$ 3,837,000**
FUNDING TO DATE	$ 4,690,000

2028

HEBBRONVILLE, TEXAS, BORDER PATROL STATION - The current facility is a 1,200 square foot cinder block building that was constructed in the 1950s to support eight agents. The station is currently staffed by 63 agents and is projected to grow to 100 agents. This request provides resources to construct a new 17,000 square foot building with fuel island, car wash canopy, parking for 150 vehicles, and covered parking for INS-owned vehicles. The FY 2001 construction request builds upon the resources appropriated in FY 98 and FY 99 for land acquisition, site development and design and construction. The project has been phased to allow the site work to be built in the first phase. The second phase will include all other work including the vehicle maintenance building and kennels. The FY 01 request will be used for construction completion and support items including cabling, security and furniture.

ESTIMATED TOTAL COST:	**$ 5,989,000**
FY 2001 REQUEST:	**$ 1,955,000**
FUNDING TO DATE	$ 4,034,000

EL CENTRO, CALIFORNIA, BORDER PATROL STATION - The El Centro Border Patrol Station is located with the El Centro Border Patrol Sector Headquarters and the El Centro SPC. Recent expansion and renovations at the SPC have made it necessary that both the Station and Sector buildings be relocated to another site; the present location will not accommodate the expansion needed to support the additional Border Patrol Agents anticipated at the Station. This facility has out-grown the deteriorating wooden modular buildings that were provided as an interim solution in 1985 to accommodate the Station's 77 personnel. There are currently 168 Agents, plus support personnel assigned to the Station, with an activity level of 367 apprehensions per day. The life expectancy of this facility was surpassed many years ago, detention space is inadequate to support the Station's activity level, and it is unsuitable for the anticipated staffing level increase, which is projected to reach over 400 personnel. The project is to be co-located with the Sector Headquarters.

TOTAL COST:	**$12,269,000**
FY 2001 REQUEST:	**$ 4,000,000**
FUNDING TO DATE	$ 6,269,000

2030

YUMA, ARIZONA, BORDER PATROL SECTOR HEADQUARTERS - This facility consists of four separate buildings totaling 13,000 square feet, was built in 1955. These facilities house the anti-smuggling unit, communications center, electronics shop, maintenance shop and a small garage. The FY 1999 resources, which build upon the $922,000 requested in the FY 1998 budget for land acquisition, site development and design, will be used to construct approximately 30,000 square feet of Headquarters office and support space. The project will include a 38,000 square foot vehicle maintenance facility and warehouse, maintenance shop, radio tower, 283 parking spaces, an emergency generator, fuel island, and a car wash rack. The project is being phased: Phase I, Vehicle maintenance facility and warehouse, this phase is currently under construction with estimated cost at $7,672,000.00; Phase II, Administration and communication building. This phase is estimated at $4,000,000.00 requested under FY 2001.

ESTIMATED TOTAL COST:	**$ 13,672,000**
FY 2001 REQUEST:	**$ 4,000,000**
FUNDING TO DATE	$ 7,672,000

2031

DOUGLAS, ARIZONA, BORDER PATROL STATION (New and Existing) - The existing Station was built in 1987, and is located on a site in the town of Douglas. The current facility was designed for 60 agents. The station is currently staffed by 290 agents, with anticipated growth to 550 agents. There is little or no area for processing or detaining aliens or criminal defendants. The armory, supply room, locker rooms, and communications (radio) room are all very inadequate. Parking space on the property is very limited and it encroaches upon adjacent property. This request provides resources for a new 47,000 square foot Station building to be constructed on a 30 acre site. The project consists of providing a new 500 Agents station and renovating the existing station to support 50 Agents. In addition to the station building, this request includes resources for parking, a fuel island, wash rack, emergency generator, and a 14,000 square foot vehicle maintenance shop. The estimated cost of $19,107,000 for this project includes approximately $4,500,000 for site development and $14,607,000 for design and construction. The estimated construction completion date of phase I of the project is the third quarter of FY 2001. Phase I will consist of the site work and a portion of the Station. The second phase will complete the Station. The third phase will complete the project.

ESTIMATED TOTAL COST:	**$19,107,000**
FY 2001 REQUEST:	**$ 8,000,000**
FUNDING TO DATE:	$ 7,107,000

2032

PROPOSED FY 2001 BORDER PATROL CONSTRUCTION PROJECTS

[redacted]

TEMECULA, CALIFORNIA BORDER PATROL STATION - The existing Temecula Border Patrol Station was built in 1981 to support a staff of 40 agents. The station is currently staffed by 145 agents, with anticipated growth to 250 agents. The existing 5,000 square foot facility is a leased facility with an annual cost of approximately $100,000. There is little or no area for processing or detaining aliens or criminal defendants. The locker rooms, armory, parking, and supply room are inadequate. The station lacks an adequate communications (radio) room and the physical condition of the permanent structure is deteriorating rapidly. The Temecula station supports traffic checkpoint operations on Interstate Route 15, and on a secondary highway in Oak Grove, California. This request will support the construction of a 23,000 square foot building on 10 acres of land and build upon the P/S/D resources appropriated in FY 00. In addition to the station building, 328 parking spaces, covered parking for 147 Service vehicles, a fuel island, wash rack, emergency generator, vehicle maintenance area, and kennel will be constructed. Phase I, Administration and holding processing will be constructed with FY 2001 funding.

ESTIMATED TOTAL COST:	**$ 9,820,000**
FY 2001 REQUEST:	**$ 5,373,000**
FUNDING TO DATE	$ 447,000

2033

CAMPO, CALIFORNIA, BORDER PATROL STATION - The original Campo Station was built in 1940 to support 22 agents. An interim expansion project was completed in FY 1998 to increase capacity to 75 agents. The station is currently staffed by 272 agents. There is little or no area for processing or detaining aliens or criminal defendants. The locker rooms, armory, parking, and supply room are all inadequate. The station lacks an adequate communications (radio) room and the physical condition of the permanent structure is deteriorating rapidly. Parking space on the property is very limited. The station encroaches on adjacent property for secure parking of Service, employee-owned vehicles, and seized vehicles. The station has long since surpassed its ability to support the required workload. This request will provide for a 49,077 square foot building to be constructed on approximately 10 acres of land. In addition to the station building, 495 parking spaces, covered parking for Service vehicles, a fuel island, wash rack, emergency generator, vehicle maintenance area, and kennel will be constructed. The estimated cost of $12,400,000 for the project includes $600,000 for Planning Site and Design appropriated in FY 00 and $11,800,000 for design completion and construction, phased over multiple years.

ESTIMATED TOTAL COST:	**$12,400,000**
FY 2001 REQUEST:	**$ 5,000,000**
FUNDING TO DATE:	$ 600,000

2034

YUMA, ARIZONA, BORDER PATROL STATION - The existing Yuma Border Patrol Station was constructed in 1978 to support a complement of approximately 70 agents and supervisors. It encompasses 7,842 square feet of floor space. Anticipated future growth is expected to reach between 250 to 280 agents. Office space is unavailable for any supervisory personnel in the station building. The current floor space and interior design is inadequate for the number of agents and the processing of aliens. The existing Station building can be modernized, extending the useful life of the building well into the next century. This request will provide a 28,000 square foot addition to be constructed on the existing site. The facility will accommodate additional personnel, providing office space, training rooms, locker rooms and showers for both male and female officers, station dispatch, secure armory, storage space and alien processing areas. The plan also calls for emergency generators, limited vehicle maintenance facilities, and additional paved and covered areas for parking vehicles. The project will be phased over multiple years.

ESTIMATED TOTAL COST:	**$9,820,000**
FY 2001 REQUEST	**$5,133,000**
FUNDING TO DATE:	$ 687,000

2035

SANDERSON, TEXAS, BORDER PATROL STATION - The existing Sanderson Border Patrol Station was built in 1964. The current facility is sufficient for 5 agents, with anticipated growth to 50 agents. There is little or no area for processing and detaining aliens or criminal defendants. The armory, supply room, locker rooms, and communications (radio) room are severely inadequate. Parking space on the property is very limited, and it encroaches upon adjacent property. The station has long since surpassed its ability to support the staff and the physical condition of the structure is deteriorating rapidly. The FY 2001 request includes resources for a 8,834 square foot building to be constructed on approximately 10 acres of land. In addition to the station, the project will include 87 parking spaces, a fuel island, wash rack, emergency generator, vehicle maintenance area, and kennel. The project is divided into two phases. Phase one consists of environmental studies, site acquisition, and concept design and is supported with the resources appropriated in FY 2000. Phase two will complete the design and construction of the Station. The estimated construction completion date is the first quarter FY 2002.

ESTIMATED TOTAL COST:	**$4,118,000**
FY 2001 REQUEST:	**$3,880,000**
FUNDING TO DATE	$ 238,000

2036

LAREDO, TEXAS, CHECKPOINT SYSTEM - The Laredo Sector Checkpoint System is required to check and intercept north bound traffic that runs through the major transportation routes in the State. The total project consists of five sites on major Texas highways within the Laredo Sector. The project includes three sites located on Highways 59 East, 16 and 359, and two new sites are required because of the construction of the Camino Colombian Toll Road. The sites will be contained within the right of way of the highway. The checkpoint will consist of a new building, canopy, and primary and secondary inspection areas. The site will include a well for water, septic, electricity, and communications needs and site improvements include paving, lighting and signage. The project will be divided into multiple phases. The initial phase consists of Planning, Site and Design work supported with resources appropriated in FY 2000. The next phase will continue the P/S/D process. The following phase will be for the construction of the checkpoints. The land for the sites will be leased from the State of Texas. The estimated construction completion date is the first quarter FY 2004.

ESTIMATED TOTAL COST:	**$5,000,000**
FY 2001 REQUEST:	**$ 400,000**
FUNDING TO DATE:	$ 34,000

2037

DEL RIO, TEXAS, CHECKPOINT SYSTEM – The Del Rio Checkpoint System is required to check and intercept north bound traffic that runs through the major transportation routes in the State. The total project consists of five sites on major Texas highways within the Del Rio Sector. The five sites are located on Highways 90 West, 90 East, 277 North, 277 South and 57 North. The sites will be located within the right of way of the highway. The checkpoint will consist of a new building, canopy, and primary and secondary inspection areas. The site will include a well for water, septic, electricity, and communications needs and site improvements include paving, lighting and signage. The land for the sites will be leased from the State. The project will be divided into multiple phases. The initial phase consists of Planning, Site and Design work supported with resources appropriated in FY 2001. The next phase consists of the construction of multiple checkpoints. Phase three consists of the construction of any remaining checkpoints. The estimated construction completion date of the second phase is the first quarter FY 2003 and the third phase is the first quarter FY 2004.

ESTIMATED TOTAL COST:	**$ 5,000,000**
FY 2001 REQUEST:	**$ 400,000**
FUNDING TO DATE:	$ 34,000

2038

PROPOSED FY 2001 BORDER PATROL CONSTRUCTION PROJECTS

BARRIER CONSTRUCTION

SAN DIEGO, CALIFORNIA, STRATEGIC BORDER BARRIER PROGRAM - This request continues development of the San Diego Border Barrier System. The 14 miles of border adjacent to San Diego, California, is a desirable border location for illegal drug and alien smuggling due to proximity to major U.S. highways, urban, and developed areas. A major west-coast highway system, U.S. 5 and Mexico 1, connecting major coastal urban centers, crosses the international border in this area. The variety of terrain throughout this area has made it difficult to detect and apprehend aliens attempting to cross the border illegally. Aliens use the deep canyons and vegetation in the western end, and developed areas in the eastern end of the 14 mile area, as cover for illegal entry into the U.S. The barrier system currently under development provides a dedicated corridor for border control using a continuous system of fences and roads. This project was begun in 1996 as a multi-year, phased effort to construct an integrated system of barriers, lights, and roads for all 14 miles of border from the Pacific Ocean to the Otay Mountain foothills. The completed system will provide a continuous enforcement zone from the Pacific to Otay Mountain.

Work to be performed through Fiscal Year 2000 provides for all areas except those at the far west end and the far east end of the project areas. This request provides site development resources for the Borderfield Park, the Tin Can Hill area, and for installation of roughly 2 miles of fencing and road between Smuggler's Gulch and the Sewer Treatment Plant.

TOTAL COST: **$25,400,000**

FY 2001 REQUEST: **$ 3,300,000**

FY 2001 Budget

Date 02/07/00

Detention and Deportation Projects

2001Construction - Phased Projects

	Construction Projects	Investment to date	Phased Funding required in in FY 2001	Phased Funding required to Complete	Total Cost
1	Port Isabel, TX SPC Process/Infirmary	$ 350,000	$ 4,000,000		$ 4,350,000
2	Port Isabel, TX SPC Two 200-Bed Dorms		$ 6,400,000		$ 6,400,000
3	Krome, FL SPC Admin.Bldg/site	$ 1,200,000	$ 9,500,000	$ 13,087,000	$ 23,787,000
4	San Perdro, CA SPC Main.Bldg.	$ -	$ 800,000		$ 800,000
	Construction TOTAL	$ 1,550,000	$ 20,700,000	$ 13,087,000	$ 35,337,000

FY 2001 Planning/Site/Design Projects

	Construction Projects W/ FY 01 PSD	Investment to date	PSD Funding in 2001	Phased Funding required to Complete	Total Cost
1	Port Isabel, TX SPC Admin/Process	$ 19,250,000	$ 1,500,000	$ 20,000,000	$ 40,750,000
2	Krome, FL SPC Admin.Bldg/site	$ 1,200,000	$ 1,184,000		$ 2,384,000
3	El Centro, CA SPC Expand-Ph.1	$ 200,000	$ 300,000	$ 23,500,000	$ 24,000,000
4	El Paso, TX SPC Secure/Iso Dorms		$ 1,149,000	$ 11,965,000	$ 13,114,000
	P/S/D TOTAL	$ 20,650,000	$ 4,133,000	$ 55,465,000	$ 80,248,000

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PORT ISABEL, TEXAS, SERVICE PROCESSING CENTER – PHASE 3 PROCESSING/INFIRMARY/SECURITY COMMAND: The existing facilities at the Port Isabel SPC are in an advanced state of deterioration and are inadequate to support the mission of the INS. The existing facilities are widely dispersed, operationally inefficient, and security is severely impaired. Phase I the design and construction of a new 200-Bed Open-Bay Dormitory, was completed and placed into service in June 1998. Phase II design and construction of three additional 200-Bed Open-Bay Dormitories, completed and placed into service in January 2000. The FY 2001 request- Phase III of the construction initiative-includes the Processing/Infirmary/Command Center stage of the new Administration Building. This project will provide needed processing, health care, and operational support facilities. Out-year projects defined by the Port Isabel SPC Long-Range Master Plan will include: demolition of existing support buildings; construction of follow-on stages of the new Administration Building; a 200-Bed Secure Dormitory, Remodeling Building 4 into Pre-Clearance Housing, a new Laundry Facility, a new high-security perimeter fence, patrol road and sallyports, 600 parking spaces, and utility & site improvements.

ESTIMATED TOTAL COST: **$ 4,350,000**
FY 2001 REQUEST: **$ 4,000,000**
INVESTMENT TO DATE: $ 350,000

PORT ISABEL, SERVICE PROCESSING CENTER – TWO 200-BED OPEN-BAY DORMITORIES: Phases I & II of a completed construction initiative provided four 200-bed open-bay dormitories at the Port Isabel SPC. Design is underway for Phase III which will construct an administrative/infirmary building in FY-2001 and a 200-bed secure dormitory & Building 4 remodel in follow-on years. The Port Isabel SPC Master Site Plan has defined additional detainee housing, support buildings, and utility infrastructure projects for future years that would support an ultimate population of 2,000 detainees.

The Port Isabel SPC has a continuing need for additional bedspace in order to help offset a national detention bedspace shortage, and to respond to rapid detainee influx situations. This project provides for the site-adaptation of two 200-Bed Open-Bay Dormitories similar in design to the completed Phase I & II open-bay dormitories. The site-adapted dormitories, each of which have four 50-bed housing pods, and may be staffed with only five officers, will be the 7th and 8th dormitories based on an original design developed for the El Paso SPC.

ESTIMATED TOTAL COST: **$6,400,000**
FY 2001 REQUEST **$6,400,000**

KROME, FLORIDA, SERVICE PROCESSING CENTER - PHASE ONE-B, ADMINISTRATION BUILDING AND SITE INFRASTRUCTURE: The Krome SPC existing administrative & support facilities are very crowded operationally inefficient, and do not meet INS design standards. The existing administrative & support facilities (SPC Administration, Deportation, INS Court Attorneys, Central Laundry, Asylum Office, and Firing Range) must be replaced in order to support the increased level of detainees at the facility. The existing buildings are in an advanced state of disrepair and are difficult to clean and be maintained in an effective manner. Because the SPC was not originally a detention facility, the wide dispersion of buildings on the site creates many blind spots, which present security risks to the detriment of both INS officers and the detainees. The FY 2001 request of $9,500,000 will be used for the construction of Phase One-B of the Administrative/Support Building, a parking lot, and associated utility infrastructure and site development. The FY 2001 request for $1,184,000 for PSD, detailed elsewhere in this budget, will be used for the design of Phase One-B.

ESTIMATED TOTAL COST: **$23,787,000**
FY 2001 REQUEST: **$ 9,500,000**

SAN PEDRO, CALIFORNIA, SERVICE PROCESSING CENTER - MAINTENANCE/ELECTRONIC SHOP UPGRADE: The existing San Pedro SPC maintenance and electronic shops are not large enough to accommodate the necessary maintenance and repair activities to support the staffing and detainee levels of the SPC. Further, the shops are outdated, inefficient, and do not meet INS design standards. The FY 2001 request will be used for a Design/Build contract to upgrade the maintenance/electronic shops.

ESTIMATED TOTAL COST: **$800,000**
FY 2001 REQUEST: **$800,000**

FY 2001 DETENTION CONSTRUCTION PROJECTS

PORT ISABEL, TEXAS, SERVICE PROCESSING CENTER - PHASE ONE-A ADMINISTRATION BUILDING: The existing support facilities (administration, processing, medical, EOIR court, dining, and maintenance facilities) are inadequate in size and layout to support operations for the current detainee population, and for the planned 2,000 detainee capacity. The FY 2001 request provides for the design of Phase #1 of the construction initiative as defined in the Port Isabel SPC Long-Range Master Plan. Phase #1 will initiate a two-year construction phase (possibly in FY 2002 and FY 2003), which will include: demolition of the existing support buildings, the infirmary, an EOIR court trailer, EOIR storage building, and other miscellaneous storage buildings; construction of the second stage of the new administration/processing building; a new laundry facility, a new perimeter fence, patrol road and sallyports, 600 parking spaces, and utility and site improvements.

ESTIMATED TOTAL COST:	**$40,750,000**
FY 2001 REQUEST:	**$ 1,500,000**
INVESTMENT TO DATE:	$19,250,000

KROME, FLORIDA, SERVICE PROCESSING CENTER – EXPANSION PROJECTS PHASE ONE-B: The existing administrative and support facilities are very crowded and operationally inefficient, and do not meet INS design standards. The existing administrative and support facilities (SPC Administration, Deportation, INS Court Attorneys, Central Laundry, Asylum Office, and Firing Range) must be replaced in order to support the increased level of detainees at the facility. The existing buildings are in an advanced state of disrepair, and are difficult to clean and maintain. Because the SPC was not originally a detention facility, the wide dispersion of buildings on the site creates many blind spots which present security risks detrimental to both INS officers and detainees. The FY 2001 request for $1,184,000 will be used for the design of Phase One-B, which will complete the construction of the Administrative/Support Building (supplementing the requested Phase One-A resources of $9,500,000), a parking lot, and associated utility infrastructure and site development in FY 2002.

ESTIMATED TOTAL COST:	**$2,384,000**
FY 2001 REQUEST:	**$1,184,000**
INVESTMENT TO DATE:	$1,200,000

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EL CENTRO, CALIFORNIA, SERVICE PROCESSING CENTER - EXPANSION PROJECTS PHASE ONE-A: The El Centro SPC has experienced an enormous increase in workload in the past 5 years without the benefit of additional facilities. The proposed relocation of the El Centro Border Patrol Sector Headquarters will more than double the existing 3-acre site to 7 acres to accommodate the expansion of the SPC administrative, EOIR, deportation, and trial attorney functions. The existing buildings are in an advanced state of disrepair and are difficult to maintain. The current layout of the buildings creates many blind spots which present security risks detrimental to both INS officers and detainees. The existing maintenance and warehouse facilities are inadequate in size and not properly located on the site to support the SPC as it expands.

The FY 2001 request for $300,000 will be used for the design of Phase One-A to include alteration of vacated Border Patrol buildings for SPC operations, additional administrative, EOIR, deportation and trial attorney spaces, additional secure and open-bay detainee housing, and associated site development and utility infrastructure to support expansion onto Border Patrol land. This work is being done in accordance with the new El Centro Service Processing Center Long-Range Master Plan. Follow-on phases possibly as early as FY 2003/2004 will provide for the design and construction of additional detainee housing, and for further expansion of support facilities.

ESTIMATED TOTAL COST:	**$24,000,000**
FY 2001 REQUEST:	**$ 300,000**
INVESTMENT TO DATE:	$ 200,000

EL PASO, TEXAS, SERVICE PROCESSING CENTER - SECURE AND ISOLATION DORMITORIES: The two original open-bay dormitories are outdated and were not designed to accommodate direct-supervision management of detainees. The SPC also needs to accommodate the increasing number of aggravated felons with secure housing (single and double cells), and to rehabilitate the existing isolation dormitory, which is in disrepair and does not meet INS design standards. The FY 2001 resource request will be used to site-adapt a secure dormitory design analogous to the Port Isabel SPC secure dorm project. Construction has already been completed on new dining, processing, laundry, deportation/EOIR court, and security command support facilities.

ESTIMATED TOTAL COST:	**$13,114,000**
FY 2001 REQUEST:	**$ 1,149,000**
INVESTMENT TO DATE:	$11,965,000

Immigration and Naturalization Service
Construction Account

Financial Analysis - Program Changes
(Dollars in thousands)

BORDER MANAGEMENT & COORDINATION STRATEGY

Item	Repairs & Alterations Pos.	Repairs & Alterations Amount	Facilities and Construction Border Patrol Projects Pos.	Facilities and Construction Border Patrol Projects Amount	Detention Projects Pos.	Detention Projects Amount	Subtotal Border Management Pos.	Subtotal Border Management Amount
Grades							13	$688
GS-12	13	$688	...	...	...	...	1	44
GS-11	1	44	...	...	...	...	7	256
GS-9	7	256	...	...	...	...	...	...
Total Positions & Annual Rate	21	988	...	...	...	...	21	988
Lapse (-)	(11)	(494)	...	...	...	...	(11)	(494)
Other than permanent	...	...	...	...	...	...	...	...
Other personnel compensation	...	...	...	...	...	...	...	...
Total workyears and personnel Compensation	10	494	...	...	...	...	10	494
Personnel Benefits	...	133	...	...	...	...	...	133
Travel and transportation of persons	...	27	...	...	...	...	...	27
Comm/Utilities/Miscellaneous	...	33	...	...	...	...	...	33
Other Services	...	813	...	...	...	...	...	813
Supplies and Materials	...	12	...	...	...	...	...	12
Equipment	...	396	...	...	...	...	...	396
Land & structures	...	92	...	50,302	...	24,833	...	75,227
Total program WY & obligations changes requested, 2001	10	2,000	...	50,302	...	24,833	10	77,135

Immigration and Naturalization Service
Construction
2001 Priority Rankings

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Construction & Engineering	1	Border Management - Repairs and Alterations	1
		Border Management - Construction - Border Patrol	2
		Border Management - Construction - Detention & Deportation	3

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Immigration and Naturalization Service
Construction
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	FY 1999 Authorized	2000 Authorized	2001 Program Increases	2001 Total Authorized
Engineering and Architecture (800-899)	70	72	21	93
Washington	33	33	...	33
U.S. Field	37	39	21	60
Total	70	72	21	93

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Immigration and Naturalization Service

Construction

Summary of Attorney/Agent and Support Positions

FY 2000-2001

Decision Unit	2000 Appropriation Anticipated							2001 Increases							2001 Request Level						
	Agents		Attorneys		Support		Total	Agents		Attorneys		Support		Total	Agents		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos. FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos. FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Const. & Engineering					72	71	72 71					21	10	21 10					93	81	93	81
Total					72	71	72 71					21	10	21 10					93	81	93	81

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Immigration and Naturalization Service
Construction
Summary of Change
(Dollars in thousands)

	Positions	Work-years	Amount
2000 Appropriation Enacted	72	71	$99,664
Government-wide .38% recission pursuant to H.R. 3425	...	...	(2)
2000 Availability	72	71	$99,662
Adjustments-to-base:			
Increases:			
2001 pay increase	...	...	139
Annualization of 2000 pay raise	...	...	51
Annualization (net) of 36 positions received in 1999	...	...	278
General Services Administration (GSA) rent	...	...	11
Total, increases	...	...	479
Decreases:			
Non-recurring decreases for Underground Storage Tank (UST) Program	...	...	(4,300)
Non-recurring decreases (automatic non-policy)	...	...	(61,841)
Total, decreases	...	...	(66,141)
2001 Base	72	71	34,000
Program Changes	21	10	77,135
2001 Estimate	93	81	111,135

Immigration and Naturalization Service
Construction
Justification of Adjustments to Base
(Dollars in thousands)

Adjustment-to-Base Increases:	Pos.	Work-years	Amount
2001 pay raise	...	...	$139
This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for FY 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $139,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($107,000 for pay and $32,000 for benefits = $139,000).			
Annualization of 2000 pay raise	...	...	51
This pay annualization represents first quarter amounts (October through December) of the 2000 increase of 4.8 percent effective in January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $51,000, represents the pay amounts for three quarters of the year plus appropriate benefits ($37,000 for compensation and $14,000 for benefits).			
Annualization of 36 positions approved in 1999	...	...	278
This provides for the additional annualization of 36 additional positions requested in the enacted 1999 appropriation for INS Construction. This request includes an increase of $278,000 for full year costs associated with these positions at the journeyman grade level.			

	Approved 2000 Resources	Annualization Required in 2001
Annual salary rate of 36 approved positions	$1,238	
Other personnel compensation		
Less lapse (50%)		
Net Compensation	1,238	$212
Associated employee benefits	372	66
Other (non-personnel)	....	....
Travel	96	....
Transportation of Things	....	....
GSA Rent	....	....
Communications/Utilities	71	....
Purchase from Government Accounts	....	....
Other Services	87	....
Supplies/Materials	89	....
Equipment	81	....
Total costs subject to annualization..	2,034	278

General Services Administration (GSA) rent	...	...	11
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $11,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.			
Total, adjustment-to-base increases	...	...	479
Adjustment-to-base decreases:			
Decrease for one-time costs associated with construction	...	...	(61,841)
This amount represents non-recurring costs associated with new construction projects, and planning, site development, and design costs for planned projects. The costs do not carry forward, and are non-recurred from the base.			
Decrease for costs associated with Underground Storage Tank (UST) Program	...	...	(4,300)
This INS has successfully completed a 5-year initiative to correct numerous leaking underground storage tanks that were well past the expected useful life and posed an unacceptable risk of increased environmental damage. This amount does not carry forward and are non-recurred from the base.			
Total, adjustment-to-base decreases	...	...	(66,141)
Total, adjustment-to-base	...	...	(65,662)

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Immigration and Naturalization Service
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Pos. & Wys.	1999 Actual Amount	2000 Estimate Pos. & Wys.	2000 Estimate Amount	2001 Request Pos. & Wys.	2001 Request Amount	Increase/Decrease Pos. & Wys.	Increase/Decrease Amount
GS-15, $84,638-110,028	3		3		3		...	
GS-14, $71,954-93,537	4		4		4		...	
GS-13, $60,890-79,155	17		17		17		...	
GS-12, $51,204-66,564	4		4		17		13	
GS-11, $42,724-55,541	13		13		14		1	
GS-9, $35,310-45,900	1		3		10		7	
GS-7, $28,868-37,522	25		25		25		...	
GS-6, $25,976-33,768	2		2		2		...	
GS-3, $18,555-24,120	1		1		1		...	
Total, positions	70		72		93		21	
Average GS Salary		$48,584		$53,594		$55,577		
Average GS Grade		11.68		11.60		12.02		

Immigration and Naturalization Service
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	48	$2,286	68	$2,884	78	$3,732	10	$848
11.3 Other than permanent	3	77	3	72	3	76	...	$4
11.5 Other personnel compensation	...	34	...	12	...	12	...	...
Total, workyears and personnel compensation	51	2,397	71	2,968	81	3,820	10	852
12.0 Personnel benefits		506		794		1,037		243
21.0 Travel and transportation of persons		224		242		269		27
22.0 Transportation of things		15		4		4		...
23.1 GSA rent		322		246		257		11
23.3 Communications, utilities and miscellaneous charges		241		578		611		33
24.0 Printing and reproduction		5		2		2		...
25.2 Other services		64,984		58,207		14,785		(43,422)
25.3 Purchase from Gov't. Acc'ts.		4,826		5,278		5,132		(146)
25.4 Operation of GOCO's		...		10,125		...		(10,125)
25.7 Operation & Maintenance of Equipment		121		127		127		...
26.0 Supplies & Materials		3,660		381		393		12
31.0 Equipment		381		983		1,382		399
32.0 Land and Structures		412		37,583		83,316		45,733
Total obligations	51	78,094	71	117,518	81	111,135	10	(6,383)
Unobligated balance, start of year		(5,586)		(17,492)		(364)		
Recoveries of prior year obligations		...		...		...		
Unobligated balance, end of year		17,492		364		364		
Total requirements		90,000		100,390		111,135		
Relation of Obligations to Outlays:								
Total obligations		78,094		117,518		111,135		
Obligated balance, start of year		116,931		147,736		170,000		
Obligated balance, end of year		(147,736)		(170,000)		(190,000)		
Outlays		47,289		95,254		91,135		

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Department of Justice
Immigration and Naturalization Service
Immigration Services Capital Investment Account
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Immigration Service Capital Investment Account
Summary Statement
Fiscal Year 2001

In FY 2001, the Immigration and Naturalization Service (INS) proposes to establish an Immigration Service Capital Investment Account (ISCIA) to fund service infrastructure, system upgrades and immigration benefit backlogs initiatives. By establishing the ISCIA, INS will have a mechanism for tracking investment spending for improving the delivery of immigration services. The $127,300,000 in the ISCIA will be capitalized from Premium Service Fee ($55 million); re-authorization of a permanent 245(i) adjustment of status program ($37.5 million); and $34.8 million in direct appropriations. INS estimates that for FY 2001 the Premium Service Fee could generate approximately $80 million in additional revenue. Of the $80 million generated from the "Premium Service" fee, only $55 million will be used for capital investment items and the remaining $25 million will remain in the Exams Fee account.

The resources in the Immigration Services Capital Investment Account (ISCIA) would be used to fund the following initiatives:

Backlog Reduction

INS surpassed its FY 1999 target for naturalization applications processing. Targeted backlog reduction funding provided in FY 1999 was critical to INS' success, and this new account will be a continuing source for such improvements. INS requests $43.4 million for this effort. This increase will support INS' backlog reduction efforts through:

Contractor Support - This request includes an increase of $13 million to allow INS to completely support the National Records Center (NRC) in support of backlog reduction. The investments that these resources will support full development and deployment of a single-tier national records tracking system to complement the NRC, and the upgrade of associated equipment. Resources will also be used to update the functional requirements study for the INS' Central Index System; the central repository for information on all files; recover and rebuild space in INS field offices currently being used to store records; and reconfigure mail rooms so that they will be able to function in a centralized records environment.

Naturalization Systems Upgrades - An increase of $10.4 million is included in this request to conclude the deployment of CLAIMS 4. This will mean that all naturalization case tracking will be accomplished in one automated system, and eliminate the need for other second generation systems that INS is currently using for some case tracking thereby helping to reduce the backlog. The upgrade will also improve the statistical and financial reporting.

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Fingerprinting for the FBI - An additional $20 million investment is being requested to enhance fingerprinting function for the FBI for electronic criminal background checks. These resources will be used for software and hardware improvements in the ASC's, to develop a system to store and retrieve electronic fingerprint images to support immigration benefit processing.

Remote Customer Service

A capital investment totaling $30 million will be used for the National Customer Service Center to maintain and enhance telephone customer service enhancements. These services will include expansion of the National Customer Service Center to build infrastructure for anticipated increases in telephone call volume and expanded services. It will also support national implementation of the Change of Address initiative to allow applicants for immigration benefits to update addresses by phone. Live assistance will be provided to customers on case status information around the clock from the NCSC's automated services and will also allow customers to request via telephone the rescheduling of their interviews.

Application Support Centers

This request includes an additional $11 million investment in the Application Support Centers (ASC) to continue the development and installation of digital photography and digital signature capabilities in the ASCs. This added functionality would facilitate and strengthen the integrity of the benefit application process, while improving customer service.

Replacement Case Tracking System

This request includes $25 million to replace CLAIMS 3, the only case processing and fee receipting system used for all the benefit applications, except naturalization. The system has exceeded its life expectancy, and no longer performs the tasks for which it was designed. These resources will begin the System Development Life Cycle (SDLC) process to create a new system to replace CLAIMS 3, and will also be used to purchase hardware and software for the new system.

Hardware Replacement

An increase of $14.15 million is being requested for replacement of hardware in field offices. This hardware replacement will include approximately 2,000 workstations; replace antiquated postage meters; and replace cash registers with electronic cash registers that will allow INS to better account for fee receipts.

Immigration and Naturalization Service
Immigration Services Capital Investment Account
Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include appropriation language for the Immigration Services Capital Investment account. This is a new account.

Immigration Services Capital Investment

For backlog reduction, infrastructure improvements, process improvements, major capital acquisitions, and such other service-related expenses and programs necessary for the administration of the laws relating to immigration, naturalization, and alien registration, $34,800,000, to remain available until expended. (Department of Justice Appropriations Act, 2001.)

Explanation of Changes:

Language amending Section 286 of the Immigration and Nationality Act, as amended, 8 USC 1356, authorizing this account is included in the Department of Justice General Provisions.

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Immigration and Naturalization Service
Immigration Services Capital Investment
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Reprogrammings			2000 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Citizenship and Benefits:									
Adjudications and Naturalization	...	...	...	...	...	...	...	...	...
Immigration Support:									
Data and Communications	...	...	...	...	...	...	...	...	...
Information and Records Management	...	...	...	...	...	...	...	...	...
Subtotal	...	...	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	...	...

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Immigration and Naturalization Service
Immigration Services Capital Investment
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Availability	...	...	...
2001 Base	...	...	...
Program Changes (See Program Narrative for Details)	...	...	$127,300
2001 Estimate	...	...	127,300

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Citizenship and Benefits	...	...	...	...	...	...	...	...	$61,000	...	...	$61,000
2. Immigration Support	...	...	...	...	...	...	...	...	66,300	...	...	66,300
Total	...	...	...	...	...	...	...	...	127,300	...	...	127,300

Immigration and Naturalization Service
Immigration Services Capital Investment
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Citizenship and Benefits:																		
Adjudications and Naturalization	...	...	...	...	...	...	...	...	...	...	...	...	...	...	$61,000	...	...	$61,000
Immigration Support:																		
Data and Communications	...	...	...	...	...	...	...	...	...	...	...	...	..	...	53,300	...	...	53,300
Information and Records Managem	...	...	...	...	...	...	...	...	...	...	...	...	..	...	13,000	...	...	13,000
Subtotal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	66,300	...	...	66,300
Total obligations	...	...	...	...	...	...	...	...	...	...	...	...	...	...	127,300	...	...	127,300

Immigration Services
Immigration Service Capital Investment Account
(Dollars in thousands)

Initiative Summary

Elements/Programs	Positions	Workyears	Amount
Adjudication and Naturalization	...	...	$61,000
Data and Communications	...	...	$53,300
Information and Records Management	...	...	$13,000
Total, Infrastructure Items	...	...	$127,300

Strategy

In FY 2001, INS has proposed establishing a Immigration Service Capital Investment Account. The resources in the Immigration Services Capital Investment Account (ISCIA) would be used to build service infrastructure, fund system upgrades and address other immigration benefit backlogs. The ISCIA would be capitalized from the following fee revenues: a voluntary Premium Service Fee ($55,000,000); Re-authorization of a permanent 245(i) adjustment of status program ($37,500,000); and $34,800,000 in direct appropriations. INS estimates that for FY 2001 the Premium Service fee could generate approximately $80,000,000 in additional revenue. Of the $80,000,000 generated from the "Premium Service" fee, only $55,000,000 will be used for capital investment items and the remaining $25,000,000 will remain in the Exams Fee account.

The level of revenue received in the Exams Fee account from application fees is unable to keep up with the growing resource requirements. By creating the ISCIA, infrastructure and equipment needs can be met. This fund would also provide a mechanism for tracking investment spending in the ISCIA. The following initiatives will be funded in the ISCIA:

2062

Element: Backlog Reduction Efforts - $43,400,000

Program	Positions	Workyears	Amount
Adjudication and Naturalization	...	...	$20,000
Data and Communications	...	...	10,400
Info and Records Management	...	...	13,000
Total	...	...	$43,400

- INS requests $43,000,000 for Backlog reduction efforts. INS surpassed its FY 1999 target for naturalization applications processing. Targeted backlog reduction funding provided in FY 1999 was critical to INS' success, and this new account will be a continuing source for such improvements. This increase will support INS' backlog reduction efforts through:

- **Contractor Support** - This request includes an increase of $13 million to allow INS to completely support the National Records Center (NRC) in support of backlog reduction. The investments that these resources will support full development and deployment of a single-tier national records tracking system to complement the NRC, and the upgrade of associated equipment. Resources will also be used to update the functional requirements study for the INS' Central Index System; the central repository for information on all files; recover and rebuild space in INS field offices currently being used to store records; and reconfigure mail rooms so that they will be able to function in a centralized records environment.

- **Naturalization Systems Upgrades** - An increase of $10.4 million is included in this request to conclude the deployment of CLAIMS 4. This will mean that all naturalization case tracking will be accomplished in one automated system, and eliminate the need for other second generation systems that INS is currently using for some case tracking thereby helping to reduce the backlog. The upgrade will also improve the statistical and financial reporting.

- **Fingerprinting for the FBI** - An additional $20 million investment is being requested to enhance fingerprinting function for the FBI for electronic criminal background checks. These resources will be used for software and hardware improvements in the ASC's, to develop a system to store and retrieve electronic fingerprint images to support immigration benefit processing.

Element: **Remote Customer Service - $30,000,000**

Program	Positions	Workyears	Amount
Adjudication and Naturalization	...	...	$30,000
Total	...	...	$30,000

- The cost of providing and expanding service at telephone centers for FY 2001 will be $45,000,000. A capital investment totaling $30,000,000 will be used for the national Customer Service Center to maintain and enhance customer service enhancements. These services include:
  - Nationwide expansion - the NCSC service area will actually expand nationwide in FY 2000. The FY 2000 budget is sufficient to support this expansion. However, additional funding will allow INS to build infrastructure for anticipated increases in call volume and expanded services.
  - National implementation of the Change of Address initiative, which began with N-400 applicants living in Florida and California. With full implementation, any applicant for an immigration benefit will be able to update his or her address by phone.
  - Customers will be able to obtain case specific case status information around the clock from the NCSC's automated services, with live assistance available during business hours.
  - Customers will be able to request interview rescheduling by phone nationwide.

2064

Element: **Application Support Centers - $11,000,000**

Program	Positions	Workyears	Amount
Adjudication and Naturalization	...	...	$11,000
Total	...	...	$11,000

- The contract cost of providing service at the ASCs in FY 2001 will be $50,000,000. An additional $11,000,000 investment in the Application Support Centers in FY 2001 will be used to continue the development and installation of digital photography and digital signature capabilities in the ASCs. This added functionality would facilitate and strengthen the integrity of the benefit application process, while improving customer service.

Element: **Replacement Case Tracking System - $29,000,000**

Program	Positions	Workyears	Amount
Data and Communications	...	...	$29,000
Total	...	...	$29,000

- This request includes $25,000,000 to replace CLAIMS 3, the only case processing and fee receipting system used for all the benefit applications except naturalization. The system has exceeded its life expectancy, and no longer performs the tasks for which it was designed. These resources will be used for the following:
  - Begin the System Development Life Cycle (SDLC) process to create a new system to replace CLAIMS 3.
  - Purchase hardware and software for the new system.
  - Design the new case tracking system to be compatible with newer INS financial tracking systems, which will improve financial reporting.

- Additionally, the new case tracking system will replace an antiquated system that no longer serves the needs of the INS adequately.

Element: **Hardware Replacement - $13,900,000**

Program	Positions	Workyears	Amount
Data and Communications	...	...	$13,900
Total	...	...	$13,900

- An increase of $13,900,000 is being requested for replacement of computer hardware in field offices. This hardware replacement will include:
  - Replace approximately 2,000 workstations funded from the Exams Fee account, that are on a five-year replacement cycle.
  - Replace antiquated postage meters that are costly to maintain and frequently break down.
  - Replace cash registers with electronic cash registers to support receipting in field offices, allowing INS to better account for fee receipts.

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Immigration and Naturalization Service
Immigration Service Capital Investment Account

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Immigration Services						Total	
	Adjudication & Naturalization		Data and Communications		Information & Records Mgmt.			
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS-15	...	...	...	...	...	...	...	...
GS-14	...	...	...	...	...	...	...	...
GS-13	...	...	...	...	...	...	...	...
GS-12	...	...	...	...	...	...	...	...
GS-11	...	...	...	...	...	...	...	...
GS-9	...	...	...	...	...	...	...	...
GS-7	...	...	...	...	...	...	...	...
GS-6	...	...	...	...	...	...	...	...
GS-5	...	...	...	...	...	...	...	...
GS-4	...	...	...	...	...	...	...	...
Total Positions & Annual Rate	...	...	...	...	...	...	...	...
Lapse (-)	...	...	...	...	...	...	...	...
Other than permanent	...	...	...	...	...	...	...	...
Other personnel compensation	...	...	...	...	...	...	...	...
Total workyears and personnel Compensation	...	...	...	...	...	...	...	...
Personnel Benefits	...	...	...	...	...	...	...	...
Travel and transportation of persons	...	...	...	...	...	...	...	...
Transportation of Things	...	...	...	...	...	...	...	...
GSA Rent	...	...	...	...	...	...	...	...
Comm/Utilities/Miscellaneous	...	...	...	...	...	...	...	...
Other Services	...	$61,000	...	$53,300	...	$13,000	...	$127,300
Supplies and Materials	...	...	...	...	...	...	...	...
Equipment	...	...	...	...	...	...	...	...
Land & structures	...	...	...	...	...	...	...	...
Total program WY & obligations changes requested, 2001	...	$61,000	...	$53,300	...	$13,000	...	$127,300

Immigration and Naturalization Service
Immigration Services Capital Investment
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Availability Workyears	2000 Availability Amount	2001 Estimate Workyears	2001 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than permanent:								
Other part-time and intermittent employment	...	...	...	...	...	...	...	...
11.5 Other personnel compensation:								
Overtime	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation	...	...	...	...	...	...	...	...
12.1 Personnel benefits		...		...		...		...
21.0 Travel		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Communications, utilities		...		...		...		...
24.0 Printing		...		...		...		...
25.2 Other services		...		...		$127,300		$127,300
25.3 Purchase from Gov't Accts		...		...		...		...
25.7 Operation and maintenance of equipment		...		...		...		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		...		...
42.0 Insurance claims and indemnities		...		...		...		...
Total obligations	...	...	...	...	...	127,300	...	127,300
Relation of obligations to outlays:								
Obligations		...		...		127,300		
Recovery of prior year obligations		...		...		...		
Total requirements		...		...		127,300		
Relation of Obligations to Outlays:								
Total obligations		...		...		127,300		
Obligated balance, start of year		...		...		...		
Obligated balance, end of year		...		...		...		
Outlays		...		...		127,300		

Department of Justice
Immigration and Naturalization Service
Immigration Examinations Fee
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Immigration Examinations Fee Account
Summary Statement
Fiscal Year 2001

For FY 2001, the Immigration and Naturalization Service (INS) requests 6,046 positions, 6,559 workyears, and $807,317,000 in the Immigration Examinations Fee account.

The Immigration Examinations Fee account was established in the Department of Justice Appropriations Act of 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the "Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources are to be made available for: adjudication of applications and petitions for benefits under the Immigration and Nationality Act of 1952, as amended; asylum, refugee, parole, and overseas activities; adjudication-related work performed in other INS and non-INS programs; and the necessary support for all of these activities.

In action taken in FY 1995, the Congress amended Section 245(i) of the Immigration and Nationality Act of 1952, to allow certain categories of eligible aliens who have a current immigrant visa number available but who are unlawfully in the United States, to adjust their status in the United States upon payment of a fee, of $1,000 for this benefit. Congress did not renew this section of law when it passed the FY 1998 Commerce-Justice-State Appropriations Act, but it did pass an extension of eligibility for certain aliens who have begun the immigrant visa process prior to January 14, 1998. Adjustment of status under this provision will be available to aliens on whose behalf an immigrant visa petition has been filed with INS, or for whom an application for a labor certification has been filed in accordance with Department of Labor regulations by January 14, 1998.

In FY 1996 and FY 1997, the INS conducted an Activity Based Costing (ABC) study of immigration adjudication and naturalization fees in the Examinations Fee account. The purpose of the study was to develop a more consistent and reliable methodology, and to produce a legally defensible Examinations Fee Account Fee Schedule. The final rule was published in the Federal Register on August 14, 1998, with the implementation of a new fee schedule set for October 13, 1998, and January 15, 1999 for naturalization fees.

In FY 2001, INS is proposing to establish a voluntary Premium Service Fee for Business cases. Premium Service will provide businesses with a consistently high level of customer service and improved processing. The fee for this service is $1,000. The Premium Service concept is being offered to enable INS to meet the needs of business clientele who may be severely impacted by processing delays. INS is currently unable to meet the demand for expeditious service to the business community without adversely impacting relative petitions and document applications. The business community would derive a direct benefit because of the improved service.

INS estimates that for FY 2001 the Premium Service fee would generate approximately $80,000,000 in additional fee revenue. INS anticipates a significant portion of the revenue will be generated by high tech industries filing H-1B petitions. It should also be pointed out that since this is a voluntary fee, expected revenue is an estimate.

This request represents an increase of $27,441,000. The separate enhancement initiatives requested in this appropriation are funded by the proposed new fee, and are described below.

Service Center Personnel and Equipment

An additional 141 positions, 71 workyears and $17,500,000 is requested for the processing of applications submitted for the Premium Service and for the re-engineering of the citizenship testing process. The Premium Service will provide guaranteed processing within 15 days for business cases, fax capability for resolution of evidentiary issues, and access to an ombudsman to quickly rectify processing errors. It will provide businesses with an option from the regular processing of business cases, which currently takes from 60 days to well over one year, depending upon the form type and the servicing office.

Anti-fraud Personnel

An increase of 54 positions, 24 workyears and $7,500,000 is requested to provide resources that will be dedicated to identifying benefit fraud by conducting local and other agency checks of applicants; and conducting immediate secondary referral after primary interview. By enhancing these operations, INS will improve the deterrence of fraud instigated by individuals acting alone.

Pay Reform

The INS requests an increase of $2,441,000 as part of a pay reform initiative requested for Immigration Inspectors in the Examinations Fee account beginning in FY 2001. This pay reform includes only pay upgrades.

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Immigration and Naturalization Service
Immigration Examinations Fee
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 Appropriation			Reprogrammings			Recovery of Prior Year Obligations			1999 Appropriation Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement												
a. Inspections	398	349	$21,130	...	...	...	...	...	$310	398	349	$21,440
b. Investigations	93	82	10,288	...	...	...	...	...	109	93	82	10,397
c. Intelligence	14	12	1,279	...	...	...	...	...	27	14	12	1,306
Subtotal	505	443	32,697	...	...	...	...	...	446	505	443	33,143
Citizenship and Benefits												
a. Adjudications and Naturalization:	3,136	3,908	356,570	...	...	...	...	...	6,024	3,136	3,908	362,594
b. International Affairs	749	658	81,258	...	...	...	...	...	7,786	749	658	89,044
Subtotal	3,885	4,566	437,828	...	...	...	...	...	13,810	3,885	4,566	451,638
Immigration Support												
a. Training	25	22	1,799	...	...	...	...	...	686	25	22	2,485
b. Data and Communications	72	66	71,578	...	...	...	...	...	5,302	72	66	76,880
c. Information and Records Mgmt:	836	835	72,691	...	...	...	...	...	(1,640)	836	835	71,051
d. Construction and Engineering	...	...	...	...	...	...	...	...	...	...	...	...
e. Legal Proceedings:	72	62	6,693	...	...	...	...	...	200	72	62	6,893
Subtotal	1,005	985	152,761	...	...	...	...	...	4,548	1,005	985	157,309
Program Direction												
a. Management and Administration	131	105	12,414	...	...	...	...	...	2,380	131	105	14,794
Total	5,526	6,099	635,700	...	...	...	...	...	21,184	5,526	6,099	656,884

Immigration and Naturalization Service
Immigration Examinations Fee
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Request			Congressional Action on the Budget Request			Reprogrammings			2000 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement												
a. Inspections	398	349	$22,347	...	...	($132)	...	...	...	398	349	$22,215
b. Investigations	93	82	11,114	...	...	61	...	...	...	93	82	11,175
c. Intelligence	14	12	1,362	...	...	33	...	...	...	14	12	1,395
Subtotal	505	443	34,823	...	...	(38)	...	...	...	505	443	34,785
Citizenship and Benefits												
a. Adjudications and Naturalization:	3,136	3,908	394,527	...	...	(32,622)	...	...	$45,700	3,136	3,908	407,605
b. International Affairs	749	658	85,767	...	...	6,506	...	...	...	749	658	92,273
Subtotal	3,885	4,566	480,294	...	...	(26,116)	...	...	45,700	3,885	4,566	499,878
Immigration Support												
a. Training	25	22	1,913	...	...	264	...	...	...	25	22	2,177
b. Data and Communications	72	66	73,230	...	...	26,930	...	...	...	72	66	100,160
c. Information and Records Mgmt:	836	835	77,895	21	21	16,166	...	...	...	857	856	94,061
d. Construction and Engineering	...	...	...	...	...	...	...	...	...	...	...	...
e. Legal Proceedings:	72	62	7,175	...	...	1,188	...	...	...	72	62	8,363
Subtotal	1,005	985	160,213	21	21	44,548	...	...	...	1,026	1,006	204,761
Program Direction												
a. Management and Administration	131	105	13,249	...	...	1,527	...	...	...	131	105	14,776
Total	5,526	6,099	688,579	21	21	19,921	...	...	45,700	5,547	6,120	754,200

2000 President's Request. Positions shown for FY 2000 include 300 district adjudications officer positions converted from term appointments and 58 records positions located in the INS National Records Center. Workyears include 58 FTE for the records positions. Congress was previously notified of these changes.

Congressional Action on the Budget Request. The Congress funded a base restoration of $30,000,000 and base adjustments for Information and Records Management positions ($1,090,000) and National Archives and Records Administration charges ($3,225,000) in the Examinations Fee Account. These adjustments had been requested in the Salaries and Expenses appropriation. In addition, in order to remain within the level of budget authority approved by the Congress, $708,500,000, a base reduction of $14,394,000 was required.

Reprogrammings. A reprogramming will be submitted to the Congress to increase resources needed to meet performance goals.

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
2000 Availability	5,547	6,120	$754,200
Adjustments to base:			
Realignment of FTE	...	(63)	...
Increases	304	404	25,676
2001 Base	5,851	6,461	779,876
Program Changes (see Program Narrative for details)	195	98	27,441
Amount to be provided to the Immigration Services Capital Investment Account	...	...	92,500
2001 Request	6,046	6,559	899,817

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
1. Enforcement	505	443	$34,785	505	443	$36,802	559	470	$46,743	54	27	$9,941
2. Citizenship and Benefits	3,885	4,566	499,878	3,985	4,720	518,126	4,126	4,791	535,626	141	71	17,500
3. Immigration Support	1,026	1,006	204,761	1,230	1,193	209,010	1,230	1,193	209,010	...	...	...
4. Program Direction	131	105	14,776	131	105	15,938	131	105	15,938	...	...	...
Total, Examinations Fee	5,547	6,120	754,200	5,851	6,461	779,876	6,046	6,559	807,317	195	98	27,441
Amount to be provided to Immigration Services Capital Investment Account	...	...	...	...	...	...	...	...	92,500	...	...	92,500
Total	5,547	6,120	754,200	5,851	6,461	779,876	6,046	6,559	899,817	195	98	119,941

The FY 2000 level reflects the effects of a reprogramming notification that will add $45,700,000 to the budget authority in the Examinations Fee account. This reprogramming is based on a higher projected receipt level.

FTE amounts shown in this exhibit are corrected and differ from those shown in the President's Budget Appendix.

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements
(Dollars in thousands)

Financing	1999 Actual	2000 Availability	2001 Estimate
Unappropriated balance, start of year	$42,675	$55,800	...
Recovery of prior year obligations	21,184	...	...
Receipts	630,983	698,400	$899,817
Total available for appropriation	694,842	754,200	899,817
Appropriation	(639,042)	(754,200)	(899,817)
Unappropriated balance, end of year	55,800	...	...
Obligations	639,042	754,200	899,817
Obligations by program			
Enforcement:			
Inspections	21,173	22,215	25,920
Investigations	9,802	11,175	19,349
Intelligence	1,232	1,395	1,474
Subtotal	32,207	34,785	46,743
Citizenship and Benefits:			
Adjudications and Naturalization	363,871	407,605	438,862
International Affairs	82,850	92,273	96,764
Subtotal	446,721	499,878	535,626
Immigration Support:			
Training	1,728	2,177	2,289
Data and Communications	66,851	100,160	100,861
Information and Records Management	72,208	94,061	97,058
Legal Proceedings	7,437	8,363	8,802
Subtotal	148,224	204,761	209,010
Program Direction:			
Management and Administration	11,890	14,776	15,938
Total obligations, Examinations Fee	639,042	754,200	807,317
Amount to be provided to the Immigration Services Capital Investment Account	...	...	92,500
Total obligations	639,042	754,200	899,817

Notes:

The estimates of receipts for all fiscal years reflect the adjustment to certain fees which went into effect in October 1998 and January 1999.

Estimates of receipts in FY 2001 were updated and differ from values contained in the President's Budget Appendix.

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Resources by Program
(Dollars in thousands)

Estimates by program	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement:																		
Inspections	398	349	$21,440	398	380	$21,173	398	349	$22,215	398	349	$23,479	398	349	$25,920	...	...	$2,441
Investigations	93	82	10,397	93	86	9,802	93	82	11,175	93	82	11,649	147	109	19,349	54	27	7,500
Intelligence	14	12	1,306	14	14	1,232	14	12	1,395	14	12	1,474	14	12	1,474	...	...	...
Subtotal	505	443	33,143	505	480	32,207	505	443	34,785	505	443	36,802	559	470	46,743	54	27	9,941
Citizenship and Benefits:																		
Adjudications & Naturalization	2,836	3,908	362,594	2,836	3,587	363,871	3,136	3,908	407,605	3,236	4,062	421,362	3,377	4,133	438,862	141	71	17,500
International Affairs	749	658	89,044	749	675	82,850	749	658	92,273	749	658	96,764	749	658	96,764	...	...	...
Subtotal	3,585	4,566	451,638	3,585	4,262	446,721	3,885	4,566	499,878	3,985	4,720	518,126	4,126	4,791	535,626	141	71	17,500
Immigration Support:																		
Training	25	22	2,465	25	21	1,728	25	22	2,177	25	22	2,289	25	22	2,289	...	...	...
Data and Communications	72	66	76,880	72	75	66,851	72	66	100,160	72	66	100,861	72	66	100,861	...	...	...
Information & Records Management	778	835	71,051	778	875	72,208	857	856	94,061	1,061	1,043	97,058	1,061	1,043	97,058	...	...	...
Legal Proceedings	72	62	6,893	72	69	7,437	72	62	9,363	72	62	8,802	72	62	8,802	...	...	...
Subtotal	947	985	157,309	947	1,040	148,224	1,026	1,006	204,761	1,230	1,193	209,010	1,230	1,193	209,010	...	...	...
Program Direction:																		
Management and Administration	131	105	14,794	131	113	11,890	131	105	14,776	131	105	15,938	131	105	15,938	...	...	...
Total, Examinations Fee	5,168	6,099	656,884	5,168	5,895	639,042	5,547	6,120	754,200	5,851	6,461	779,876	6,046	6,559	807,317	195	98	27,441
Amount to be provided to Immigration Services Capital Investment Account	...	...	...	...	...	...	...	...	...	...	...	...	...	...	92,500	...	...	92,500
Total	5,168	6,099	656,884	5,168	5,895	639,042	5,547	6,120	754,200	5,851	6,461	779,876	6,046	6,559	899,817	195	98	119,941
Total Workyears		6,099			5,895			6,120			6,461			6,559			98	
Other Workyears:																		
Overtime:																		
AUO		49			49			49			49			49			...	
Other		303			303			303			303			303			...	
Total compensable workyears		6,451			6,247			6,472			6,813			6,911			98	

FTE amounts in this exhibit are corrected and differ from those shown in the President's Budget Appendix.

Immigration and Naturalization Service
Immigration Examinations Fee
Program Performance Information
(Dollars in thousands)

The Immigration Examinations Fee account was established by the Department of Justice Appropriations Act of 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources are to be made available for adjudication of applications and petitions for benefits under the Immigration and Nationality Act (INA); asylum, refugee, and parole and overseas activities; adjudication-related work performed in other Service and non-Service programs; and to provide necessary support to all of these activities.

In action taken in FY 1995, the Congress amended Section 245 of the INA to allow certain categories of aliens to adjust their status in the United States upon payment of fees for this benefit. The provision has resulted in an increased workload, as well as an increase in resources available to the INS, for processing these and other applications for immigration benefits.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) amended section 245(i) of the INA to allow the INS to collect $1,000 in addition to the regulatory filing fee required for the processing of an application for adjustment of status. The Examinations Fee Account will be allowed to retain the cost to process the application provided that at least $800 of the $1,000 penalty fee is deposited in the Immigration Detention Account, now the Breached Bond/Detention Fund. At the present time, $75 of the penalty fee is deposited in the Examinations Fee Account and $925 is deposited in the Detention Account.

The Congress did not renew the provisions of Section 245(i) when it enacted the FY 1998 Department of Justice Appropriations Act. It did, however, pass an extension of eligibility for certain aliens who had begun the immigrant visa process by January 14, 1998. Adjustment of status under section 245(i) will be available to aliens on whose behalf an immigrant visa petition had been filed with the INS, or for whom an application for labor certification had been filed in accordance with Department of Labor regulations, by January 14, 1998.

The INS recently completed two comprehensive Activity Based Costing (ABC) reviews of its largest fee accounts, the Immigration Examinations Fee account and the Immigration User Fee account. The reviews were consistent with the Service's pledge to improve the management of the fee accounts, including the method by which the INS determines its fees. Key components of the Immigration

Examinations Fee account effort included identifying, in detail, all the costs related to adjudicating immigration and naturalization applications and petitions, and logically assigning the costs to appropriate applications in conformance with federal cost accounting standards. The INS plans to update the results of these studies as business volumes and processes and/or costs change, and as more precise cost determination processes become available. At the time of the next series of reviews, the INS is committed to examining and evaluating its budget base to determine where efficiencies and cost savings may be realized. This evaluation may include the use of cycle time analysis should this tool be a key aspect of the fee reviews.

To expand on the existing fee studies, the INS will examine the method by which it determines the appropriate source of funding for its resources. This review will examine current cost allocations, and will seek to identify a systematic process to assign expenses among each of the INS' funding sources. This evaluation will be conducted within the coming year.

The study of the Examinations Fee Account led to the production of a revised Examinations Fee Account Fee Schedule. Implementation of the new fee schedule took place in October 1998, with the exception of the fee for naturalization, which went into effect in January 1999. This budget request incorporates the new schedules in receipts projections.

In FY 1999, the Congress approved merging the Legalization Account with the Examinations Fee Account. The Legalization Account was established in 1986 as a part of the legalization program. The Immigration Reform and Control Act of 1986 (IRCA) (P.L. 99-603, Title II, Sections 201-204), established a legalization program that provided temporary resident status to aliens who entered the U.S. illegally, or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982. The Immigration Act of 1990 provided a one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status. Merging the Examinations Fee Account and the Legalization Account simplifies the tracking of budget resources and eliminate duplicative accounting of resources for essentially identical purposes.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Inspections			
2000 Availability	398	349	$22,215
2001 Base	398	349	23,479
2001 Estimate	398	349	25,920
Increase/Decrease	...	...	2,441

BASE PROGRAM DESCRIPTION:

- The function of this program in the Immigration Examinations Fee account is to process and adjudicate applications for immigration benefits. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak workload hours.

- Certain types of applications are presented directly at land border ports-of-entry where they are adjudicated and issued by inspections personnel.

- INS began assessing these fees for services at land border ports-of-entry on October 9, 1995. The documents are issued to visitors from Mexico and Canada who are qualified to enter the United States, and are afforded such special privileges as extending length of stay and broadening areas of travel beyond that offered to nonresident alien Mexican or Canadian border crossing cards.

- A change in the language authorizing the Land Border Inspection Fee account (sec. 286(q) of the INA) will be requested which would require depositing fees for services into that account. If enacted, Inspections positions supported by these fees would be moved from the Examinations Fee account to the Land Border Inspection Fee account.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
2000 Availability	93	82	$11,175
2001 Base	93	82	11,849
2001 Estimate	147	109	19,349
Increase/Decrease	54	27	7,500

BASE PROGRAM DESCRIPTION:

- Generally, the functions of the Investigations program include the detection of criminal law violations and the identification of violators through undercover operations and traditional investigative procedures to initiate criminal prosecution and/or administrative action. Many cases investigated involve violators associated with large-scale, organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, immigration benefit fraud, counterfeiting, prostitution, official corruption, extortion, narcotics, and weapons trafficking on a national or international scale. Special Agents identify these organizations through interviews, informants, surveillance, and through undercover and task force operations. Investigative task force operations include a combination of resources from several offices and agencies.

- More specifically, these resources are focused on one of the basic enforcement priorities of the INS: detection and deterrence of fraud. The principal goal of the fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by the INS. Many investigations concentrate on individual applications, which have led to the identification of large-scale production of fraudulent documentation. Therefore, the INS is aggressively targeting complex criminal organizations involved in immigration fraud for criminal prosecution.

2080

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Intelligence			
2000 Availability	14	12	$1,395
2001 Base	14	12	1,474
2001 Estimate	14	12	1,474
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the INA and assists other Federal agencies in addressing national security issues. The Service's Forensic Document Laboratory (FDL) is a critical component of the program. Intelligence support in the Immigration Examinations Fee account contributes to efforts aimed at detecting the creation and/or utilization of fraudulent documents to enter and/or remain in the United States.

- The FDL is the only federal crime laboratory dedicated exclusively to the examination of international travel documents and identity documents. It provides a wide range of forensic document analysis and other law enforcement support services to INS offices worldwide, as well as other Federal, state and local agencies and foreign government entities. INS adjudicators in asylum offices, district offices and service centers submit to the FDL suspect documents for forensic examination. The results of these examinations are then used by the adjudicators in their decisions to approve or deny the applications and petitions.

- In the recent past, terrorists and other criminal aliens have filed asylum requests in the United States or submitted applications for other immigration benefits, utilizing fraudulent documentation. The work of the FDL in the examination of these suspect documents led to the rejection of these applications.

2081

ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	FTE	Amount
Adjudications and Naturalization			
2000 Availability	3,136	3,908	$407,605
2001 Base	3,236	4,062	421,362
2001 Estimate	3,377	4,133	438,862
Increase/Decrease	141	71	17,500

BASE PROGRAM DESCRIPTION:

- The mission of this program is to provide accurate and timely information and adjudication of immigration benefit applications to our customers in a professional and courteous manner. Immigration service activities include the processing of applications for permanent residence, petitions for relatives, employment authorization, reentry permits, refugee travel documents, orphan petitions, and naturalization. To adjudicate these applications and petitions, the INS must receive the application, answer inquiries, examine the evidence presented by the applicant, and make a determination as to the applicant or petitioner's qualifications for the benefit under the immigration laws. Some adjudications also require INS to conduct a background check and/or a personal interview with the applicant.

- The INS Immigration Services program operates in field offices located throughout the country and in four Service Centers, located in California, Texas, Vermont and Nebraska. Applications and petitions for immigration and citizenship benefits are received by the Service Centers and field offices. These applications and petitions are adjudicated by a corps of examiners (adjudications officers) and adjudication support personnel. The field offices concentrate on those cases that require personal appearances of the petitioners or applicants. The Service Centers focus on those applications that can be processed without interviews and that benefit from processing in a high-volume, production-oriented environment where INS can benefit from economies of scale.

- In response to requirements contained in the FY 1998 Appropriation Act, the INS established a new in-house fingerprint program. Those applicants and petitioners required to undergo a background check as part of the processing of their benefits, other than those applicants or petitioners fingerprinted at U.S. military installations abroad, must appear at one of INS' 129 Application Support Centers nationwide or at a designated law enforcement agency (DLEA) to be fingerprinted.

- This program is also responsible for processing applications for permanent resident status in accordance with the Immigration Reform and Control Act of 1986 (IRCA) (P.L. 99-603, Title II, Sections 201-204). The Act established a legalization program

that provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provides for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. With the exception of residual cases, the processing of all applications was completed in 1993. Processing of appeals of denials will continue during 2000 and 2001.

ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	FTE	Amount
International Affairs			
2000 Availability	749	658	$92,273
2001 Base	749	658	96,764
2001 Estimate	749	658	96,764
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The function of the program is to adjudicate refugee applications, process parolees, conduct investigations for preference and relative visa petitions, and conduct other record checks and background investigations as required at overseas Service offices. Headquarters components are responsible for maintaining liaison with foreign government embassies in Washington, liaison with domestic district and regions, and meeting the challenges of long-range planning and policy direction. The impact of the overseas environment on administrative and management issues requires a strong support function to meet the mandates of the ICASS (International Cooperative Administrative Support System), budgetary functions, and other administrative systems unique to maintaining a workforce internationally. Officers in the field provide assistance to citizens and lawful permanent residents abroad regarding adoptions, and immigration or parole of alien spouses and children and other deserving individuals. Officers in the field also coordinate with the U.S. Coast Guard on the asylum screening process of the Alien Migrant Interdiction Program. Also of importance to our international base mission is the: training of officers and families preparing for service abroad, on-going training in areas of responsibility, and training of host government immigration officials, air carriers and Department of State Consular personnel in areas of fraud prevention.

- The refugee admission ceiling for FY 2000 is 90,000 and is expected to increase again with special emphasis and increae in refugee candidates from Africa. This increase will involve increased transportation and per diem expenses because circuit rides must be conducted more frequently to a greater number of refugees processing posts. Additional asylum officers will be

needed on temporary overseas assignments to adjudicate an increased number of applications for refugee status. And, officers selected to serve in these activities must be trained in up to date country conditions, special emphasis on changes in application of the law, and how to handle the increased caseload.

- The INS Asylum Program is administered by the Office of International Affairs through eight Asylum offices located throughout the U.S. The 1990 final Asylum Rule mandated the establishment of the Asylum Officer Corps as a separate body of adjudicators with sole responsibility for the Asylum function. The rule also mandated the establishment of a documentation center to provide information on human rights conditions in refugee producing countries.

- The mission of the Asylum Corps has diversified since it was established in 1991. It now encompasses the following workloads: 1) adjudicating the Asylum Reform caseload of new receipts; 2) eliminating the pre-reform backlog; 3) adjudicating the suspension of deportation/special rule cancellation of removal applications of certain Salvadorans and Guatemalans under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and their pending asylum applications; 4) conducting reasonable fear interviews for all personnel placed in expedited removal who request asylum or express fear of returning to their home countries; 5) conducting reasonable fear interviews under the Convention against Torture; and 6) undertaking details to overseas locations to interview and process applicants for refugee status.

- The Congress transferred responsibility for the Cuban and Haitian Entrant Program (CHEP) from the Community Relations Service (CRS) to the INS in 1996. Through grants and cooperative agreements, staff who is part of this program administers:

  (1) the primary Resettlement Program which provides transitional community-based refugee resettlement services to Cuban and Haitian nationals paroled into the United States;

  (2) the secondary Resettlement Program which provides resettlement services, emphasizing employment placement and retention, at specialized sites outside the state of Florida to Cuban and Haitians whose initial resettlement in South Florida did not lead to self-sufficiency; and

  (3) the Unaccompanied Minors Program which provides foster care, residential shelter care, health, counseling, educational, recreational, and family reunification services to unaccompanied minors held in the legal custody of the INS.

ACTIVITY: IMMIGRATION SUPPORT

Perm.

2084

	Pos.	FTE	Amount
Training			
2000 Availability	25	22	$2,177
2001 Base	25	22	2,289
2001 Estimate	25	22	2,289
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of INS' workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-Service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia and a satellite training facility in Charleston, SC (basic officer training), and at Artesia, New Mexico (journeyman-level advanced, specialized officer training); through the INS Leadership Development Center (LDC) in Dallas, TX; through programs conducted by other Federal agencies; by private contractors; or in combined presentations using Service and non-Service resources.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Data & Communications			
2000 Availability	72	66	$100,160
2001 Base	72	66	100,861
2001 Estimate	72	66	100,861
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Data and Communications program provides the linkage of employees to information and information technology. There are five major technology programs included under the Data and Communications program, plus the functions collectively known as Information Resources Management (IRM) Operations. The five program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing systems and technologies, are: 1) Infrastructure; 2) Examination Systems; 3) Biometric Identification Systems; 4) Corporate Information Systems; and, 5) Management Systems (financial and administrative). IRM Operations include the functions necessary to support the activities of the Data and Communications program.

- The Examination Systems Program provides for an integrated set of functions that incorporate all individual casework-oriented subsystems used to support the processing of applications and petitions for immigration benefits and associated processes such as the production of immigration documents. These functions and processes include employment authorization, asylum, resident alien processing, and citizenship application and processing for naturalization.

  In FY 2000, INS will provide services to operate and maintain the Examinations information technology systems. Such services include: making corrections to existing software to eliminate functional errors, failures, and deficiencies that could affect operational performance; modifications in response to legislative and/or policy changes; the costs for maintaining and upgrading licenses to existing application-specific software; and the costs for maintaining validation and verification capabilities that can be used to test application systems before they are deployed and placed into operation.

2086

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information and Records Management			
2000 Availability	**857**	**856**	**$94,061**
2001 Base	**1,061**	**1,043**	**97,058**
2001 Estimate	**1,061**	**1,043**	**97,058**
Increase/Decrease	**...**	**...**	**...**

BASE PROGRAM DESCRIPTION:

The functions of this program are to:

- provide responses to inquiries from the public and private sectors; local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in writing
- maintain alien records and files from which data may be readily obtained to respond to requests from both within and outside INS;
- provide information and records management support to the staff of the Legalization Appeals Unit (LAU);
- develop guidelines, policies and procedures, and responses to FOIA/PA requests;
- compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments;
- provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and
- monitor and ensure internal compliance to standards for systems and service delivery.
- In FY 2000, INS will continue efforts to establish and begin operation of the National Records Center (NRC). Facility space as been leased and one-half of the file shelves have been erected. The core staff for the NRC will be hired and trained for the operation of the Center. By the end of the year, it is anticipated that the Center will have approximately eight million files from the INS field offices.

ACTIVITY: IMMIGRATION SUPPORT

2087

	Perm. Pos.	FTE	Amount
Legal Proceedings			
2000 Availability	72	62	$8,363
2001 Base	72	62	8,802
2001 Estimate	72	62	8,802
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- INS attorneys represent the Service in asylum, rescission, naturalization, visa petition, adjustment of status, registry, Section 212(c), 241(f), and other examinations-related cases and matters.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
2000 Availability	131	105	$14,776
2001 Base	131	105	15,938
2001 Estimate	131	105	15,938
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The functions of this program are:

- to provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;

- to execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources; and

- to provide for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs, and externally mandated requirements. Included in this program are duties related to providing executive direction and control of the Service; furnishing accurate and prompt responses to congressional and public inquiries; administering and maintaining effective budgeting and financial management systems; performing audits; conducting internal investigations; providing informational responses to frequent inquiries from the General Accounting Office, the Department of Justice Office of Inspector General, the Office of Management and Budget and Departmental offices; and developing and evaluating policies and systems to improve the effectiveness of Service programs. The major administrative functions within the program include: personnel; accounting; equal employment opportunity; procurement; property management; fleet management; security; safety and health; and other miscellaneous general services that support all programs within INS.

2089

Immigration Services
Examinations Fee Account/Premium Service Fee
(Dollars in thousands)

Initiative Summary

Elements/Programs	Positions	Workyears	Amount
Adjudication and Naturalization	141	71	17,500
Investigations	54	27	7,500
Total, Immigration Services	195	98	$25,000

Strategy

In FY 2001, INS will continue its efforts to improve Immigration Services by focusing on the customer, both internal and external to INS. INS will continue to implement standardization for application processing, delivery of forms, quality assurance and adjudication procedures. This initiative focuses strategies designed to improve service. Anti-fraud efforts will be increased by providing resources to support field reviews. These resources are necessary to maintain the integrity of the adjudicative process. They also support customer service because adjudications officers can concentrate on timely adjudication of clean petitions while receiving support for suspected fraudulent filings. INS will share information with other federal, state and local agencies to improve fraud detection and independently verify application accuracy, such as employment-related records and birth certificates. Also, the bi-annual Exams Fee Study will be completed in early FY 2000, and it will be used to substantiate a rulemaking to implement a revised schedule of fees for immigration and naturalization benefit applications and petitions in FY 2001.

2090

INS is proposing to establish a voluntary fee for "Premium Service" for business-related applications that would be implemented in FY 2001. This fee would be voluntary for business-related applications and would not impact family based applications. In Fiscal Year 2001 the Premium Service fee will generate approximately $80,000,000 in additional revenue. The limiting revenue factors include the actual date that the FY 2001 appropriation is passed, and the number of H-1B petitions filed prior to the fee going into effect. Of the $80,000,000 generated through the Premium Service fee, $25,000,000 will be used for the following initiatives.

Element: Service Center Personnel and Equipment

Program	Positions	Workyears	Amount
Adjudication and Naturalization	141	71	$17,500

- An increase of 141 positions, 71 workyears and $17,500,000 is being requested to provide Premium Service in the processing of business related applications and to provide resources for citizenship testing re-engineering. Premium Service will provide businesses with a consistently high level of customer service and improved processing. Highlights of the improved service include: guaranteed processing within 15 days for business cases, fax capability for resolution of evidentiary issues and access to an ombudsman to quickly rectify processing errors. Additional services may be provided based upon customer needs. The fee for this service is $1,000. It will provide businesses with an option from the regular processing of business cases which currently takes from 60 days to well over one year, depending upon the form type and the servicing offices.

- The Premium Service concept is being offered to enable INS to meet the needs of business clientele who may be severely impacted by processing delays. INS is currently unable to meet the demand for expeditious service to the business community without adversely impacting relative petitions and document applications. Petitioners who choose not to elect Premium Service can expect to see application processing times longer than that of Premium Service.

- The business community would derive a direct benefit because of the improved service, but other INS customers would benefit because revenues received in excess of the program costs would be used to pay for infrastructure needs to improve adjudications and customer service.

- Included in this enhancement is $1,500,000 for citizenship testing. Redesign of the naturalization English and citizenship test is a part of the ongoing re-engineering of the naturalization process that began in 1997. The resources in the FY 2001 budget

will enable INS to contract for the development of a new test designed to ensure that naturalization applicants undergo a consistent, uniform testing process.. Redesign of the process is a multi-year project, and this funding will represent a significant step forward towards developing and implementing a re-engineered system.

Element: Anti-fraud

Program	Positions	Workyears	Amount
Investigations	54	27	$7,500

- An increase of 54 positions, 27 workyears and $7,500,000 is requested to provide resources that will be dedicated to support field reviews to identify marriage fraud cases as well as fraud in business related visa petitions, I-90s and in re-entry permits. Currently, INS agents focus their resources on investigating large-scale benefits fraud conspiracy cases. The investigation of lower level, "one-on-one" fraud cases, where conspiracy is not immediately apparent, is left to adjudications staff to perform as time allows. With the large backlogs in N-400s, I-485s and other applications, INS adjudications staff have limited time and resources to focus on resource-intensive fraud identification and investigation. The funding will provide resources that will be used to increase production and resources dedicated to the three steps involved in identifying benefits fraud: 1) conducting local and other agency checks of applicants; 2) conducting immediate secondary referral after primary interview, instead of relying on scheduled interviews when fraud is suspected; and 3) conducting field inquiries to gather necessary information, including the status of marital cohabitation, viability of claimed business operations, and verification of identity of applicants. By enhancing these operations, INS will improve the deterrence of fraud instigated by individuals acting alone. Further, since the investigation of "one-on-one" cases serves as the foundation for developing information that leads to identifying links among cases, these activities will increase the likelihood that large scale conspiracy cases will be uncovered.

2092

Pay Reform
Immigration Examinations Fee
(Dollars in thousands)

Initiative Summary

Programs	Positions	Workers	Amount
Inspections	...	...	$2,441

A total of $2,441,000 is requested in the Examinations Fee account, as part of a pay reform initiative requested for Immigration Inspectors beginning in FY 2001. This pay reform includes the upgrading of the journey grade of the Immigration Inspector position from GS-9 to GS-11.

Strategy

UPGRADING THE JOURNEY GRADE OF THE IMMIGRATION INSPECTOR POSITION

The role of the Immigration Inspector has evolved from one that primarily focused on facilitating the legal entry into the United States of properly documented aliens and U.S. citizens, to one with an increased emphasis on the detection/identification and apprehension of persons attempting to enter the country illegally. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has increased knowledge requirements, authorities and responsibilities of Immigration Inspectors to include the ability to remove immediately from the United State aliens attempting to enter by fraud or without proper documentation. The raising of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work and changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

Immigration and Naturalization Service
Examinations Fee Account

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Immigration Services				Subtotal Immigration Services		Pay Reform for Immigration Inspectors		Total	
	Adjudication & Naturalization		Investigations							
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-15	...	...	...	...	...	...	...	...	...	...
GS-14	...	...	...	...	...	...	...	...	...	...
GS-13	...	...	44	$2,769	44	$2,769	...	...	44	2,769
GS-12	91	$4,817	...	...	91	4,817	...	...	91	4,817
GS-11	...	...	10	529	10	529	...	...	10	529
GS-9	...	...	...	...	...	...	...	...	...	...
GS-7	...	...	...	...	...	...	...	...	...	...
GS-6	...	...	...	...	...	...	...	...	...	...
GS-5	50	1,343	...	...	50	1,343	...	...	50	1,343
GS-4	...	...	...	...	...	...	...	...	...	...
Total Positions & Annual Rate	141	6,160	54	3,298	195	9,458	...	$1,653	195	11,111
Lapse (-)	(70)	(3,150)	(27)	(1,649)	(97)	(4,799)	...	...	(97)	(4,799)
Other than permanent	...	...	...	...	...	...	...	...	...	...
Other personnel compensation	...	...	...	...	...	...	...	...	...	...
					...	...				
Total workyears and personnel Compensation	71	3,010	27	1,649	98	4,659	...	1,653	98	6,312
Personnel Benefits	...	1,405	...	951	...	2,356	...	788	...	3,144
Travel and transportation of person	...	171	...	166	...	337	...	...	...	337
Transportation of Things	...	271	...	...	...	271	...	...	...	271
GSA Rent	...	615	...	192	...	807	...	...	...	807
Comm/Utilities/Miscellaneous	...	220	...	85	...	305	...	...	...	305
Other Services	...	8,958	...	1,629	...	10,587	...	...	...	10,587
Supplies and Materials	...	141	...	303	...	444	...	...	...	444
Equipment	...	2,709	...	2,525	...	5,234	...	...	...	5,234
Land & structures	...	...	...	...	...	...	...	...	...	...
					...	...				
Total program WY & obligations changes requested, 2001	71	17,500	27	7,500	98	25,000	...	2,441	98	27,441

Immigration and Naturalization Service
Immigration Examinations Fee
Priority Ranking
Fiscal Year 2001

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Adjudications & Naturalization	1	Adjudications & Naturalization	1
Inspections	2	Investigations	2
Information & Records Mgmt	3	Inspections	3
Data & Communications	4		
Legal Proceedings	5		
Investigations	6		
Intelligence	7		
Management & Administration	8		
Training	9		

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Immigration and Naturalization Service
Immigration Examinations Fee
Detail of Permanent Positions by Category
Fiscal Years 1999-2001

Category	1999 Enacted	2000 Availability	2001 Base Adjustment	2001 Program Increases	2001 Estimate
Attorneys (905)	59	59	...	...	59
Asylum Officer (930)	404	404	...	...	404
Paralegal Specialist (950)	18	18	...	...	18
Other Legal and Kindred (900-999)	436	436	...	...	436
Contact Representative (962)	101	101	...	...	101
General Enforcement & Support (1800-1899)	768	768	...	5	773
Criminal Investigators (1811)	104	104	...	44	148
Immigration Inspectors (1816)	298	298	...	...	298
Adjudications Officers(1801)	2,090	2,090	100	91	2,281
Other Miscellaneous Occupations (001-099)	16	16	...	...	16
Social Sciences, Economics and Kindred (100-199)	16	16	...	...	16
Personnel Management (200-299)	60	60	...	...	60
General Administrative and Clerical (300-399)	1,074	1,095	204	55	1,354
Accounting and Budget (500-599)	26	26	...	...	26
Engineering and Architecture (800-899)	...	...	...	...	...
Information and Arts Group (1000-1099)	7	7	...	...	7
Business and Industry Group (1100-1199)	11	11	...	...	11
Physical Sciences Group (1300-1399)	3	3	...	...	3
Mathematics and Statistics Group (1500-1599)	2	2	...	...	2
Education Group (1700-1799)	12	12	...	...	12
Supply Group (2000-2099)	17	17	...	...	17
Other (WG)	4	4	...	...	4
Total	5,526	5,547	304	195	6,046
Washington	224	224	...	...	224
U.S. Field	5,255	5,276	304	195	5,775
Foreign Field	47	47	...	...	47
Total	5,526	5,547	304	195	6,046

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Immigration and Naturalization Service

Immigration Examinations Fee

Summary of Agents and/or Attorneys and Support Positions

FY 2000-2001

	2000 Availability								2001 Changes								2001 Estimate							
	Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Inspections	298	261	...	...	100	88	398	349									298	261	...	...	100	88	398	349
Border Patrol	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...
Investigations	93	82	...	...	...	...	93	82	44	20	...	...	10	7	54	27	137	102	...	...	10	7	147	109
Detention & Deportation	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...
Intelligence	1	1	...	...	13	11	14	12									1	1	...	...	13	11	14	12
Adjudications & Naturalization	6	7	...	...	3,130	3,901	3,136	3,908					241	225	241	225	6	7	...	...	3,371	4126	3,377	4,133
International Affairs	...	...	...	...	749	658	749	658									...	...	...	...	749	658	749	658
Training	...	...	...	...	25	22	25	22									...	...	...	...	25	22	25	22
Data & Comm. Systems	...	...	...	...	72	66	72	66									...	...	...	...	72	66	72	66
Information & Records Mgmt.	...	...	...	...	857	856	857	856					204	187	204	187	...	...	...	...	1,061	1043	1,061	1,043
Const. & Engineering	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...
Legal Proceedings	...	...	59	51	13	11	72	62									...	...	59	51	13	11	72	62
Management & Administration	4	3	...	...	127	102	131	105									4	3	...	...	127	102	131	105
Total	402	354	59	51	5,086	5,715	5,547	6,120	44	20	...	...	455	419	499	439	446	374	59	51	5,541	6,134	6,046	6,559

Agents include both 1811 and 1816 categories from the previous page.

2097

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	5,547	6,120	$708,500
Proposed reprogramming	...	...	45,700
2000 Availability	5,547	6,120	754,200
Adjustment-to-base:			
Adjustment of workyears	...	(63)	...
Adjustment of positions and workyears related to the Naturalization Intiative	304	404	...
Increases:			
2001 Pay Raise	...	...	10,191
Annualization of 2000 pay raise	...	...	4,564
Within Grade Increases	...	...	4,313
GSA Rent	...	...	3,066
Accident Compensation	...	...	527
ICASS Costs	...	...	708
GSA Blue Pages	...	...	16
General pricing level adjustments	...	...	2,291
Total, adjustment-to-base increases	304	341	25,676
2001 Base	5,851	6,461	779,876
Program changes	195	98	27,441
2001 Estimate, Examinations Fee	6,046	6,559	807,317
Amount to be provided to Immigration Services Capital Investment Account	...	...	92,500
2001 Estimate	6,046	6,559	899,817

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Immigration and Naturalization Service
Immigration Examinations Fee
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Pos.	Work-years	Amount
Adjustment and Realignment of base resources:			
Adjustment of workyears ..... Based on current FTE utilization, an analysis has shown an adjustment in workyears is necessary for the INS. This adjustment in FTE is due in part to a reduction of approximately 2,000 FTE in FY 1996. The positions and funding in the INS budget were unchanged. To remedy this situation, a change of 63 FTE is necessary for the Immigration Examinations Fee account.	...	(63)	...
Adjustment of positions and workyears ..... At the end of FY 2000, appropriated funding for the INS Naturalization Initiative comes to an end. The permanent positions and workyears associated with the initiative in the Salaries and Expenses - Citizenship and Benefits, Immigration Support and Program Direction account are needed for on-going activities related to the processing of applications for naturalization and other immigration benefits. This adjustment accomplishes that transfer of positions and workyears to the Immigration Examinations Fee account.	304	404	...
Total, adjustment and realignment of resources	304	341	...
Increases:			
2001 pay raise ..... This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $10,191,000 , represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($7,839,000 for pay and $2,352,000 for benefits, totaling $10,191,000).	...	...	$10,191

2099

	Pos.	Work-years	Amount
Annualization of 2000 pay raise	...	...	$4,564
This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $4,564,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($3,511,000 for compensation and $1,053,000 for benefits).			
Within grade increases	...	...	4,313
This request provides for increases for the expected increase in costs of within-grade increases for slow or no growth components for FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $3,318,000 for pay and $995,000 for benefits.			
General Services Administration (GSA) rent	...	...	3,066
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $3,066,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data, and rates reflecting a 5 percent increase over 2000 levels.			
Accident compensation	...	...	527
This increase reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $527,000.			
International Cooperative Administrative Support Services (ICASS)	...	...	708
Under the ICASS, an annual charge will be made by the Department of State (DOS) for administrative support based on the overseas staff of each Federal agency. This request is based upon the actual 1999 ICASS invoice billing for post invoices and other ICASS costs from DOS. Funding of $708,000 is requested for the Immigration and Naturalization Service.			

	Pos.	Work-years	Amount
General Services Administration (GSA) Blue Pages	...	...	$16
Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $16,000 is requested for the Immigration and Naturalization Service in the Immigration Examinations Fee account.			
General Pricing Level Adjustment	...	...	2,291
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total, mandatory increases	...	...	25,676
Total, adjustments to base	304	341	25,676

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Positions & Workyears	1999 Actual Amount	2000 Availability Positions & Workyears	2000 Availability Amount	2001 Estimate Positions & Workyears	2001 Estimate Amount	Increase/Decrease Positions & Workyears	Increase/Decrease Amount
ES 1, $115,811	2		2		2		...	
GS-15, $84,638-110,028	34		34		34		...	
GS-14, $71,954-93,537	176		176		176		...	
GS-13, $50,890-79,155	307		307		351		44	
GS-12, $51,204-66,564	1,230		1,330		1,421		91	
GS-11, $42,724-55,541	1,125		1,325		1,420		95	
GS-10, $38,885-50,554	9		9		9		...	
GS-9, $35,310-45,900	377		398		457		59	
GS-8, $31,968-41,557	236		236		236		...	
GS-7, $28,866-37,522	383		441		601		160	
GS-6, $25,976-33,768	204		204		204		...	
GS-5, $23,304-30,292	656		656		706		50	
GS-4, $20,829-27,080	349		349		349		...	
GS-3, $18,555-24,120	56		56		56		...	
GS-2, $17,005-21,398	7		7		7		...	
GS-1, $15,125-18,921	17		17		17		...	
Ungraded positions	4		4		4		...	
Total positions	5,168		5,547		6,046		499	
Average ES Salary		$115,811		$115,811		$115,811		
Average Ungraded Salary		$28,797		$29,909		$31,046		
Average GS Salary		$45,409		$47,234		$48,959		
Average GS Grade		10.62		10.77		10.91		

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1999 Actual		2000 Availability		2001 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	4,817	$214,061	4,653	$202,795	4,688	$221,928	35	$19,133
11.3 Other than permanent	1,078	33,233	1,467	14,798	1,467	15,736	...	938
11.5 Other personnel compensation	...	7,482	...	3,125	...	5,217	...	2,092
Overtime	350	8,312	350	9,948	350	8,742	...	(1,206)
Law Enforcement Availability Pay	2	1,344	2	1,275	2	1,298	...	23
11.8 Special personnel services payments	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation	6,247	264,432	6,472	231,941	6,507	252,921	35	20,980
12.1 Personnel benefits		65,926		63,473		71,544		8,071
13.0 Benefits to former personnel		207		488		488		...
21.0 Travel and transportation of persons		9,791		8,014		8,522		508
22.0 Transportation of things		1,622		2,632		2,937		305
23.1 GSA rent		57,664		70,513		73,579		3,066
23.2 Rental payments to others		1,369		1,670		1,882		212
23.3 Comm., utilities and misc. charges		13,312		14,578		14,883		305
24.0 Printing and reproduction		3,041		2,928		2,964		36
25.2 Other services		66,081		296,946		309,026		12,080
25.3 Purchase of goods and services from gov't accounts		126,169		26,059		26,767		708
25.7 Operation and maintenance of equipment		455		2,172		2,172		...
26.0 Supplies and materials		14,512		8,391		9,178		787
31.0 Equipment		3,463		23,985		29,237		5,252
32.0 Land and structures		120		10		817		807
41.0 Grants		9,913		...		...		...
42.0 Insurance claims and indemnities		300		1		1		...
44.0 Refunds		665		399		399		...
Obligations, Examinations Fee	6,247	639,042	6,472	754,200	6,507	807,317	35	53,117
Transfer to Immigration Services Capital Investment Acct.		...		...		92,500		
Total, Examinations Fee and Capital Investment Acct.		639,042		754,200		899,817		
Relation of obligations to outlays:								
Obligated balance, start-of-year		1,654		24,564		...		
Recovery of prior year obligations		(21,184)		...		...		
Obligated balance, end-of-year		(24,564)		...		...		
Outlays,Examinations Fee		594,948		778,764		807,317		

Department of Justice
Immigration and Naturalization Service
Immigration User Fee
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Immigration User Fee Account
Summary Statement
Fiscal Year 2001

For FY 2001, the Immigration and Naturalization Service (INS) requests 3,990 positions, 3,956 workyears and $529,103,000 for the Immigration User Fee account. This request represents an increase of 154 positions, 77 workyears, and $23,614,000 over the FY 2001 base level.

The Immigration User Fee account was established in the 1987 Appropriations Act for the Department of Justice (P.L. 99-591). Section 205 of the Act directed the Attorney General to charge and collect a $5.00 user fee from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada, and the adjacent islands).

In the 1991 Appropriations Act, the Congress removed the fee exemption for Mexico, Canada, and the contiguous territories for airline passengers, as well as placing a 45-minute immigration inspection standard at air ports-of-entry. The Department of Justice Appropriations Act of 1994 (P.L. 103-121) increased the user fee from $5.00 to $6.00. Despite increased costs associated with providing the necessary services, as well as $29,536,000 in costs transferred in FY 1999 Conference action from the Salaries and Expenses appropriation to the Immigration User Fee Account, the fee has not increased since FY 1994.

Fees are deposited into the Immigration User Fee account to provide immigration inspection services for commercial aircraft and vessels; administer debt collection activities, including the establishment and operation of a national Collections Office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and sea passengers traveling to the United States, as well as provide specialized training to airline carriers in fraudulent document detection; detain and deport inadmissible aliens arriving on commercial aircraft and vessels; detain and deport inadmissible aliens who attempt entry through avoidance of immigration inspection at air or sea ports-of-entry; provide expedited removal and asylum proceedings at air or sea ports-of-entry; and provide necessary operations support to ensure that the objectives of the programs are achieved.

Revenue Assumptions

The FY 2001 collections estimate uses the collections of FY 1999 as a base from which outyear projections are calculated, and includes an annual increase in international passenger traffic of 6.0 percent, based upon Federal Aviation Administration and airline industry projections. The Activity Based Costing study performed for the User Fee account in FY 1998 determined that the current

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$6.00 fee was adequate to cover costs through FY 1998. However, because of increasing costs being exerted on the account, IIRIRA among them, the revenues collected beyond FY 1998 would be insufficient to cover all of the account's base operating costs. For FY 1999, INS used available carry-forward balances to cover the rising cost of operations in the User Fee account.

The FY 2001 President's budget request assumes an increase of $2.00 to the current $6.00 fee. With the continual growth in international traffic at Ports-of-Entry (POE), the increased User Fee, to $8.00 per passenger, will allow INS to maintain operations. Revenue from the $2.00 fee increase is assumed in this budget proposal.

In addition, the budget submission includes a general provision removing the User Fee exemption for passengers arriving in the United States from Mexico, Canada, and adjacent islands on commercial vessels. In place of the exemption is specific language that allows INS to charge a $8.00 User Fee to conduct commercial vessel inspections. The INS estimates that the $8.00 fee increase will generate $27,000,000 in FY 2001. This revenue is also assumed in this budget proposal.

Also included in the FY 2001 budget submission is $12,186,000 to provide for an additional 154 Immigration Inspectors to staff new airport terminals that are being constructed at major airports across the United States.

Pay Upgrade

The INS requests an increase of $11,428,000 as part of a pay upgrade initiative requested for Immigration Inspectors in the User Fee account beginning in FY 2001. This pay reform includes the upgrading of the journey grade of the Immigration Inspector positions from GS-9 to GS-11. The raising of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work and changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

Immigration and Naturalization Service
Immigration User Fee
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Reprogrammings			Prior Year Recoveries			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement												
a. Inspections	3,181	2,980	$302,900	...	...	...	...	...	10,591	3,181	2,980	313,491
b. Investigations	53	46	7,015	...	...	...	...	...	160	53	46	7,175
c. Detention & Deportation	177	155	81,360	...	...	...	...	...	3,512	177	155	84,872
d. Intelligence	27	24	3,313	...	...	...	...	...	757	27	24	4,070
Subtotal	3,438	3,205	394,588	...	...	...	...	...	15,020	3,438	3,205	409,608
2. Immigration Support												
a. Training	23	20	3,036	...	...	...	...	...	418	23	20	3,454
b. Data & Communications	32	28	48,149	...	...	...	...	...	...	32	28	48,149
c. Information & Records Management	32	28	2,650	...	...	...	...	...	...	32	28	2,650
d. Legal Proceedings	129	122	13,102	...	...	...	...	...	86	129	122	13,188
Subtotal	216	198	66,937	...	...	...	...	...	504	216	198	67,441
3. Program Direction												
a. Management and Administration	182	160	24,546	...	...	...	...	...	809	182	160	25,355
Total	3,836	3,563	486,071	...	...	...	...	...	16,333	3,836	3,563	502,404

Immigration and Naturalization Service
Immigration User Fee
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Action			Reprogrammings			2000 Availability Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement												
a. Inspections	3,181	3,038	$330,104	...	...	($48,912)	...	...	$6,135	3,181	3,038	$287,327
b. Investigations	53	46	7,329	...	...	(670)	...	...	8	53	46	6,667
c. Detention & Deportation	177	155	82,995	...	...	(9,906)	...	...	10,160	177	155	83,249
d. Intelligence	27	24	3,431	...	...	(412)	...	...	569	27	24	3,588
Subtotal	3,438	3,263	423,859	...	...	(59,900)	...	...	16,872	3,438	3,263	380,831
2. Immigration Support												
a. Training	23	20	3,162	...	...	(893)	...	...	21,697	23	20	23,966
b. Data & Communications	32	28	48,682	...	...	(6,265)	...	...	405	32	28	42,822
c. Information & Records Management	32	28	2,795	...	...	(298)	...	...	...	32	28	2,497
d. Legal Proceedings	129	122	13,530	...	...	(1,196)	...	...	256	129	122	12,590
Subtotal	216	198	68,169	...	...	(8,652)	...	...	22,358	216	198	81,875
3. Program Direction												
a. Management and Administration	182	160	25,772	...	...	(3,097)	...	...	1,619	182	160	24,294
Total	3,836	3,621	517,800	...	...	(71,649)	...	...	40,849	3,836	3,621	487,000

Congressional Action. In the FY 2000 Appropriations Act, the Congress reduced the amount requested in the President's Budget by $71,649,000 based on projected receipt levels at that time.

Reprogramming. Based on more recent receipt projections, a reprogramming has been submitted to the Congress requesting an increase of $40,849,000 above the authorized level of $446,151,000.

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements
(Dollars in thousands)

Adjustments to the base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	3,836	3,621	$487,000
Adjustments to base:			
Increases	...	258	18,489
2001 Base	3,836	3,879	505,489
Program Changes (See Program Narrative for Details)	154	77	23,614
2001 Request	3,990	3,956	529,103

	2000 Availability Enacted			2001 Base			2001 Request			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Enforcement	3,438	3,263	$380,831	3,438	3,518	$396,656	3,592	3,595	$420,270	154	77	$23,614
2. Immigration Support	216	198	81,875	216	201	83,267	216	201	83,267	...	...	...
3. Program Direction	182	160	24,294	182	160	25,566	182	160	25,566	...	...	...
Total	3,836	3,621	487,000	3,836	3,879	505,489	3,990	3,956	529,103	154	77	23,614

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements
(Dollars in thousands)

	1999 Actual	2000 Availability Anticipated 1/	2001 Request 2/
Financing			
Unappropriated balance, start-of-year	$73,016	$57,839	$4,889
Recovery of Prior Year Obligations	16,333	...	...
Receipts	422,634	434,050	602,186
Total available for appropriation	511,983	491,889	607,075
Appropriation	(454,144)	(487,000)	(529,103)
Unappropriated balance, end-of-year	57,839	4,889	77,972
Obligations	454,144	487,000	529,103
Obligations by program			
Enforcement:			
Inspections	288,477	287,327	325,192
Investigations	6,846	6,667	6,980
Detention and Deportation	71,422	83,249	84,391
Intelligence	3,275	3,588	3,707
Subtotal	370,020	380,831	420,270
Immigration Support:			
Training	2,322	2,269	2,407
Data and Communications	46,190	64,114	64,637
Information and Records Management	2,510	2,902	3,019
Legal Proceedings	10,967	12,590	13,204
Subtotal	61,989	81,875	83,267
Program Direction:			
Management and Administration	22,135	24,294	25,566
Total Obligations	454,144	487,000	529,103

1/This column of this budget request assumes the approval of a reprogramming increasing the receipt level above the authorized level included in the FY 2000 appropriations.
2/This column of this budget assumes the two fee increases requested in FY 2001.

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Immigration and Naturalization Service
Immigration User Fee
Summary of Resources by Program
(Dollars in thousands)

Estimates by program	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Request			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Enforcement:																		
Inspections	3,181	2,980	$313,491	3,181	3,096	$288,477	3,181	3,038	$287,327	3,181	3,279	$301,578	3,335	3,356	$325,192	154	77	$23,614
Investigations	53	46	7,175	53	46	6,846	53	46	6,667	53	46	6,980	53	46	6,980			
Detention & Deportation	177	155	84,872	177	155	71,472	177	155	83,249	177	166	84,391	177	166	84,391			
Intelligence	27	24	4,070	27	24	3,226	27	24	3,588	27	27	3,707	27	27	3,707	---	---	---
Subtotal	3,438	3,205	409,608	3,438	3,321	370,079	3,438	3,263	380,831	3,438	3,518	396,656	3,592	3,595	420,270	154	77	23,614
Immigration Support:																		
Training	23	20	3,454	23	20	2,322	23	20	2,269	23	23	2,407	23	23	2,407			
Data & Communications Systems	32	28	48,149	32	28	46,190	32	28	64,114	32	28	64,637	32	28	64,637			
Information & Records Management	32	28	2,650	32	28	2,510	32	28	2,902	32	28	3,019	32	28	3,019			
Legal Proceedings	129	122	13,188	129	122	10,967	129	122	12,590	129	122	13,204	129	122	13,204	---	---	---
Subtotal	216	198	67,441	216	198	61,989	216	198	81,875	216	201	83,267	216	201	83,267			
Program Direction:																		
Management and Administration	192	160	25,355	192	160	22,135	192	160	24,294	192	160	25,566	192	160	25,566	---	---	---
Total	3,836	3,563	502,404	3,836	3,679	454,144	3,836	3,621	487,000	3,836	3,879	505,489	3,990	3,956	529,103	154	77	23,614
Other Workyears:																		
Overtime:																		
1931 Act		1,023			1,023			1,081			1,081			1,081			---	
AUO		40			40			40			40			40			---	
Other		50			50			50			50			50			---	
Total other workyears		1,113			1,113			1,171			1,171			1,171			---	
Total Compensable Workyears		4,676			4,792			4,792			5,050			5,127			77	

Immigration and Naturalization Service
Program Performance Information
Immigration User Fee
(Dollars in thousands)

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Inspections			
2000 Availability Anticipated	3,181	3,038	$287,327
2001 Base	3,181	3,279	301,578
2001 Estimate	3,335	3,356	325,192
Increase/Decrease	154	77	23,614

BASE PROGRAM DESCRIPTION:

- The function of the Inspections program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission to or transiting through the United States at air and sea ports-of-entry to determine if they qualify for admission and, if so, under what conditions. The inspection may include questioning under oath, and a search without warrant, of the applicant and their effects. The program is charged with intercepting terrorists, smugglers, other criminals, and undocumented illegal aliens seeking admission to the United States.

- Overseas, INS officers work with foreign governments and carriers to assist them in identifying mala fide passengers before they board an aircraft to the United States. The Carrier Consultant Program provides fraudulent document training, both domestically and internationally, to airline personnel and foreign government officials. The Inspections program also preinspects passengers destined for the United Sates.

- The Inspections program also conducts special operations at sea and air POEs including the use of Immigration Response Teams (IRT), Passenger Analytic Units (PAU), and oversight of air and seaport security to prevent the transport of contraband, drugs, criminal aliens, and terrorists to the United States.

- The inspection process is coordinated with the Department of State, other Federal inspection services, and local port authorities. Local and national lookout systems containing information relating to inadmissible aliens are used and updated at each POE.

- Inadmissible aliens may be denied entry and ordered expeditiously removed by an Immigration Inspector without further hearing or review. Inadmissible aliens claiming asylum are referred for review of that claim. Criminal activity discovered in the inspections process is referred to the appropriate law enforcement agency for further investigation, or presented for criminal prosecution. Various applications and petitions for benefits under the immigration laws are adjudicated at some POEs during non-peak hours.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
2000 Availability Anticipated	53	46	$6,667
2001 Base	53	46	6,980
2001 Estimate	53	46	6,980
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- Generally, the functions of the Investigations program include the detection of criminal law violations and the identification of violators, through undercover operations and traditional investigative procedures, to initiate criminal prosecution and/or administrative action. Many cases investigated involve violators associated with large-scale, organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities, such as racketeering, alien smuggling, immigration benefit fraud, counterfeiting, prostitution, official corruption, extortion, narcotics and weapons trafficking on a national or international scale. Special Agents identify these organizations through interviews, informants, surveillance, and through undercover and task force operations. Investigative task force operations include a combination of resources from several offices and agencies.

- More specifically, these resources are focused on one of the basic enforcement priorities of the INS: detection and deterrence of fraud and smuggling. The principal goal is to discourage illegal immigration through major POEs (primarily airports) via

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fraud. In an effort to accomplish this goal, the INS is aggressively targeting complex criminal organizations involved in immigration benefit fraud and counterfeit document fraud. Smuggling cases typically involve the investigation of major international alien smuggling and criminal organizations. Many smuggling cases have demonstrated the use of extensive networks to move aliens via the use of fraudulent documents and circuitous routes to reach this country.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
2000 Availability Anticipated	177	155	$83,249
2001 Base	177	166	84,391
2001 Estimate	177	166	84,391
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- Detention and Deportation program functions include the detention, transportation, removal, parole and deportation of aliens. The INS utilizes Service Processing Centers (SPC's), contract facilities, joint INS/BOP Federal facilities, and State/Local facilities to detain, until ready for removal, those aliens subject to exclusion and removal proceedings who are likely to abscond, or whose freedom at-large would represent a danger to public safety and security. The contract facilities located in Queens, NY, and Elizabeth, NJ, are for Immigration User Fee detainees. In the performance of these functions, the INS maintains a system of controls ensuring that every case involving an excludable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly. This is critical since the IIRIRA mandates detention of expedited removal cases until credible fear is found or the alien is removed.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Intelligence			
2000 Availability Anticipated	27	24	$3,588
2001 Base	27	27	3,707
2001 Estimate	27	27	3,707
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This program provides strategic and tactical intelligence support to INS offices enforcing the provisions of the Immigration and Nationality Act, and assists other federal agencies in addressing national security issues. The INS' Forensic Document Laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to U.S. citizenship and other instances of fraud.

- The INS will pursue a proactive international enforcement strategy in identifying, investigating, deterring, disrupting and reducing illegal activities at their source, and at key overseas transit locations used by smugglers and mala fide aliens bound for the United States.

- The Intelligence program provides assistance to international law enforcement agencies and international air carriers to detect fraudulent identity documents.

- The INS Forensic Document Laboratory (FDL) is the only Federal crime laboratory dedicated exclusively to the examination of international travel and identity documents. It provides a wide range of forensic document analysis and other law enforcement support service to INS offices worldwide, as well as other Federal, State, and local agencies and foreign government entities. Inspectors at ports-of-entry contact the FDL seven days a week for real-time assistance, via the photophone, to determine whether individuals detained at the ports-of-entry are in possession of fraudulent documents to gain entry into the United States.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Training			
2000 Availability Anticipated	**23**	**20**	**$2,269**
2001 Base	**23**	**23**	**2,407**
2001 Estimate	**23**	**23**	**2,407**
Increase/Decrease	**...**	**...**	**...**

BASE PROGRAM DESCRIPTION:

- The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organization needs.

- New training technology affords the INS an opportunity to provide continuous training for all INS employees at or near their duty station in order to reduce travel costs. Distance learning methodology will be utilized to reduce the INS' dependency on residential-based training. While certain requirements, such as basic training, firearms and driver training, and other courses involving group interaction and practical exercises, may justify a group/residential learning environment, many learning objectives can be addressed by distance learning packages using video cassettes, workbooks, computer-based instruction and, in certain instances, video conferences. This training can be learner-based, self-paced, ongoing, and reusable. Distance learning technology allows for the dissemination of information, the enhancement of certain skills, and changing attitudes.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Data & Communications			
2000 Availability Anticipated	32	28	$64,114
2001 Base	32	28	64,637
2001 Estimate	32	28	64,637
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Data and Communications program provides direct support for operational programs as well as for administrative support functions of the Service. There are six major technology programs included under the Data and Communications program, in addition to the functions collectively known as Information Resources Management (IRM) Operations. Of the six program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing systems and technologies, there are three that apply to the Immigration User Fee Account:

  Inspections Systems - The Inspections Systems Program supports efforts to control admissions at ports-of-entry and enhance INS Inspection functions. Two major automation efforts included under this program are the Interagency Border Inspection System (IBIS), the INS Passenger Accelerated Services System (INSPASS).

  IBIS, a system operated jointly with the U.S. Customs Service and the Departments of State and Agriculture, is used at POEs to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border POEs. INSPASS is an automated inspection system for low-risk, frequent travelers using automated inspection kiosks at several of the Nation's major international airports. This program will develop and deploy machine readable travel documents, which will allow for the positive identification of air travelers destined for the United States.

  A combination of technology and advanced production techniques will produce entry documents that are fraud resistant and easy to use. Profile scanning and a sophisticated worldwide law enforcement network will quickly and accurately identify persons of interest. Smart card technology, with positive identification features, will facilitate the quick and accurate inspection of low-risk, frequent land travelers. Technology will allow for improved service to the public while increasing the number of inspection hours devoted to high-risk activities.

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In FY 2001, INS will provide services to operate and maintain the Inspections information technology systems developed and deployed in FYs 1995 through 1999.

Biometric Identification Systems - The INS is developing a single fingerprint-based identification system that will enable it to rapidly and accurately identify persons of interest. IDENT is the current INS fingerprint-based identification subsystem that is used by INS law enforcement and benefit systems to assist in the positive identification of persons who are arrested, as well as for those who apply for benefits, including the identification of travelers referred to secondary inspection processing and for automation inspection.

Enforcement System - In FY 2001, INS will continue with the deployment of ENFORCE at air POEs. The INS will also continue providing services to support and maintain the applications systems that support the Enforcement Systems Program.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information & Records Management			
2000 Availability Anticipated	32	28	$2,902
2001 Base	32	28	3,019
2001 Estimate	32	28	3,019
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The functions of this program are to: (1) respond to inquiries from local, State and Federal agencies, and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien records and files from which data may be readily obtained to respond to requests from both inside and outside the INS; (3) recommend guidelines, policies, procedures, and responses to records requests; and (4) compile statistics for use in preparing regular and special reports about Service operations and work accomplishments.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
2000 Availability Anticipated	129	122	$12,590
2001 Base	129	122	13,204
2001 Estimate	129	122	13,204
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- INS attorneys represent the Service before Immigration Judges and the Board of Immigration Appeals. The attorneys review charging documents for legal sufficiency, prepare for hearings, represent INS in court, prepare appellate briefs, train INS officers, and provide legal advice. The program provides litigation support in agency litigation conducted in U.S. District Courts and U.S. Courts of Appeals. Attorneys provide advice to the Headquarters staff and field officials on legal matters arising at all levels of agency operations associated with programs supported by the Immigration User Fee account.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
2000 Availability Anticipated	182	160	$24,294
2001 Base	182	160	25,566
2001 Estimate	182	160	25,566
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Management and Administration program functions include:

- providing management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;

- executing the provisions of immigration laws and related policies through the development and implementation of immigration programs and the management of resources; and

- providing for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. This includes duties related to providing executive direction and control of the INS; furnishing accurate and prompt responses to congressional and public inquiries; administering and maintaining effective budgeting and financial management systems; performing audits; conducting internal investigations; providing informational responses to frequent inquiries by GAO, OIG, OMB and Departmental offices; and developing and evaluating policies and systems to improve the effectiveness of INS programs. The major administrative functions within the program include: personnel; budget; accounting; equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services that support all programs funded by the Immigration User Fee account.

Border Management and Control
Immigration User Fee Account
(Dollars in thousands)

Initiative Summary

Programs	Positions	Workyears	Amount
Inspections	154	77	$23,614

This request includes 154 Immigration Inspectors.

Note: Total User Fee Account request depends on a FY 2001 proposed fee increase in available revenue including: $2 fee increase for all passengers for a total $8 charge and removal of the cruise line exemption with language inserted to charge and collect $8 fee.

Strategy

In FY 2001, improved facilitation of United States citizens and other legal visitors, while ensuring enforcement against the entry of inadmissible aliens, continues to be a major goal of the Agency. Based on historical trends and passenger data collected, the air transport industry estimates that international air traffic continues to increase by 6-8 percent annually. In FY 2001, INS expects to process an estimated 100 million passengers for inspection at air POEs. Alongside the steady growth of air passengers, new airport terminals are being constructed at major airports. It is imperative that INS receive resources to the meet the congressionally mandated wait times at the new airports.

In addition, INS recognizes the importance managing and maintaining a productive workforce. Career opportunities and responsibilities must be commensurate with compensation, and all are critical to staff retention. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has increased knowledge requirements, authorities and responsibilities of Immigration Inspectors to include the ability to remove immediately from the United State aliens attempting to enter by fraud or without proper documentation. The upgrading of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work and changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

Element: Port Facilitation/Enforcement-Increase Immigration Inspectors for Opening of New Airports in San Francisco and Detroit to Maintain Congressionally Mandated Wait Times

Program	Positions	Workyears	Amount
Inspections	154*	77*	$ 12,186

Note: The FTEs and workyears do not match to FY 2001 President's Budget MAX submission.

Narrative Description

INS requests 154 positions, 77 workyears, and $12,186,000 to increase primary Inspectors to maintain the 45-minute wait standard at new airport terminals

The improvement of Border Facilitation continues to remain a high priority for the Congress, as it is for the air passenger. Based on historical trends and passenger data collected over the past five years, the air transport industry estimates that international air traffic will increase at the current rate of approximately 6 percent for FY 2001. INS expects to process an estimated 100 million passengers for inspection at air POEs. Alongside the steady growth of air passengers, new air terminals are being constructed at major airports. Congressional scrutiny and performance expectations are that INS will immediately implement a 45-minute wait standard for these new facilities as well as maintain the 45-minute standard at INS' existing airport terminals.

According to Section 286(g) of the Immigration and Nationality Act (INA), INS is required to process all air passengers arriving into the United States within a 45-minute standard. New port facilities are planned to become fully operational during FY 2000 and FY 2001. Currently underway is a new airport terminal complex at San Francisco International scheduled to open in FY 2000. The new terminal will be divided into two separate inspectional areas, with up to 100 primary booths (50 each), 24 arrival gates (12 each), and 2 In-Transit Lounges with flights arriving simultaneously at both terminals during peak hours. The size of the new terminal is three times that of the current one, which has only 27 primary booths and 8 gates. In addition, another airport scheduled to open is the new mid-field terminal at Detroit's Metropolitan Airport which will be roughly the same size as the Chicago O'Hare International Terminal. This terminal will have 74 primary booths and 10 gates compared to the current terminal which has 24 booths. Also, Philadelphia is expecting to open a new terminal that will have a 65 booth capacity compared to the present terminal which has 14. Traffic is estimated to increase by 33% with this new terminal. Although these terminals are due to open in late FY 2000 and early FY 2001, no additional Inspectors have been provided to staff the increased inspections operations. Due to a FY 1999 base transfer from Salaries and Expenses to the User Fee Account and continuation of the cruise fee exemption in FY, INS only had sufficient revenue to hire 100 Immigration Inspectors. The planning, site design, and construction of these facilities is the result of several years of planning and millions of dollars already invested.

Also, Miami is scheduled to open the first of three new terminals combined with a surge of megacruise ships (passenger capacity ranging from 1,000-3,000) increasing inspections activity in the Miami area. By FY 2003, the total number of primary booths will have increased from 57 to 120. All of these locations will require additional Inspectors to support the increased air traffic.

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Element: Upgrading the Journeyman Grade of the Immigration Inspector Position

Program	Positions	Workyears	Amount
Inspections	...	...	$11,428

Narrative Description

- The role of the Immigration Inspector has evolved from one that primarily focused on facilitating the legal entry into the United States of properly documented aliens and U.S. citizens to one with an increased emphasis on the detection/identification and apprehension of persons attempting to enter the country illegally. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has increased knowledge requirements, authorities and responsibilities of Immigration Inspectors to include the ability to remove immediately from the United State aliens attempting to enter by fraud or without proper documentation. The raising of the journey level for Immigration Inspectors to GS-11 will recognize changes in the basic nature of the work and changes in legislation, and will enable the INS to recruit and retain employees who are critical to mission accomplishment.

- A total of $11,428,000 is requested for pay upgrades for Immigration Inspectors in the User Fee account beginning in FY 2001. This proposal will upgrade the journey grade of the Immigration Inspector position from GS-9 to GS-11.

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Immigration and Naturalization Service
Immigration User Fee

Financial Analysis - Program Changes
(Dollars in thousands)

Pay Upgrades

	Inspections	
	Pos.	Amount
Grades		
GS-7	154	7,261
Total Positions & Annual Rate	154	15,032
Lapse (-)	(93)	(4,006)
Other than permanent	...	...
Other personnel compensation	16	791
Total workyears and personnel Compensation	77	11,817
Personnel Benefits	...	5,701
Travel & transportation of persons	...	29
Transportation of Things	...	458
Comm/Utilities/Miscellaneous	...	241
Other Services	...	4,637
Supplies and Materials	...	482
Equipment	...	249
Total program WY & obligations changes requested, 2001	77	23,614

Immigration and Naturalization Service
Immigration User Fee
Priority Ranking
Fiscal Year 2001

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Inspections	1	Pay Upgrades	1
Investigations	2		
Detention & Deportation	3		
Intelligence	4		
International Affairs	5		
Training	6		
Data & Communications	7		
Information & Records Mgmt	8		
Legal Proceedings	9		
Management & Administration	10		

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Immigration and Naturalization Service

Immigration User Fee

Detail of Permanent Positions by Category

Fiscal Years 1999 - 2001

Category	1999 Authorized	2000 President's Request	2001 Program Increase	2001 Request
Attorneys (905)	93	93		93
Paralegal Specialist (950)	3	3		3
Other Legal and Kindred (900-999)	37	37		37
General Enforcement & Support (1800-1899)	115	115		115
Detention and Deportation Officer (1801)	37	37		37
Detention Enforcement Officer (1802)	116	116		116
Criminal Investigators (1811)	58	58		58
Immigration Inspectors (1816)	2,988	2,988	154	3,142
Adjudications Officers (1801)	12	12		12
Other Miscellaneous Occupations (001-099)	22	22		22
Social Sciences, Economics and Kindred (100-199)	3	3		3
Personnel Management (200-299)	51	51		51
General Administrative and Clerical (300-399)	197	197		197
Accounting and Budget (500-559)	44	44		44
Information and Arts Group (1000-1099)	9	9		9
Business and Industry Group (110-1199)	24	24		24
Physical Sciences Group (1300-1399)	9	9		9
Equipment Facilities and Service (1600-1699)	1	1		1
Education Group (1700-1799)	8	8		8
Supply Group (2000-2099)	4	4		4
Transportation (2100-2199)	3	3		3
Other (WG)	2	2		2
Total	3,836	3,836	154	3,990
Washington	59	59		59
U.S. Field	3,598	3,598	154	3,752
Foreign Field	179	179		179
Total	3,836	3,836	154	3,990

Immigration and Naturalization Service
Immigration User Fee
Summary of Agents and/or Attorneys and Support Positions
FY 2000-2001

	2000 Appropriation Anticipated								2001 Changes								2001 Request Level							
	Agents*		Attorneys		Support		Total		Agents*		Attorneys		Support		Total		Agents*		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE
Inspections	2,988	2,854	...	...	193	184	3,181	3,038	154	308	...	...	...	10	154	318	3,142	3162	...	...	193	194	3,335	3,356
Border Patrol	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Investigations	52	45	...	...	1	1	53	46	...	...	...	...	...	...	...	...	52	45	...	...	1	1	53	46
Detention & Deportation	...	...	...	...	177	155	177	155	...	...	...	...	...	11	...	11	...	...	...	...	177	166	177	166
Intelligence	2	2	...	...	25	22	27	24	...	...	...	...	...	3	...	3	2	2	...	...	25	25	27	27
Adjudications & Naturalization	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
International Affairs	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Training	4	3	...	...	19	17	23	20	...	1	...	...	...	2	...	3	4	4	...	...	19	19	23	23
Data & Comm. Systems	...	...	...	...	32	28	32	28	...	...	...	...	...	...	...	...	...	...	...	...	32	28	32	28
Information & Records Mgmt.	...	...	...	...	32	28	32	28	...	...	...	...	...	...	...	...	...	...	...	...	32	28	32	28
Const. & Engineering	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	...	...	93	88	36	34	129	122	...	...	...	...	...	...	...	...	...	...	93	88	36	34	129	122
Management & Administration	...	...	1	1	181	159	182	160	...	...	...	...	...	...	...	...	...	...	1	1	181	159	182	160
Total	3,046	2,904	94	89	696	628	3,836	3,621	154	309	...	...	...	26	154	335	3,200	3,213	94	89	696	654	3,990	3,956

*Agents include both 1811 and 1816 categories from previous page.

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Immigration and Naturalization Service
Immigration User Fee Account
Summary of Change
(Dollars in thousands)

	Positions	Work-years	Amount
2000 Availability Anticipated	3,836	3,621	$487,000
Adjustments to base:			
Increases:			
Adjustment of FTE	...	258	...
FY 2001 Pay Raise	...	...	8,375
Annualization of 2000 pay raise	...	...	3,993
With-in Grade Increases	...	...	2,544
GSA Rent	...	...	577
Accident Compensation	...	...	452
ICASS Cost	...	...	644
GSA Blue Pages	...	...	8
General pricing level adjustments	...	...	1,896
Total, increases	...	258	18,489
2001 Base	3,836	3,879	505,489
Program Changes	154	77	23,614
2001 Estimate	3,990	3,956	529,103

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Immigration and Naturalization Service
Immigration User Fee
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Pos.	Work-years	Amount
Increases:			
Realignment of FTE Based on current FTE utilization, an analysis has shown an adjustment in workyears is necessary for the INS. To remedy this situation, a change of 258 is necessary for the Immigration User Fee Account.	...	258	...
2001 pay raise This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $8,375,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($6,272,000 for pay and $2,103,000 for benefits totaling $8,375,000).	...	...	$8,375
Annualization of 2000 pay raise This pay annualization represents first quarter amounts (October through December) of the approved 2000 pay increase of 4.8 percent effective in January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $3,993,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($2,991,000 for compensation and $1,002,000 for benefits).	...	...	3,993
Within-grade increases This request provides for the expected increase in costs of within-grade increases for slow or no growth components in FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $1,905,000 for pay and $639,000 for benefits.	...	...	2,544

	Perm. Pos.	Work-years	Amount
General Services Administration (GSA) rent	...	....	$577
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $577,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.			
Accident compensation	...	...	452
This increase reflects the estimated billing provided from the Department of Labor for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $452,000.			
International Cooperative Administrative Support Services (ICASS)	...	...	644
Under the ICASS, an annual charge will be made by the Department of State (DOS) for administrative support based on the overseas staff of each Federal agency. This request is based upon the actual 1999 ICASS invoice billing for post invoices and other ICASS costs from the DOS. Funding of $644,000 is requested for the Immigration User Fee account.			
General Services Administration (GSA) Blue Pages	...	...	8
Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $8,000 is requested for the Immigration User Fee account.			
General Pricing Level Adjustment	...	...	1,896
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total, adjustments to base	...	258	18,489

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual		2000 Availability Anticipated		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-15, $84,638-110,028	21		21		21		...	
GS-14, $71,954-93,537	138		138		138		...	
GS-13, $60,890-79,155	192		192		192		...	
GS-12, $51,204-66,564	433		433		433		...	
GS-11, $42,724-55,541	605		605		2,208		1,603	
GS-10, $38,885-50,554	3		3		3		...	
GS-9, $35,310-45,900	2,118		2,118		515		(1,603)	
GS-8, $31,968-41,557	14		14		14		...	
GS-7, $28,866-37,522	178		178		332		154	
GS-6, $25,976-33,768	45		45		45		...	
GS-5, $23,304-30,292	71		71		71		...	
GS-4, $20,829-27,080	17		17		17		...	
GS-1, $15,125-18,921	1		1		1		...	
Total, positions	3,836		3,836		3,990		154	
Average GS Salary		$41,100		$43,128		$48,243		
Average GS Grade		9.84		9.84		10.68		

Under the pay reform proposal, it is estimated that 1,603 Immigration Inspectors in the Immigration User Fee account will be eligible for upgrades in FY 2001, thus the change in total positions for the GS-9 and GS-11 levels.

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	3,475	$143,011	3,417	$150,477	3,736	$169,640	319	$19,163
11.3 Other than permanent	204	8,101	204	8,331	220	8,783	16	452
11.5 Other personnel compensation	...	3,689	...	3,319	...	3,555	...	236
1931 Act overtime	1,023	41,639	1,081	37,459	1,081	40,122	...	2,662
AUO	40	1,581	40	1,423	40	1,524	...	101
Overtime	50	5,798	50	5,216	50	5,587	...	371
11.8 Special personnel services payments	...	66	...	50	...	50	...	...
Total, workyears and personnel compensation	4,792	203,885	4,792	206,275	5,127	229,260	335	22,985
12.1 Personnel benefits		59,319		61,397		71,294		9,897
13.0 Benefits to former personnel		371		1,055		1,055		...
21.0 Travel and transportation of persons		8,324		16,189		16,338		149
22.0 Transportation of things		3,280		3,413		3,929		516
23.1 GSA rent		14,491		16,337		16,914		577
23.2 Rental payments to others		727		393		486		93
23.3 Comm., utilities and misc. charges		5,217		6,720		6,961		241
24.0 Printing and reproduction		2,349		11,458		11,481		23
25.1 Adv. & Asst. Srvc.		35		15,103		15,103		...
25.2 Other services		69,476		42,777		49,219		6,442
25.3 Purchase from Govt. Accts.		54,419		36,101		36,101		...
25.4 Operation of GOCO's		2,657		3,406		3,464		58
25.6 Medical care		4		1,130		1,130		...
25.7 Oper. & maint. of equipment		768		3,169		3,189		20
25.8 Sub. & Support of persons		8,089		39,203		39,353		150
26.0 Supplies and materials		14,896		11,718		12,401		683
31.0 Equipment		3,288		10,755		11,024		269
32.0 Land and structures		24		183		183		...
42.0 Insurance claims and indemnities		2,501		168		168		...
44.0 Refunds		24		50		50		...
91.0 Unvouchered		...		...		...		...
Obligations from fees	...	454,144	...	487,000	...	529,103	...	42,103
Obligations from fines	...	...	...	...	...	...		
Total Obligations	...	454,144	...	487,000	...	529,103	...	42,103
Relation of obligations to outlays:								
Obligated balance, start-of-year		...		...		...		
Recovery of Prior Year Obligations		(16,333)						
Adjustments in unexpired accounts		...		...		...		
Outlays		437,811		487,000		529,103		

Department of Justice
Immigration and Naturalization Service
Breached Bond/Detention Fund
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) requests a total of 21 positions, 63 workyears, and $110,134,000 for the Breached Bond/Detention Fund for FY 2001.

The Breached Bond/Detention Fund was authorized in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amends Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. Breached cash and surety bonds totaling in excess of $8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice, are deposited as offsetting receipts into the Fund. Amounts deposited into the Fund remain available to the INS, until expended, for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The INS uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of the INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and a limited number of Treasury bonds or notes). These bonds become contracts between the INS and persons acting on behalf of aliens (obligors) who promise their appearances in court. Under a cash bond, an obligor deposits the entire amount in cash with the INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and, if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

In September 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), (P.L. 104-208) authorized a new detention account titled the Immigration Detention Account (Section 286(s)). Receipts from this account were derived from the penalty portion of receipts collected under the provisions of Section 245(i) of the INA. Specifically, these resources are for expenses incurred for the detention of aliens under IIRIRA Section 236(c), mandatory detention of criminal and terrorist aliens, and mandatory detention of aliens with final orders of deportation under IIRIRA Section 241(c).

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In FY 1998, to simplify the INS resource structure, the Immigration Detention Account, was merged with the Breached Bond/Detention Fund. Receipts are still collected the same as they were when the Accounts were separate.

FY 1998 Congressional action did not renew Section 245(i) but did pass an extension of eligibility for certain aliens who had begun the immigrant visa process prior to January 14, 1998. Adjustment of status under Section 245(i) will be available to aliens on whose behalf an immigrant visa petition has been filed with INS, or for whom an application for labor certification has been filed in accordance with Department of Labor regulations, by January 14, 1998. This means that the filing of a visa petition or an application for labor certification on or before January 14, 1998, may preserve an individual's eligibility to apply for adjustment of status in the future. For the eligible 245(i) applicants, statutorily, there is no deadline by which they must apply for adjustment of status.

In FY 1999, Breached Bond/Detention Fund obligations were significantly reduced based on lower receipt levels. As the number of individuals eligible to adjust their status under Section 245(i) decreases, this trend is expected to continue into the outyears. However, the President's FY 2001 Budget proposes reauthorizing Section 245(i) with half of the anticipated $75,000,000 in receipts deposited into the Breached Bond/Detention Fund. This $37,500,000 is reflected in the $110,134,000 receipt estimate and supports INS' detention program.

In FY 2001, resources from the Breached Bond/Detention Fund will be used to: support activities related to detention operations of criminal and illegal aliens, including additional State and local detention capacity, particularly additional juvenile detention capacity; continue bond management and collection activities; support the use of litigation to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS; and, continue the operation of automated systems to support these activities. The authorization for the INS to retain these services has provided the agency with the means to effect improvements in bond processing and debt management.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Reprogrammings			Unobligated Balance			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement												
Detention & Deportation	6	5	172,343	...	...	...	...	...	1,546	6	5	173,889
2. Immigration Support												
Legal Proceedings	4	3	598	...	...	...	...	...	...	4	3	598
3. Program Direction												
Management and Administration	11	11	4,009	...	...	...	...	...	...	11	11	4,009
Total	21	19	176,950	...	...	...	...	...	1,546	21	19	178,496

Immigration and Naturalization Service
Breached Bond/Detention Fund
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriations Action on FY 2000 Request			Reprogrammings			2000 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Enforcement:												
Detention and Deportation	6	5	$158,696	...	...	(92,865) /1	...	...	...	6	5	65,831
Immigration Support:												
Legal Proceedings	4	3	476	...	...	...	...	...	...	4	3	476
Program Direction:												
Management and Administration	11	11	2,728	...	...	...	...	...	...	11	11	2,728
Total	21	19	161,900	...	...	(92,865)	...	...	...	21	19	69,035

1/ FY 2000 funding was reduced by $45,000,000 due to INA Section of 245(i) not being reinstated.
FY 2000 funding is also reduced by $41,388,000 due to an reduction in anticipated receipts.

Congressional Appropriation Action on 2000 Request
The Conference agreement reduces budget authority by $6,477,000 based on projected lower receipts in this account.
The FY 2000 Budget authority level does not include $8,000,000 to be deposited to the treasury.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Appropriation Anticipated	21	19	$69,035
Adjustment of FTE	...	44	...
Adjustments to base:			
Increases	...	...	3,599
2001 Base	21	63	72,634
Program Changes (See Program Narrative for Details)	...	...	37,500
2001 Estimate 1/	21	63	110,134

	2000 Appropriation Anticipated			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Enforcement	6	5	$67,182	6	44	$70,491	6	44	$107,991	...	...	37,500
2. Immigration Support	4	3	389	4	3	421	4	3	421	...	...	...
3. Program Direction	11	11	1,464	11	16	1,722	11	16	1,722	...	...	...
Total	21	19	69,035	21	63	72,634	21	63	110,134	...	...	37,500

1/ The FY 2001 requested budget authority does not include $8,000,000 to be deposited to the treasury.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

	1999 Actual	2000 Appropriation Anticipated 3/	2001 Request 3/
Financing			
Unappropriated balance, start of year	$71,081	$1,744	...
Recovery of prior years obligations	1,546	...	...
Collections: INA Section 245(i) receipts	59,921 1/	$56,673 2/	$59,834 2/
Collections: Breached and Forfeited Bonds	23,511	18,618	21,000
Reauthorization of 245(i)	...	...	37,500
Refund from Examination Account to BB/DF	3,000	...	...
Total available for appropriation	159,059	77,035	118,134
Transfer to the General Fund of the U.S. Treasury	(8,000)	(8,000)	(8,000)
Available receipts	151,059	69,035	110,134
Appropriation	(149,315)	(69,035)	(110,134)
Unappropriated balance available, end of year	1,744	...	...
Obligations	149,315	69,035	110,134
Obligations by program			
Enforcement:			
Detention and Deportation	144,943	67,182 2/	107,991
Immigration Support:			
Legal Proceedings	472	389	421
Program Direction:			
Management and Administration	3,900	1,464	1,722
Total obligations	149,315 4/	69,035	110,134 5/

1/ FY 1999 begins collection of full penalty.

2/ FY 2000 receipt projections have been revised downward based on FY 1999 receipt levels.

3/ The deadline for Section 245(i) Adjustment of Status sunset on January 14, 1998. The filing of a visa petition or an application for labor certification on or before January 14, 1998 may preserve an individual's eligibility to apply for adjustment of status in the future. Thus, for those already eligible to apply, there is no deadline to apply making it very difficult to project future receipt collections. Actual receipts for FY 2000 and 2001 may be higher or lower than current projections.

4/ The FY 1999 actual obligations do not include a $8,000,000 transfer to the treasury.

5/ The FY 2001 obligations do not include $8,000,000 to be deposited to the treasury.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Enforcement:																		
Detention and Deportation	6	5	$173,889	6	6	$144,943	6	5	$67,182	6	44	$70,491	6	44	$107,991	...	...	$37,500
Immigration Support:																		
Legal Proceedings	4	3	588	4	3	472	4	3	389	4	3	421	4	3	421	...	...	...
Program Direction:																		
Management and Administration	11	11	4,009	11	11	3,900	11	11	1,464	11	16	1,722	11	16	1,722	...	...	...
Total obligations	21	19	178,496	21	20	149,315 1/	21	19	69,035	21	63	72,634	21	63	110,134 2/	...	...	37,500
Other workyears:																		
Overtime		22			22			22			22			22			...	
Other		...			...			...			...			...				
Total compensable workyears		41			42			41			85			85			...	

Note: FY 2000 Enacted reflects a reduction of $41,388,000 based on lower projected receipts.
1/ FY 1999 actual obligations do not include a $8,000,000 transfer to the treasury.
2/ FY 2001 requested budget authority does not include $8,000,000 to be deposited to the treasury.

Immigration and Naturalization Service
Breach Bond/Detention Fund
Program Performance Information
(Dollars in Thousands)

The Breached Bond/Detention Fund account was authorized in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amends Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. Breached cash and surety bonds totaling in excess of $8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice, are deposited as offsetting receipts into the Fund over and above the $8,000,000. Amounts deposited into the Fund remain available to the INS, until expended, for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The INS uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of the INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and a limited number of Treasury bonds or notes). These bonds become contracts between the INS and persons acting on the behalf of aliens (obligors) who promise their appearances in court. Under a cash bond, an obligor deposits the entire amount in cash with the INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and, if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

In September 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) authorized a new detention account titled the Immigration Detention Account (Section 286(i)). Receipts from this account are derived from the penalty portion of receipts collected under the provisions of Section 245(i) of the INA. Specifically, these resources are for expenses incurred for the detention of aliens under Sections 236 (c), mandatory detention of criminal and terrorist aliens, and mandatory detention of aliens with final orders of deportation under Section 241 (c).

In FY 1998, to simplify the INS resource structure, Congress merged the newly created Immigration Detention Account with the Breached Bond/Detention Fund. Section 111 of the department's FY 1998 appropriation amends the language authorizing the Immigration Detention Account to require that the receipts made available under Section 245(i), be deposited into the Breached

Bond/Detention Fund. These receipts are used to support activities related to detention operations, including additional State and local detention capacity. The amount projected to be available for this purpose in FY 2000 is $69,035,000 excluding $8,000,000 that is deposited into the treasury. This resource level is based on the availability of carryover in FY 1999, and new receipts projected for the fiscal year.

In FY 2001, resources from the Breached Bond/Detention Fund will be used to: support the detention of criminal and illegal aliens; continue bond management and collection activities; support the use of litigation to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS; and, continue the operation of automated systems to support these activities. The authorization for the INS to retain these services has provided the agency with the means to effect improvements in bond processing and debt management.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
2000 Appropriation Anticipated	6	5	$ 67,182
2001 Base	6	44	70,491
2001 Estimate	6	44	107,991
Increase/Decrease	...	...	37,500

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BASE PROGRAM DESCRIPTION:

- Detention and Deportation program personnel, located in INS field offices, process all required documents needed to issue cash or surety bonds to permit the release of aliens in deportation/exclusion/removal proceedings. These personnel are also responsible for reviewing aliens' files and taking appropriate actions to cancel bonds when their provisions have been satisfied, and to breach bonds in the event that the aliens do not appear as required.

- The Detention and Deportation program detains aliens who are subject to deportation/exclusion/removal proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security until they are ready for removal. Performance of this function includes the transportation of aliens to INS and non-INS (contract) facilities, secure detention, medical care and other necessary support services.

- The Immigration Detention Account (IDA) was authorized in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), for the purpose of making available a portion of the receipts obtained from the adjustment of immigration status under the provisions of Section 245(i) of the Immigration and Nationality Act (INA). In FY 1999, as noted above, these receipts were deposited in the Breached Bond/Detention Fund.

- However, due to the sunsetting of the 245(i) provision in FY 1998, the anticipated receipt level for this account has been decreased in FY 2000.

- The president's FY 2001 budget proposes reauthorizing Section 245(i). The anticipated increase in revenue from 245(i) receipts totals $75,000,000, with half of these receipts proposed to be allocated to the proposed Immigration Services Capital Investment Account, and half, or $37,500,000 to be deposited to the Breached Bond Detention Fund.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
2000 Appropriation Anticipated	4	3	$389
2001 Base	4	3	421
2001 Estimate	4	3	421
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- INS attorneys provide legal advice regarding administrative sanctions and other means of enforcing obligations arising from breached surety bonds, air and sea carrier fines, transit without visa damages, and checks returned because of insufficient funds. When necessary to refer such matters to the Civil Division for actions in U.S. District Court, INS attorneys assist with the litigation.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
2000 Appropriation Anticipated	11	11	$1,464
2001 Base	11	16	1,722
2001 Estimate	11	16	1,722
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The function of the Management and Administration program is to direct implementation of INS-wide policy as it relates to collection of breached bonds, and ensure its effective and uniform application; establish a system to track, report, and bill breached surety bonds posted by aliens; and continue improvements in the forfeiture and collection process to allow increased resources to be directed toward the detention of criminal and other illegal aliens.

Interior Enforcement
Breached Bond Detention Fund
(Dollars in Thousands)

Programs	Positions	Workyears	Amount
Detention and Deportation			
Replace 1995 Crime Fund carryover	...	...	$27,000
Enhance National Transportation System	...	...	5,550
Increase Juvenile Detention Space	...	...	4,950
Total, Detention and Deportation	...	...	**$37,500**

Strategy

- In January 1999, INS adopted a new Interior Enforcement Strategy to respond more effectively to the changing patterns and consequences of illegal immigration. These new patterns and consequences arise from several dimensions and underlying causes of the flow of illegal aliens. First, progress made under the Border Patrol National Strategy has significantly shifted illegal crossing patterns along the border. Second, international illegal migration has become increasingly coordinated through organized criminal smuggling operations. Third, these organized networks support the recruitment and transportation of illegal workers to places of employment, often with the full knowledge and active participation of middle and lower-level managers. Fourth, illegal immigration is also drawing on more sophisticated and higher quality counterfeit documents often used to support fraudulent applications for legal immigration benefits. Fifth, INS enforcement is encountering, to a greater degree, illegal immigration that has a harmful impact, both on local communities and, often, on the migrants themselves.

- The primary strategic goal of INS interior enforcement is to reduce the size and annual growth of the illegal resident population, to deter the flow of temporary illegal migrants, and to tighten controls on the applications for immigration benefits based on fraud. The Breach Bond Detention Fund provides resources for the detention and removal of aliens.

- For FY 2001, INS proposes the reauthorization of section 245(i) of the INA in order to provide for detention and removal of aliens apprehended by INS under Priority 1 of the Interior Enforcement Strategy.

Priority 1: Identification and Removal of Criminal Aliens

Identify criminal aliens as they are processed through the criminal justice system and remove them as appropriate. These activities will direct resources to State and Federal prisons where criminal aliens are currently incarcerated, to programs in which aggravated felons currently on parole or probation are apprehended, and to activities actively seeking out absconders convicted of a crime and subject to removal. The following initiative funded from the Breached Bond Detention Fund; will enable INS to achieve its goals in this area:

1. Expand the National Transportation System

2. Expand Juvenile Detention Space

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Element: Enhance the National Transportation System

Programs	Positions	Workyears	Amount
Detention and Deportation	...	...	$5,550

Narrative Description

Enhance JPATS Resources for 85,000 Total JPATS Movements

- This request includes the following resources for JPATS movements:

- Detention and Deportation: A total of $5,550,000 to fund 16,000 additional domestic and repatriation JPATS movements over FY 2000. These resources, combined with the $10,000,000 requested in the Salaries & Expenses account for FY 2001, will enable INS to fund a total of 85,000 total JPATS movements in FY 2001.

- Air transport operations via JPATS are a critical component of the National Transportation System. JPATS movements serve as one of the more economical means of transporting large numbers of aliens from various staging areas around the country to those locations where they may be removed from the United States' borders. From FY 1996 to FY 1999, INS has increased its use of JPATS by 117 percent.

- Resources requested for increased JPATS movements are based on projected Service-wide usage. The FY 2001 request includes resources for repatriation flights to Central America, the Caribbean, and parts of Africa. The FY 2001 request is an 18 percent increase over the FY 2000 projected target. Increased INS JPATS movements were determined using the following factors: 1) DOJ recommendations to eliminate prolonged bus trips thereby improving treatment of aliens as well as safety compliance; 2) compensation for a lack of available local jail space in certain areas; 3) accommodation of several INS work-site special operations and Border Patrol highway operations simultaneously; 4) Congressional and DOJ recommendations to decrease the transportation of INS detainees on commercial airlines; and 5) a priority to increase the removal of aliens.

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Element: Expand Juvenile Detention Space

Programs	Positions	Workyears	Amount
Detention and Deportation	...	...	$4,950

Narrative Description

Enhanced Juvenile Bed Space
The request for an increase in beds for unaccompanied minors includes the following elements:

- Detention and Deportation: $4,950,000 to pay for 82 juvenile bed spaces in FY 2001. This initiative will result in the removal of 410 juvenile aliens on an annual basis.

- As stated in INS' Annual Performance plan, Management Core Function Goals, INS needs to provide increased bed space for unaccompanied minors to support the growing influx of juvenile illegal aliens apprehended by INS Enforcement Officials. Also, INS' Detention and Incarceration Goal addresses the critical importance of providing safe, secure, and humane confinement for persons detained. Jenny Lisette Flores, et al vs. Janet Reno was a class action lawsuit filed against INS that challenged INS' policy regarding the arrest, processing, detention, and release of minors in INS custody. The settlement actions, effective February 1997, resulted in stricter policies concerning juvenile illegal aliens. In support of these goals and responding to the Flores settlement, INS implemented a new, comprehensive unaccompanied minor alien program in April 1997, providing national standards to ensure the safety and welfare of unaccompanied minors who are in the United States illegally. This request supports INS' strategic goals by increasing the number of bed spaces available for detaining juvenile aliens while also supporting INS' efforts to promote Federal, State, and local cooperation to expedite the removal of unaccompanied minor detainees.

- INS' Enforcement Officials have experienced a steady increase in the illegal alien traffic flow of unaccompanied minors since fiscal year 1995. The number of juveniles taken into INS custody increased 278 percent from FY 1995 to FY 1999.

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- To address increasing numbers of unaccompanied minor illegal aliens, this initiative will fund 82 critically needed detention bed spaces for juveniles nationwide in both contract and shelter care facilities. Detention space for unaccompanied minors is procured through INS' Unaccompanied Minors Shelter Care Program (UMSCP) and through a number of Intergovernmental Service Agreements (IGSAs) with State and local governments nationwide. After unaccompanied minors are apprehended, like their adult counterparts, some are removed immediately; others are held for short periods (under 72 hours); and the remaining require longer detention periods. Both shelter care and contract facilities are required to address the different needs of unaccompanied minor illegal aliens.

Immigration and Naturalization Service
Breached Bond/Detention Fund

Financial Analysis - Program Changes
(Dollars in thousands)

BORDER MANAGEMENT COORDINATION

Item	Pos.	Amount
Grades		
GS-15	...	
GS-14	...	
GS-13	...	
GS-12	...	
GS-11	...	
GS-9	...	
GS-7	...	
GS-6	...	
GS-5	...	
GS-4	...	
Total Positions & Annual Rate	...	...
Lapse (-)	...	...
Other than permanent	...	...
Other personnel compensation		
Total workyears and personnel Compensation	...	...
Personnel Benefits	...	...
Travel and transportation of persons	...	...
Transportation of Things	...	...
GSA Rent	...	...
Comm/Utilities/Miscellaneous	...	...
Other Services	...	37,500
Supplies and Materials	...	...
Equipment	...	...
Land & structures	...	
Total program WY & obligations changes requested, 2001	...	37,500

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Immigration and Naturalization Service
Breached Bond/Detention Fund
Priority Ranking
Fiscal Year 2001

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Detention and Deportation	1	Detention and Deportation	1
Legal Proceedings	2		
Management and Administration	3		

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Immigration and Naturalization Service
Breached Bond/Detention Fund
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999 Authorized	2000 Authorized	2001 Program Increases	2001 Total Authorized
Attorneys (905)	2	2	...	2
Paralegal Specialists (950)	2	2	...	2
General Administrative and Clerical (300-399)	6	6	...	6
Accounting and Budget (500-599)	11	11	...	11
Total	21	21	...	21
Washington	10	10	...	10
U.S. Field	11	11	...	11
Total	21	21	...	21

Immigration and Naturalization Service

Breached Bond/Detention Fund

Summary of Attorney/Agent and Support Positions

FY 2000-2001

	2000 Appropriation Enacted								2001 Increases								2001 Request Level							
	Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total	
Decision Unit	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos	FTE
Detention & Deportation	...	...	...	...	6	5	6	5	...	...	...	...	...	39	...	39	...	...	...	...	6	44	6	44
Legal Proceedings	...	...	2	2	2	1	4	3	...	...	...	...	...	...	...	...	...	...	2	2	2	1	4	3
Management & Administration	...	...	...	...	11	11	11	11	...	...	...	...	...	5	...	5	...	...	...	...	11	16	11	16
Total	...	...	2	2	19	17	21	19	...	...	...	...	...	44	...	44	...	...	2	2	19	61	21	63

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Change
(Dollars in thousands)

	Positions	Work-years	Amount
2000 Appropriated Enacted	21	19	$69,035
Adjustment to Base Increases:			
Realignment of FTE	...	44	...
2001 Pay raise	...	...	86
Annualization of 2000 pay raise	...	...	24
Within-grade increases	...	...	13
General Services Administration (GSA) rent	...	...	6
Medical Hospital Service costs	...	...	5
General pricing level adjustment	...	...	3,465
Total, mandatory increases	...	44	3,599
2001 Base	21	63	72,634
Program Changes	...	...	37,500
2001 Estimate	21	63	110,134

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Immigration and Naturalization Service
Immigration Breached Bond/Detention Fund
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Pos.	Work-years	Amount
Increases:			
Adjustment of FTE Based on current FTE utilization, an analysis has shown an adjustment in work years is necessary for the INS. To remedy this situation, a change of 44 FTE is necessary for the Breached Bond/Detention Fund account.	...	44	...
2001 pay raise This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $86,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($64,000 for pay and $22,000 for benefits totaling $86,000).	...	...	$86
Annualization of 2000 pay raise This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent effective in January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $24,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($17,000 for compensation and $7,000 for benefits).	...	...	24
Within-grade increases This request provides for the expected increase in costs of within-grade increases for slow or no growth components in FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $10,000 for pay and $3,000 for benefits.	...	...	13

	Pos.	Work-years	Amount
General Services Administration (GSA) rent	...	....	6
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $6,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.			
Medical Hospital Service costs	...	...	5
The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 3.8 percent against medical services. An increase of $5,000 will be required for 2001.			
General Pricing Level Adjustment	...	...	3,465
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total, adjustments to base	...	44	3,599

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual Position & Workyears	1999 Actual Amount	2000 Estimate Position & Workyears	2000 Estimate Amount	2001 Request Position & Workyears	2001 Request Amount	Increase/Decrease Position & Workyears	Increase/Decrease Amount
GS-15, $84,638-110,028	2		2		2			
GS-14, $71,954-93,537	3		3		3		...	
GS-13, $60,890-79,155	2		2		2		...	
GS-11, $42,724-55,541	5		5		5		...	
GS-9, $35,310-45,900	2		2		2		...	
GS-7, $28,866-37,522	2		2		2			
GS-6, $25,976-33,768	3		3		3		...	
GS-5, $23,304-30,292	2		2		2			
Total, positions	21		21		21		...	
Average GS Salary		$47,118		$51,819		$53,736		
Average GS Grade		10.14		10.14		10.14		

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	19	$935	18	$1,157	15	$1,222	(3)	$65
11.3 Other than permanent	1	1,513	1	33	48	1,383	47	1,350
11.5 Other personnel compensation	22	1,696	22	995	22	753	22	(242)
11.8 Special personnel services payments	...	107	...	...	...	...	...	...
Total, workyears and personnel compensation	42	4,251	41	2,185	85	3,358	44	1,173
12.1 Personnel benefits		679		309		715		406
21.0 Travel and transportation of persons		10,773		549		715		166
22.0 Transportation of things		84		3		4		1
23.1 GSA rent		118		139		145		6
23.2 Rental payments to others		4		858		876		18
23.3 Comm., utilities and misc. charges		760		14		14		...
24.0 Printing and reproduction		24		1		1		...
25.1 Advis & Asst Serv		5						
25.2 Other services		34,025		7,477		8,429		952
25.3 Purchases of goods and services		27,263		11,162		11,162		...
25.4 Operation and maintenance of facilities		30,294		23,567		24,587		1,020
25.6 Medical care		85		2,335		2,340		5
25.7 Operation and maintenance of equipment		512		252		266		14
25.8 Subsistence and support of persons		27,352		18,097		55,289		37,192
26.0 Supplies and materials		6,353		1,130		1,260		130
31.0 Equipment		1,857		135		151		16
32.0 Land and structures		84		...		...		...
41.0 Grants		4,146						
42.0 Insurance claims and indemnities		26		802		802		...
44.0 Refunds		620		...		...		...
91.0 Unvouchered		...		...		...		...
Total Obligations	42	149,315	41	69,035	85	110,134	44	41,099
Relation of obligations to outlays:								
Obligated balance, start-of-year		...		...		...		
Recoveries of prior year obligations		(1,546)		...		...		
Obligated balance, end-of-year		...		...		...		
Outlays		147,769 1/		69,035		110,134		...

1/ FY 1999 actual obligations does not include an $8,000,000 transfer to the treasury.

Department of Justice
Immigration and Naturalization Service
Land Border Inspection Fee
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Land Border Inspection Fee Account
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) is requesting 12 positions, 26 workyears, and $1,641,000 in the Land Border Inspection Fee Account.

The Land Border Inspection Fee account was authorized in Section 210 of the Department of Justice Appropriations Act of 1991 (P.L. 101-515). The Act authorized the Attorney General to establish, by regulation, pilot projects under which fees may be charged at one or more land border ports-of-entry (POE). These pilots would be used to study the feasibility of charging fees to provide inspection services at all land border POEs. The regulations stated that the projects may include the establishment of commuter lanes to be made available to pre-qualified United States citizens and aliens. This provision, as amended, authorizes projects on the Northern border and the entire Southwest border, but prohibits the implementation of a universal border crossing fee. FY 2000 conference action included language that made this account permanent.

In FY 2001, a change in the language authorizing the Land Border Inspection Fee Account (Sec. 286(q) of the INA) is being requested that would redirect certain fees for services at land border ports-of-entry into this account rather than in the Examinations Fee Account. If approved, Inspections positions supported by these fees would be moved from the Examinations Fee Account to the Land Border Inspection Fee Account.

The INS is currently operating Secure Electronic Network for Travelers Rapid Inspection (SENTRI) in Otay Mesa, California, Buffalo, New York, and Detroit, Michigan. The Otay Mesa site was originally implemented as a National Performance Review pilot project with the U.S. Customs Service, Drug Enforcement Administration, Federal Bureau of Investigation, and the U.S. Attorney's Office. In FY 1997, Congress approved five new pilot sites in Nogales, AZ; San Luis, AZ; El Paso, TX; Laredo, TX; and Hidalgo, TX. The El Paso lane opened in September of 1999, and the San Ysidro lane is expected to open in FY 2000.

Immigration and Naturalization Service
Land Border Inspection Fee
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Prior Year Recoveries			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement Inspections	12	26	$3,275	...	...	...	...	...	$106	12	26	$3,381
Total	12	26	3,275	...	...	...	...	...	106	12	26	3,381

Immigration and Naturalization Service
Land Border Inspection Fee
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Appropriations Action on 2000 Request			Reprogrammings			2000 Available		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Enforcement												
Inspections	32	36	$5,095	-20	-10	-$3,547	...	...	...	12	26	$1,548
Immigration Support												
Data & Communication Systems	...		1,500	...	...	-1,500	...	...	...	...	...	...
Undistributed Base Reduction	...	...	...	...	...	...	...	...	...	...	...	...
Total	32	36	6,595	-20	-10	-5,047	...	...	...	12	26	1,548

Congressional Appropriation Action on 2000 Request

Congress reduced the budget authority for the Land Border Inspection fee account from the President's 2000 budget request by $5,047,000 to a total of $1,548,000. This level was based on lower projected receipts for 2000. This account was permanently established.

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Available	12	26	$1,548
Adjustments to base:			
Increases	---	---	93
2001 Base	12	26	1,641
Program Changes	---	---	---
2001 Estimate	12	26	1,641

	1999 Availability			1999 Actual			2000 Available			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Enforcement	12	26	$3,275	12	18	$1,050	12	26	1,548	12	26	$1,641	12	26	$1,641	...	...	...
Other Workyears:																		
Overtime		4			4			4			4			4			...	
Total compensable workyears		30			22			30			30			30			...	

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Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	1999 Actual	2000 Available	2001 Request
Financing			
Unappropriated balance, start of year	...	$122	$122
Recovery of prior year obligations	$106	...	...
Receipts	$1,066	$1,548	$1,641
Total available for appropriation	1,172	1,670	1,763
Appropriation	(1,050)	(1,548)	(1,641)
Unappropriated balance available, end of year	122	122	122
Obligations	1,050	1,548	1,641
Total requirements	1,050	1,548	1,641
Obligations by program			
Enforcement:			
Inspections	1,050	1,548	1,641
Immigration Support:			
Data and Communications	...	...	...
Total obligations	1,050	1,548	1,641

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Immigration and Naturalization Service
Land Border Inspection Fee
Program Performance Information
(Dollars in thousands)

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 extended the Land Border Inspection Fee program to September 30, 2000, for pilot projects on the northern and southern borders of the United States. The FY 1997 Appropriations Act granted INS permission to establish Dedicated Commuter Lanes, (DCLs) in all southern border states. Frequent border crossers in the states of Arizona, New Mexico, and Texas can derive considerable benefit through the use of DCLs, as well as other means of expediting inspection traffic. The Congressional Appropriation Action on the FY 2000 request permanently established this account. A language change is being proposed so that the fee for service functions at land border POEs, currently in the Exams Fee account, can be moved to this account.

The INS is currently operating Secure Electronic Network for Travelers Rapid Inspection (SENTRI) in Otay Mesa, California, El Paso, TX, Buffalo, New York, and Detroit, Michigan and DCLs in Blaine and Point Roberts, Washington. The Otay Mesa site was originally a pilot National Performance Review (NPR) site in cooperation with the Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Attorney's Office, and the U.S. Customs Service. Land Border Inspection Fee funding is used for such items as personnel, overtime, equipment, and minor facility modifications.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	Work-years	Amount
Inspections			
2000 Available	12	26	$1,548
2001 Base	12	26	1,641
2001 Estimate	12	26	1,641
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Land Border Inspection Fee account authorization authorizes the Attorney General to charge a fee for inspection services at one or more land border ports-of-entry (POE).

- This program enables low-risk, frequent border crossers, who are approved for participation in the program, to transit the border through a specific vehicle traffic lane with an abbreviated inspection process. The INS currently operates sites in Blaine and Point Roberts, WA, Detroit MI, Otay Mesa, CA, Buffalo, New York and El Paso, TX.

- The El Paso, TX lane opened in September 1999. The San Ysidro, CA lane is anticipated to open in May 2000. The sites established are popular among users and allow the resources required to inspect border crossers to be more efficiently applied to enforcement and other facilitation efforts.

Immigration and Naturalization Service
Land Border Inspection Fee
Detail of Permanent Positions by Category
FY 1999 - 2001

Category	1999 Authorized	2000 Authorized	2001 Estimate
General Administrative and Clerical (300-399)	12	12	12
Total	12	12	12
U.S. Field	12	12	12
Total	12	12	12

Immigration and Naturalization Service

Land Border Inspection Fee

Summary of Agents and/or Attorneys and Support Positions

FY 2000-2001

Decision Unit	2000 Available								2001 Increases								2001 Request Level							
	Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total		Agents		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Inspections	...	...	...	...	12	26	12	26	...	...	...	...	...	...	...	...	...	...	...	...	12	26	12	26
Border Patrol	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Investigations	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Detention & Deportation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intelligence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Adjudications & Naturalization	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
International Affairs	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Training	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Data & Comm. Systems	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Information & Records Mgmt.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Const. & Engineering	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Management & Administration	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	...	...	...	...	12	26	12	26	...	...	...	...	...	...	...	...	...	...	...	...	12	26	12	26

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Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Change
(Dollars in thousands)

	Positions	Work-years	Amount
2000 Available	12	26	$1,548
Adjustments-to-base Increases:			
2001 Pay Raise	...	...	35
Annualization of 2000 Pay Raise	...	...	16
Within-grade Increases	...	...	19
Annualization of 2000 positions (FTE)	...	...	...
Annualization of 2000 positions (Dollars)	...	...	...
GSA Rent	...	...	16
General Pricing Level Increases	...	...	7
Total, increases	...	...	93
2001 Base	12	26	1,641
Program Changes	...	...	...
2001 Estimate	12	26	1,641

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Immigration and Naturalization Service
Immigration Land Border Inspection Fee
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
Increases:			
2001 pay raise ..... This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $35,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($26,000 for pay and $9,000 for benefits, totaling $35,000).	...	...	$35
Annualization of 2000 pay raise ..... This pay annualization represents first quarter amounts (October through December) of the 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested, $16,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($11,000 for compensation and $5,000 for benefits).	...	...	16
Within-grade increases ..... This request provides for the expected increase in costs of within-grade increases for slow or no growth components in FY 2000. This increase is based on an accurate model of the Department's employee population, which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes $14,000 for pay and $5,000 for benefits.	...	...	19

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Pos.	Work-years	Amount
General Services Administration (GSA) rent ..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $16,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	...	....	$16
General Pricing Level Adjustment ..... This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	7
Total, adjustments to base	...	...	93

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Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-5, $23,304-30,292	12		12		12		...	
Total, workyears & personnel compensation	12		12		12		...	
Average GS Salary		$23,889		$24,857		$25,826		
Average GS Grade		5.00		5.00		5.00		

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	16	$48	11	$156	2	$59	-9	($97)
11.3 Other than permanent:								
Other part-time and intermittent employment	2	382	15	174	24	318	9	144
11.5 Other personnel compensation:								
Overtime	4	166	4	47	4	51	...	4
Total, workyears and personnel compensation	22	596	30	377	30	428	...	51
12.1 Personnel benefits		131		93		112		19
21.0 Travel		8		13		14		1
22.0 Transportation of things		2		1		1		...
23.1 GSA rent		33		132		148		16
23.2 Rental payments to others		...		11		11		...
23.3 Communications, utilities		6		13		13		...
24.0 Printing		1		11		11		...
25.2 Other services		140		177		178		1
25.3 Purchase from Gov't Accts		68		475		475		...
25.7 Operation and maintenance of equipment		...		14		14		...
26.0 Supplies and materials		33		131		136		5
31.0 Equipment		32		100		100		...
42.0 Insurance claims and indemnities		...		...		...		...
Total obligations	22	1,050	30	1,548	30	1,641	...	93
Relation of obligations to outlays:								
Obligations		1,050		1,548		1,641		93
Total requirements		1,050		1,548		1,641		93
Relation of Obligations to Outlays:								
Total obligations		1,050		1,548		1,641		93
Obligated balance, start of year		...		...		...		...
Obligated balance, end of year		...		...		...		...
Outlays		1,050		1,548		1,641		93

Department of Justice
Immigration and Naturalization Service
Immigration Enforcement Account
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Immigration Enforcement Account
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) requests a total of $1,850,000 for the Immigration Enforcement account for FY 2001.

The Immigration Enforcement Account was authorized in Section 382 of the IIRIRA. The Act amends Section 280 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Immigration Enforcement Account. Prior to FY 1997, two-thirds of the fines receipts for INA Sections 271 and 273 were collected and deposited in the User Fee Account, but were unavailable to be spent on User Fee activities as outlined in the INA Section 286 (h)(2)(A). These fines receipts, plus additional revenue relating to fines and penalties, as outlined in Section 382(a) of the 1996 Act, are deposited into the account and remain available to INS until expended. Expenses may be incurred by the Attorney General for the identification, investigation, apprehension, detention, and removal of criminal aliens; the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and for the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, or for structures to deter illegal entry into the United States.

The INS negotiated enforcement fines regulations based on the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416), which amended the Immigration and Nationality Act (INA) Section 273(e), to allow the Attorney General, in prescribed cases, to reduce, refund, or waive fines.

In FY 2001, INS plans to spend these fines receipts in the Data and Communications program. Funding in this account will allow INS to expand its Integrated Surveillance Intelligence System (ISIS)/Remote Video Surveillance (RVS) for the Border Patrol. New thermal infrared imagers mounted with RVS daylight cameras improve the Border Patrol's 24-hour surveillance capability along the Southwest border. The integration of RVS with the new generation of "smart" sensors through the Intelligent Computer-Aided Detection (ICAD) command and control system, when fully deployed, will allow for the development of a true "electronic fence" between the United States and Mexico.

Immigration and Naturalization Service

Immigration Enforcement Account

Crosswalk of 1999 Availability

(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogrammings			Final 1999 Availability		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
Data and Communications	...	...	$4,050	...	...	...	...	...	$4,050
Total	...	...	4,050	...	...	...	...	...	4,050

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Immigration and Naturalization Service
Immigration Enforcement Account
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Available		
Activity/Program	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
Data and Communications	...	...	$3,800	...	...	($1,950)	...	...	...	...	...	$1,850
Total	...	...	3,800	...	...	(1,950)	...	...	...	...	...	1,850

Congressional Appropriation Action on 2000 Request Congress reduced the budget authority for the Immigration Enforcement account from the President's FY 2000 budget request by $1,950,000 to a total of $1,850,000. This change was based on revised receipt estimates.

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Immigration and Naturalization
Immigration Enforcement Account
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Available	...	...	$1,850
2001 Base	...	...	1,850
2001 Estimate	...	...	1,850

	1999 Availability			1999 Actual			2000 Available			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Immigration Support																		
Data and Communications	...	...	$4,050	...	...	$3,929	...	...	$1,850	...	...	$1,850	...	...	$1,850	...	...	...

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Immigration and Naturalization Service
Immigration Enforcement Account
Summary of Requirements
(Dollars in thousands)

Financing	1999 Actual	2000 Available	2001 Request
Unappropriated balance, start-of-year	$697	$1,133	$2,283
Recovery of prior year obligations	...	...	...
Receipts	4,365	3,000	3,000
Total available for appropriation	5,062	4,133	5,283
Appropriation	(3,929)	(1,850)	(1,850)
Unappropriated balance available, end-of-year	1,133	2,283	3,433
Obligations	3,929	1,850	1,850
Recovery of prior year obligations	...	...	...
Total requirements	3,929	1,850	1,850
Obligations by program			
Immigration Support:			
Data and Communications	3,929	1,850	1,850
Total obligations	3,929	1,850	1,850

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Immigration and Naturalization Service
Immigration Enforcement Account
Program Performance Information
(Dollars in thousands)

ACTIVITY: Immigration Support

	Perm. Pos.	Work-years	Amount
Data and Communications			
2000 Available	...	...	$1,850
2001 Base	...	...	1,850
2001 Estimate	...	...	1,850
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This account is used for the identification, investigation, apprehension, detention, and removal of criminal aliens; the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and for the repair, maintenance, or construction on the United States border, of structures to deter illegal entry into the United States, in areas experiencing high levels of apprehensions of illegal aliens.

- The INS negotiated regulations based on the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416), which amended the INA Section 273 (e) to allow the Attorney General, in prescribed cases, to reduce, refund, or waive fines. The INS established an Acceptable Performance Level (APL) based on statistical analysis of the performance of all carriers, as a means to determine eligibility for a reduction of fines. For FY 1999, approximately 40 percent of the 273 fines cases, which were reviewed, excluding all cases anticipated to be canceled or appealed to the Board of Immigration Appeal, were eligible for either 25 percent or 50 percent mitigation.

- The INS plans to use the fines receipts in the Enforcement Account in the Data and Communications program. Included among the projects this funding will support is the expansion of remote video surveillance (RVS) systems for the Border Patrol. The current low light level television (LLLTV) systems are reaching the end of their life cycle, and are in need of replacement and augmentation. These new thermal infrared imagers mounted with daylight cameras improve the Border Patrol's 24-hour surveillance capability along the Southwest border. The integration of RVS with the new generation of "smart" sensors through the ICAD command and control system, when fully deployed, will allow for the development of a true "electronic fence" between the United States and Mexico.

Immigration and Naturalization Service
Immigration Enforcement Account
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
11.8 Special personnel services payments	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation	...	...	...	...	...	...	...	...
12.1 Personnel benefits		...		...		...		...
13.0 Benefits to former personnel		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Comm., utilities and misc. charges		...		...		...		...
24.0 Printing and reproduction		...		...		...		...
25.0 Other services		...		...		...		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		$3,929		$1,850		$1,850		...
32.0 Land and structures		...		...		...		...
42.0 Insurance claims and indemnities		...		...		...		...
44.0 Refunds		...		...		...		...
91.0 Unvouchered		...		...		...		...
Total Obligations	...	3,929	...	1,850	...	1,850	...	...
Relation of obligations to outlays:								
Obligated balance, start-of-year		...		...		...		
Adjustments in unexpired accounts		...		...		...		
Outlays		3,929		1,850		1,850		

Department of Justice
Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Summary Statement
Fiscal Year 2001

The Immigration and Naturalization Service (INS) requests $1,125,000 in spending authority for the H-1B Non-Immigrant Petitioner Fee account. The resource level is the same as the level anticipated to be available to INS in this account for FY 2000.

The American Competitiveness and Workforce Improvement Act, P.L. 105-277, was enacted in 1998 and created the new H-1B Fee account beginning in FY 1999. The new law increased the number of H-1B visas available and established a new fee to pay for the cost of job training and scholarship programs. The number of visas available has been increased from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in FY 2001. In FY 2002 the number of H-1B visas available will revert to 65,000. The $500 H-1B visa fee is in addition to the $110 filing fee for the I-129S petition. The new fee is being used to help U.S. citizens, legal permanent residents and other U.S. workers with job training, low-income scholarships, grants for mathematics, engineering or science enrichment courses administered by the National Science Foundation and the Department of Labor, and for processing and enforcement. The Department of Treasury assumes control of the revenue deposited into the account and distributes the amount based on the following percentages set forth in the law: 62.3 percent to Department of Labor; 36.2 percent to National Science Foundation; and 1.5 percent to Immigration and Naturalization Service.

The INS' Adjudications and Naturalization program is responsible for processing applications for immigration benefits under the provisions of the Immigration and Nationality Act, as amended. Resources which are made available in the H-1B Non-Immigrant Petitioner Fee account are used to acquire the additional personnel and infrastructure needed to process the increased numbers of temporary worker petitions submitted to INS for review.

Immigration and Naturalization Service

H-1B Non-Immigrant Petitioner Fee

Crosswalk of 1999 Availability

(Dollars in thousands)

Activity/Program	1999 as Enacted Pos	WY	Amt	Approved Reprogrammings Pos	WY	Amt	Final 1999 Availability Pos	WY	Amt
Citizenship and Benefits									
Adjudications and Naturalizations	...	...	$1,125	...	...	...	...	...	$1,125
Total	...	...	1,125	...	...	...	...	...	1,125

Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Available		
	Pos.	WY	Amount	Pos.	FTE	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Citizenship and Benefits:												
Adjudications and Naturalization	...	...	$1,125	...	...	...	...	...	...	...	...	$1,125
Total	...	...	1,125	...	...	...	...	...	...	...	...	1,125

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Immigration and Naturalization
H-1B Non-Immigrant Petitioner Fee
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Available	...	...	$1,125
2001 Base	...	...	1,125
2001 Estimate	...	...	1,125

	1999 Availability			1999 Actual			2000 Available			2001 Base			2001 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.			Perm.			Perm.		
Estimates by budget activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Citizensip and Benefits:																		
1. Adjudications and Naturalization	...	...	$1,125	...	...	$754	...	...	$1,125	...	...	$1,125	...	...	$1,125	...	...	...

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Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Summary of Requirements
(Dollars in thousands)

	1999 Actual	2000 Available	2001 Request
Financing			
Unappropriated balance, start of year	...	$348	$348
Recovery of prior year obligations	...	...	...
Receipts	$1,102	$1,125	$1,125
Total available for appropriation	1,102	1,473	1,473
Appropriation	(754)	(1,125)	(1,125)
Unappropriated balance available, end of year	348	348	348
Obligations	754	1,125	1,125
Recovery of prior year obligations	...	...	...
Total requirements	754	1,125	1,125
Obligations by program			
Citizenship and Benefits:			
Adjudications and Naturalization	754	1,125	1,125

Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Program Performance Information
(Dollars in thousands)

ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	Work-years	Amount
Adjudication and Naturalization			
2000 Available	...	...	$1,125
2001 Base	...	...	1,125
2001 Estimate	...	...	1,125
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This program is responsible for processing applications for immigration benefits under the provisions of the Immigration and Nationality Act, as amended. A portion of the visa filing fee established in The American Competitiveness and Workforce Improvement Act, P.L. 105-277 is made available to the INS for this account. These resources are used to process the increased numbers of temporary worker petitions submitted to the INS for review.

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Immigration and Naturalization Service
H-1B Non-Immigrant Petitioner Fee
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1999 Actual Workyears	1999 Actual Amount	2000 Estimate Workyears	2000 Estimate Amount	2001 Request Workyears	2001 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
11.8 Special personnel services payments	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation	...	...	...	...	...	...	...	...
12.1 Personnel benefits		...		...		...		...
13.0 Benefits to former personnel		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Comm., utilities and misc. charges		...		...		...		...
24.0 Printing and reproduction		...		...		...		...
25.2 Other services		$754		$1,125		$1,125		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		...		...
32.0 Land and structures		...		...		...		...
42.0 Insurance claims and indemnities		...		...		...		...
44.0 Refunds		...		...		...		...
91.0 Unvouchered		...		...		...		...
Total Obligations	...	754	...	1,125	...	1,125	...	...
Relation of obligations to outlays:								
Obligated balance, start-of-year		...		...		...		
Adjustments in unexpired accounts		...		...		...		
Outlays		754		1,125		1,125		

Department of Justice
Immigration and Naturalization Service
Shared Support Operations Fund
Estimates for Fiscal Year 2001
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Immigration and Naturalization Service
Shared Support Operations Fund
Summary Statement
Fiscal Year 2001

In FY 2001, the Immigration and Naturalization Service (INS) proposes to establish a Shared Support Operations Fund (SSOF) for the Immigration and Naturalization Service (INS) to provide agency-wide shared support services for INS programs. The estimated value of services to be supported through this fund is $154,622,000. The fund will use an approach which will increase the accountability of service providers resulting in improved quality and timliness of delivery to support INS' operating divisions and field activities. This will be done through "purchase" agreements covering funding and delivery of services. It is anticipated that this approach to shared support operations will result in enhanced customer satisfaction as well as enhanced service productivity. This concept, which has been employed in other Federal agencies with success, is consistent with the current INS restructuring proposal for shared services supporting enforcement and immigration services functions. In its first year (FY 2001), INS will develop the mechanisms for these central services to gain experience with the concept. **The establishment of the SSOF does not require an increase in resources.** It provides a means to increase the productivity of existing resources by requiring the application of a business process to the delivery of specific services covered by the fund.

The Shared Support Operations Fund would be used for the delivery of services in the following areas:

Information and Records Management Services

The fund will provide information and records management services which will include: information and records services (including the INS National Records Center, Freedom of Information Act/Privacy Act (FOIA/PA), and records services related to the Systematic Alien Verification for Entitlements (SAVE) program. Information and records services include: establishment and maintenance of files, archive services, file retrieval, and security of information. FOIA/PA services include receipt and tracking functions, acquisition of information, and the production of responses to FOIA/PA requests. Activities related to the SAVE program include: the maintenance and production information for client agencies required to verify eligibility for certain federally-supported benefits programs.

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Security Background Investigation Services

The fund will support that part of the Security program which provides services related to the adjudication of security background investigations for new employees and the procurement and adjudication of background re-investigations for on-board employees. The services related to the adjudication of the results of the investigations are critical to the maintenance of INS' internal security. All INS employees in sensitive positions undergo a background reinvestigation every five years to determine their continued eligibility to hold a sensitive position and, if applicable, to have continued eligibility for access to classified information. Therefore, Background reinvestigation service to INS' programs is critical to the integrity and security of their operations and the timing of the performance of this service is of considerable importance.

Equal Employment Opportunity Program Services

The fund will support all aspects of the INS Equal Employment Opportunity (EEO) program. Activities will include the development of Affirmative Employment Program Plans for use by managers and supervisors, EEO complaints program management, EEO training for managers and supervisors, special emphasis training for all employees (in areas such as sexual harassment), and advisory services to management for the purpose of maintaining and enhancing EEO program compliance throughout the Service.

Immigration and Naturalization Service
Shared Support Operations Fund
Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include new language to authorize the creation of the Shared Support Operations Fund. This is a new fund.

Shared Support Operations Fund
(Including Transfer of Funds)

There is hereby established a Shared Support Operations Fund for the Immigration and Naturalization Service, which shall be available without fiscal year limitation, for expenses and equipment necessary for the operation and maintenance of such administrative services as the Commissioner of the Immigration and Naturalization Service, with the approval of the Department of Justice and the Office of Management and Budget, determines may be performed more advantageously as central services. The capital of the fund shall consist of the amount of the fair and reasonable value of such inventories, equipment and other assets and inventories on order pertaining to the services to be carried on by the Fund as the Commissioner may transfer to the Fund, less related liabilities and unpaid obligations together with any appropriations made for the purpose of providing capital: Provided, That the Fund shall be reimbursed or credited with advance payments from applicable appropriations and amounts available for the Immigration and Naturalization Service, other Federal agencies, and other sources as authorized by law for supplies, materials, and services at rates that will recover the expenses of Fund operations including, without limitation, depreciation of plant and equipment of the Fund. The Fund shall also be credited with other receipts from the sale or exchange of property or in payment for loss or damages to property held by the Fund. Provided further, that all retained earnings shall remain available without limitation, for the acquisition of capital equipment, automated systems and to implement financial, personnel, record keeping and management system improvements. (Department of Justice Appropriations Act, 2001.)

Explanation of Changes:

Establishment of this account will allow the Immigration and Naturalization Service to improve the delivery of services in specific support operations, applying business practices to enhance performance and quality of service. This language, establishing the fund, is included in the Department of Justice General Provisions.

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Immigration and Naturalization Service
Shared Support Operations Fund
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request			Reprogrammings			2000 Availability		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Immigration Support:									
Information and Records Management....	...	...	...	...	...	...	...	...	...
Program Direction:									
Management and Administration.....	...	...	...	...	...	...	...	...	...
Total.....	...	...	...	...	...	...	...	...	...

Immigration and Naturalization Service
Shared Support Operations Fund
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work-years	Amount
2000 Availability	...	...	...
2001 Base	...	...	...
Program Changes (See Program Narrative for Details)	...	...	$154,622
2001 Estimate	...	...	154,622

Estimates by budget activity	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Immigration Support	...	...	...	...	...	...	...	...	$134,414	...	...	$134,414
2. Program Direction	...	...	...	...	...	...	...	...	20,208	...	...	20,208
Total	...	...	...	...	...	...	...	...	154,622	...	...	154,622

Immigration and Naturalization Service
Shared Support Operations Fund
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Immigration Support:																		
Information and Records Managem	...	...	...	...	...	...	...	...	...	...	...	...	...	...	$134,414	...	...	$134,414
Program Direction:																		
Management and Administration....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	20,208	...	...	20,208
Total obligations.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	154,622	...	...	154,622

Strategy

In FY 2001, the Immigration and Naturalization Service (INS) proposes to establish a Shared Support Operations Fund (SSOF) for the Immigration and Naturalization Service (INS) to provide agency-wide shared support services for INS programs. The estimated value of services to be supported through this fund is $154,622,000. The fund will use an approach which will increase the accountability of service providers resulting in improved quality and timeliness of delivery to support INS' operating divisions and field activities. This will be done through "purchase" agreements covering funding and delivery of services. It is anticipated that this approach to shared support operations will result in enhanced customer satisfaction as well as enhanced service productivity. This concept, which has been employed in other Federal agencies with success, is consistent with the current INS restructuring proposal for shared services supporting enforcement and immigration services functions. In its first year (FY 2001), INS will develop the mechanisms for these central services to gain experience with the concept. The establishment of the SSOF does not require an increase in resources. It provides a means to increase the productivity of existing resources by requiring the application of a business process to the delivery of specific services covered by the fund.

The Shared Support Operations Fund would be used for the delivery of services in the following areas:

Information and Records Management Services

The fund will provide information and records management services to all INS programs and will include:

- providing responses to inquiries from the public and private sectors; local, state and Federal agencies; and the various branches of government, by telephone, in-person, and in writing;
- maintaining alien records and files from which data may be readily obtained to respond to requests from both within and outside INS;
- developing guidelines, policies and procedures, and responses to Freedom of Information Act/Privacy Act (FOIA/PA) requests;

- providing for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws;

- monitoring and ensuring internal compliance to standards for systems and service delivery, and

- managing and administering the Systematic Alien Verification for Entitlements (SAVE) program.

The estimated value of the shared records management services to be supported through the use of the Fund is $134,414,000.

Security Background Investigation Services

The fund will provide INS Security program services which will include the following:

- providing services related to the adjudication of security background investigations for new employees, and

- procuring and adjudicating background re-investigations for on-board employees.

The services related to the adjudication of the results of the investigations are critical to the maintenance of INS' internal security. All INS employees in sensitive positions undergo a background reinvestigation every five years to determine their continued eligibility to hold a sensitive position and, if applicable, to have continued eligibility for access to classified information. Background reinvestigation service to INS' programs is critical to the integrity and security of their operations and the timing of the performance of this service is of considerable importance. The estimated value of the shared Security program services to be supported through the use of the Fund is $11,328,000.

Equal Employment Opportunity Program Services

The fund will provide services related to all aspects of the INS Equal Employment Opportunity (EEO) program and will include:

- developing Affirmative Employment Program Plans for use by managers and supervisors;

- managing INS' EEO complaints program;

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- providing EEO training for managers and supervisors;
- providing special emphasis training for all employees (in areas such as sexual harassment), and
- providing advisory services to INS management for the purpose of maintaining and enhancing EEO program compliance throughout the Service.

The estimated value of the shared EEO program services to be supported through the use of the Fund is $8,880,000.

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Immigration and Naturalization Service
Shared Support Operations Fund

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Shared Support Operations				Total	
	Information & Records Mgmt		Management & Administration			
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS-15	...	...	...	...	...	...
GS-14	...	...	...	...	...	...
GS-13	...	...	...	...	...	...
GS-12	...	...	...	...	...	...
GS-11	...	...	...	...	...	...
GS-9	...	...	...	...	...	...
GS-7	...	...	...	...	...	...
GS-6	...	...	...	...	...	...
GS-5	...	...	...	...	...	...
GS-4	...	...	...	...	...	...
Total Positions & Annual Rate	...	...	...	...	...	...
Lapse (-)	...	...	...	...	...	...
Other than permanent	...	...	...	...	...	...
Other personnel compensation	...	...	...	...	...	...
Total workyears and personnel Compensation	...	...	...	...	...	...
Personnel Benefits	...	...	...	...	...	...
Travel and transportation of person	...	...	...	...	...	...
Transportation of Things	...	...	...	...	...	...
GSA Rent	...	...	...	...	...	...
Comm/Utilities/Miscellaneous	...	...	...	...	...	...
Other Services	...	$134,414	...	$20,208	...	$154,622
Supplies and Materials	...	...	...	...	...	...
Equipment	...	...	...	...	...	...
Land & structures	...	...	...	...	...	...
Total program WY & obligations changes requested, 2001	...	$134,414	...	$20,208	...	$154,622

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Immigration and Naturalization Service
Shared Support Operations Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual		2000 Availability		2001 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	...	...	...	...	...	...	...	...
11.3 Other than permanent	...	...	...	...	...	...	...	...
11.5 Other personnel compensation	...	...	...	...	...	...	...	...
11.8 Special personnel services payments	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation	...	...	...	...	...	...	...	...
12.1 Personnel benefits		...		...		...		...
21.0 Travel and transportation of persons		...		...		...		...
22.0 Transportation of things		...		...		...		...
23.1 GSA rent		...		...		...		...
23.2 Rental payments to others		...		...		...		...
23.3 Comm., utilities and misc. charges		...		...		...		...
24.0 Printing and reproduction		...		...		...		...
25.2 Other services		...		...		$154,622		$154,622
25.3 Purchases of goods and services		...		...		...		...
25.4 Operation and maintenance of facilities		...		...		...		...
25.6 Medical care		...		...		...		...
25.7 Operation and maintenance of equipment		...		...		...		...
25.8 Subsistence and support of persons		...		...		...		...
26.0 Supplies and materials		...		...		...		...
31.0 Equipment		...		...		...		...
32.0 Land and structures		...		...		...		...
42.0 Insurance claims and indemnities		...		...		...		...
44.0 Refunds		...		...		...		...
91.0 Unvouchered		...		...		...		...
Total Obligations	...	...	...	...	...	154,622	...	154,622
Relation of obligations to outlays:								
Obligated balance, start-of-year		...		...		...		
Recoveries of prior year obligations		...		...		...		
Obligated balance, end-of-year		...		...		...		
Outlays		...		...		154,622		...

Bureau of Prisons
Summary Statement and Performance Plan
Fiscal Year (FY) 2001

The Federal Prison System (FPS) is requesting a total of 38,042 positions, 35,120 workyears (FTE), and $4,381,429,000 for FY 2001. This request represents an increase of 1,373 positions, 506 FTE, and $713,576,000 over the FY 2000 appropriation. In addition, a total of $791,000,000 is requested as advance appropriation for FY 2002, and $535,000,000 for FY 2003 in the new construction program. Positions and workyears will also be needed to accomplish those construction projects.

The Bureau of Prisons' (BOP's total requested program increases for FY 2001 (1,824 positions, 755 FTE, and 874,545) will: support an Average Daily Population of 153,547 and, including advance appropriations for FY 2002 and FY 2003, will provide construction funding for sixteen facilities and one secure female unit. Seven of these facilities have some prior funding.

While this new construction request provides for nine new facilities and a secure female unit, overcrowding will remain a serious issue. Even with the new facilities requested in this budget, overcrowding will be close to 30 percent by 2007. The BOP is experiencing record breaking increases in the inmate population. If this trend continues, additional capacity may be required. The BOP will constantly monitor facility capacity and prisoner overcrowding.

A detailed explanation of the BOP's FY 2001 program increases by initiative and a corresponding explanation of the BOP's base program is included in each individual budget. The four budget requests for the BOP include: Salaries and Expenses (S&E); Buildings and Facilities (B&F); and Federal Prison Industries (FPI). The Commissary is treated as a revolving fund. Funding and positions formerly provided via the Violent Crime Reduction Program (VCRP) are included in the S&E budget.

2001 Federal Bureau of Prisons Performance Plan and FY 1999 Accountability Report

A. BOP's Mission and Goals, and Relationship to Department of Justice (DOJ) Strategic Plan

BOP's FY 2001 budget submission and performance plan directly support the Detention and Incarceration mission priorities, general goals and strategic approaches that are included in the DOJ Strategic Plan, FY 1997 - 2001. In addition, it incorporates information on performance measurement that should lead to better accountability regarding actual results achieved.

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BOP Mission

The mission of the BOP, an agency of the DOJ, was established in an Act of Congress, signed by President Hoover on May 14, 1930. This legislation established the BOP and directed it to develop an integrated system of institutions to provide custody and treatment based on the individual needs of offenders.

The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

While State and local incarceration growth rates have declined in recent years, the FPS has experienced record growth, with an increase of over 10,000 inmates during FY 1998 and over 11,300 inmates during FY 1999. Given increased resources for law enforcement and prosecutory agencies, and even stronger emphasis on prosecution of gun related crimes, this inmate growth trend promises to continue into the future.

The Detention and Incarceration priorities in DOJ's strategic plan include the following:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

Goal 3: Maintain and operate the FPS in a safe, secure, humane and efficient manner.

Goal 4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

B. Highlights of FY 1999 Mission Critical Results

During FY 1999, the BOP exceeded its plan by adding over 3,500 new prison beds to BOP capacity. This kept overcrowding near planned levels despite a second record year in inmate population growth. All medically fit inmates worked, and all inmates were

provided the opportunity to participate in general and occupational education programs, psychology services, religious and fitness activities. The BOP met its goal to provide residential drug treatment to 100% of eligible inmates.

C. FY 2001 Performance Goals and Indicators

The BOP is proposing an FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act (GPRA).

A summary table of key performance measures which support BOP and DOJ goals is provided. More detailed tables are contained in each individual budget submission.

The following goals summarize the major accomplishments anticipated for FY 2001:

1. Ensure sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

   During FY 2001, the BOP anticipates activating over 6,200 additional prison beds. The activations include the following new facilities: Pollock, Louisiana High and Minimum; Coleman, Florida High; Atwater, California High and Minimum; and Honolulu, Hawaii Detention Center. Also included are approximately 2,500 beds to be added by expanding low security bed space at: Ft. Dix, New Jersey; Elkton, Ohio; Jesup, Georgia; Yazoo City, Mississippi; Seagoville, Texas; and Lompoc, California. In addition, Congress has recently approved a reprogramming to convert the existing prison camp at El Paso, Texas to a secure camp and expand capacity to 500 beds. Activation funding will be requested once the project is completed. The BOP plans to begin construction of several new facilities during FY 2001 which already have received partial funding. The FY 2001 request and advance appropriations will provide new funding for construction of new facilities which will add nearly 20,000 beds when completed and activated during FY 2005 - FY 2007.

2. Maintain and operate the FPS in a safe, secure, humane and efficient manner

   The BOP will continue to repair and renovate facilities as required; identify and address any hazardous waste that may exist on Federal prison property; comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities; bring applicable utilities into compliance with National Electric Code and American

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Waterworks Standards; and ensure safety and security of facilities. During FY 2000 through FY 2001, the BOP will remediate 100 percent of Life Safety discrepancies. Approximately 450 Modernization & Repair (M&R) projects will be completed each year, including 60 special projects completed and closed relating to life safety, accessability, environmental and energy projects. The BOP has been working diligently to complete M&R projects over three years old. By FY 2001, 100 percent of those M&R projects subject to the new guidelines and over three years old will be completed. In addition, long range master plans will be developed for facilities over 50 years old (50+ surveys) in need of extensive renovation first. Twenty-one BOP facilities are over 50 years old and have not had major renovations. A minimum of four long range master plans will be completed each fiscal year through FY 2001.

3. Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

All medically fit inmates will continue to work. All inmates will continue to be provided the opportunity to participate in general and occupational education programs, psychology services, religious and fitness activities. FPI will continue to employ up to 25 percent of inmates in secure facilities. The BOP will continue to provide residential drug treatment to 100% of eligible inmates. During FY 2000, over 7,500 inmates are expected to complete at least one vocational training program, and approximately 12,400 will participate in residential drug treatment programs. In FY 2001, an additional 120 staff positions are requested for education programming expansion and to address the backlog of inmates waiting to participate in literacy/General Education Development (GED) programs.

The BOP and United States Marshals Service (USMS) have recently begun a pilot project for delivery of health care to USMS prisoners confined in BOP detention centers. The study results from a recommendation in the Congressionally-mandated DOJ Detention and Incarceration Study which was completed in March 1998. Traditionally, the BOP has provided healthcare services to USMS prisoners in BOP facilities, while the USMS has been responsible for outside medical care. It has been USMS responsibility to transport, maintain custody, and pay for the treatment of USMS prisoners at community hospitals. Under the pilot project, the BOP assumes outside medical care responsibilities, including guard and escort duties, for USMS prisoners at three BOP detention centers: Metropolitan Correctional Center (MCC), New York; Federal Detention Center (FDC), Miami; and Federal Transfer Center (FTC), Oklahoma City. From January 1 - April 30, 2000, the BOP will collect data on all outside medical trips at the pilot sites, for both BOP and USMS prisoners. The data will be used to assess the financial and operational impact of this initiative on BOP facilities.

In addition, the BOP is actively participating in DO J crosscutting initiatives that have agency representatives meeting on a regular basis to identify and work together on issues which impact them. The BOP is included in three crosscutting groups, Detention, Communities, and Federal Information Resources Management.

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D. New 2001 Initiatives

For the S&E budget, this amount includes a program increase of $193,274,000 for activation of four facilities, activation of expansions at six existing low security facilities, and initial equipment purchases for two new facilities which will activate in FY 2002. Also included is funding for Contract Confinement to house 6,000 criminal aliens in contract beds; a contract population adjustment; and adding staff for educational programming.

For the B&F budget, a total program increase of $681,271,000 is requested for FY 2001. Of this amount, $224,722,000 is for completion of additional capacity to absorb the Immigration and Naturalization Service (INS) long term detainee population. For BOP sentenced capacity, $416,397,000 is for completion of four facilities and $40,152,000 is partial funding for site and planning of five new facilities. The balance of funding for these facilities is requested as Advance Appropriations for FY 2002 along with remaining construction funds for a USP with prior funding. Advance Appropriations for site and planning of an additional four Federal Correctional Institutions (FCIs) and one secure female unit is requested for FY 2002, with the balance of construction funding for these facilities requested for FY 2003.

Initiative	Pos.	FTE	Amount
Activations	1,529	530	$101,379,000
Contract Beds/Population Increase	23	12	84,462,000
Education	120	120	7,433,000
New Construction	53	35	681,271,000
Federal Prison Industries	78	48	-
Commissary Trust Fund	21	10	-
TOTAL:	1,824	755	874,545,000

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Initiative: Activations (1,529 positions and $101,379,000). This provides funds for activation of four new facilities (3,806 beds): high and minimum security facilities in Pollock, Louisiana; high security facility in Coleman, Florida; high and minimum security facilities in Atwater, California; and a detention center in Honolulu, Hawaii. Also, funds are included for activation of satellite low security bed space at six existing locations (2,444 beds): Ft. Dix, New Jersey; Elkton, Ohio; Jesup, Georgia; Yazoo City, Mississippi; Seagoville, Texas; and Lompoc, California; and initial equipment funding for two institutions to activate in FY 2002.

Initiative: Contract Beds/Population Increase (23 positions and $84,462,000) Funding is requested to place an additional 6,000 criminal aliens in contract beds and support the projected increase in the BOP contract population. Approximately 29 percent of the BOP population are non-U.S. citizens. One management tool for addressing this growth is the use of privately owned and operated correctional facilities for inmates appropriately housed in minimum and low security facilities.

Initiative: Education (120 positions and $7,433,000) Funds are requested to expand education programming for inmates waiting to participate in literacy/GED programs. Implementation of the Violent Crime Control Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA) have dramatically increased demand for the literacy/GED program in the BOP, more than doubling since August of 1997. In addition, enrollments in all BOP education programs have expanded considerably requiring enhancement of resources.

These initiatives directly relates to DOJ CORE FUNCTION 5: Detention and Incarceration

DOJ Strategic Plan Goals:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

Goal 3: Maintain and operate the FPS in a safe, secure, humane and efficient manner.

Goal 4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

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Initiative: New Construction (53 positions and $681,271,000) For the B&F budget, a total program increase of $681,271,000 is requested for FY 2001. Of this amount, $224,722,000 is for completion of additional capacity to absorb the Immigration and Naturalization Service (INS) long term detainee population. For BOP sentenced capacity, $416,397,000 is for completion of four facilities and $40,152,000 is partial funding for site and planning of five new facilities. The balance of funding for these facilities is requested as Advance Appropriations for FY 2002 along with remaining construction funds for a USP with prior funding. Advance Appropriations for site and planning of an additional four Federal Correctional Institutions (FCIs) and one secure female unit is requested for FY 2002, with the balance of construction funding for these facilities requested for FY 2003.

	FY 2001 Request ($000)	Advance Appropriations ($000) FY 2002	FY 2003
New Construction Projects			
FCI Yazoo City, MS (Med.) (prior funding).....	$86,884	$0	$0
FCI Forrest City, AR (Med.) (prior funding)....	95,814	0	0
FCI Herlong/Sierra, CA (Med.) with Camp..... (prior funding)	116,861	0	0
FCI Victorville, CA (Med.) with Camp..... (prior funding)	116,838	0	0
USP Lompoc, CA (prior funding).....	129,861	0	0
FCI Mid-Atlantic (Med.) with Camp (prior funding)	94,861	0	0
USP Midwestern (prior funding).....	0	130,000	0
USP Western.....	11,930	147,000	0
USP Southeast.....	11,931	133,000	0
FCI Southeast.....	5,430	106,000	0
FCI Mid-Atlantic.....	5,430	121,000	0
FCI Midwestern.....	5,431	131,000	0
FCI Western.....	0	6,000	131,000
FCI South Central.....	0	5,000	115,000
FCI Northeast.....	0	5,000	133,000
FCI Mid-Atlantic.....	0	5,000	133,000
Mid-Atlantic Secure Female Facility/Unit.....	0	2,000	23,000
Total, New Construction Projects.....	**681,271**	**791,000**	**535,000**

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This initiative directly relates to DOJ CORE FUNCTION 5: Detention and Incarceration

DOJ Strategic Plan Goals:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

E. Data Validation and Verification Issues

Data Collection and Storage: The data contained in the BOP measurement tables are gathered on several computer systems: Inmate data is collected on the BOP on-line system (SENTRY); Personnel data is collected from the National Finance Center (NFC) database, the Human Resource Management Information System (HRMIS), and from field locations reporting on a regular basis; and Financial data is captured on Financial Management Information System (FMIS).

Data Validation and Verification: The BOP's Financial Statement is audited annually by an independent certified public accounting firm. For FY 1999, the BOP received an Unqualified opinion. Further, within the BOP headquarters, subject matter experts in different divisions retrieve data, analyze, validate, and report it for each budget cycle. On the measurement tables, the column entitled "Data Source" contains acronyms for the BOP division/divisions which validate and provide the information in the other columns: ADM - Administration Division; CCD - Community Corrections and Detention Division; CPD - Correctional Programs Division; HRM - Human Resource Management Division; HSD - Health Services Division; IEVT - Industries, Education & Vocational Training Division; IPPA - Information, Policy & Public Affairs Division; OGC - General Counsel and Review Division; PRD - Program Review Division.

Data Limitations: The BOP and DOJ have strived to provide meaningful performance indicators which have solid and reliable data to back them up. Due to the unpredictable environments in prisons, there may often be discrepancies between planned and actual numbers contained in the performance tables. Most plans are based on past experience and best estimates for the future.

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F. Resources

Core Function 5: Strategic Goals 1, 2, 3, 4	FY 1999 Dollars (000)	Pos.	FTE	FY 2000 Dollars (000)	Pos.	FTE	FY 2001 Dollars (000)	Pos.	FTE
S&E	2,862,354	32,059	29,942	3,088,549	33,394	31,526	3,545,769	34,984	32,254
VCRP	26,499	318	302	22,524	318	302	n/a	n/a	n/a
Strategic Goals 2, 3									
B&F	410,997	306	329	556,780	340	334	835,660	342	335
Strategic Goal 4									
FPI	N/A	2,011	1,867	N/A	2,029	1,876	N/A	2,107	1,933
Commissary	N/A	565	565	N/A	588	576	N/A	609	598

G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 5: Detention and Incarceration

Strategic Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

Goal 3: Maintain and operate the FPS in a safe, secure, humane and efficient manner.

Goal 4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

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PERFORMANCE ASSESSMENT

(1) Performance Goal: Reduce Overcrowding

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
Number of prison beds added (BOP)*	3,029	3,408/3,530	5,208	2,817
System wide overcrowding (BOP)	26%	30%/31%	33%	37%
By Security Level: Low	27%	34%/37%	33%	37%
Med.	48%	50%/51%	56%	57%
High	56%	55%/51%	65%	86%
Number facilities under design or construction (BOP)	13	19/19	19	26
Number inmates in alternative confinement (contract facilities)	14,109	16,439/16,394	20,090	28,847
CCCs	5,414	5,684/5,768	5,941	6,119
and home confinement	1,368	1,343/1,323	1,300	1,300

* These numbers tie to the BOP Capacity Plan which identifies the year in which the majority of beds are available for inmates.

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(2) Performance Goal: Efficiently Operate Well Maintained Facilities

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
Number of 50+ surveys completed	4	4	6	3
Life Safety discrepancies	2%	1%	0%	0%
Facilities ACA Accredited	71%	81%/80%	95%	94%
Per Capita Costs	$60.07	$60.07/$59.41	$61.78	$63.71

(3) Performance Goal: Provide Critical Inmate Services

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
100% eligible inmate enrolled in residential drug treatment	10,006	10,800/10,816	12,400	14,400
% inmates with GED/HS Diploma, 7 months prior to release	68%	74%/67%	75%	75%
Number inmates completing at least one vocational program	6,848	7,244/8,711	7,550	7,927

In the above table, the projected and actual percentage of inmates with GED/HS Diploma 7 months prior to release is being impacted by the influx of criminal aliens into BOP institutions. Many of these criminal aliens are exempted from mandatory literacy (GED) requirements because they will be deported. During FY 1999, 11 percent of releasing inmates were exempted compared to 7 to 8 percent in FY 1997.

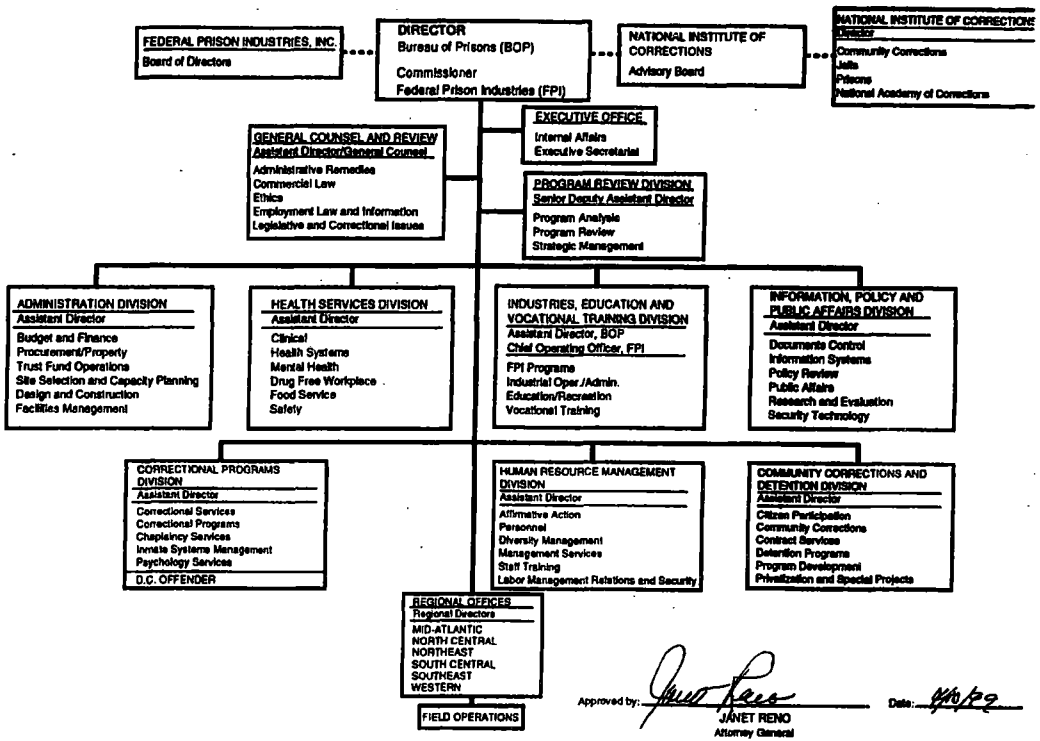
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Federal Prison System
Salaries and Expenses
Estimates for Fiscal Year 2001
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FEDERAL BUREAU OF PRISONS



Approved by: _____ Date: 4/10/97
JANET RENO
Attorney General

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The Bureau of Prisons (BOP) is seeking a total of 34,984 permanent positions, 32,254 workyears (FTE), and $3,545,769,000, in its Salaries and Expenses (S&E) request. This request represents an increase of 1,272 positions, 426 FTEs, and $434,696,000 over the enacted appropriation of FY 2000.

BOP's total requested program increases for FY 2001 (1,672 positions, 662 FTE, and $193,274,000) will support an Average Daily Population of 153,547. A detailed explanation of BOP's FY 2001 program increases by initiative are described on pages 30-34, and a corresponding explanation of BOP's base program is described on pages 14-29.

2001 Federal Bureau of Prisons Performance Plan and 1999 Accountability Report

A. BOP's Mission and Goals, and Relationship to Department of Justice (DOJ) Strategic Plan

BOP's FY 2001 budget submission and performance plan directly support the Detention and Incarceration mission priorities, general goals and strategic approaches that are included in the DOJ Strategic Plan, FY 1997-2001. In addition, it incorporates information on performance measurement that should lead to better accountability regarding actual results achieved.

BOP's Mission

The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The BOP plays a vital role in Federal law enforcement, not only by incarcerating offenders, but also by helping to break the cycle of crime. First and foremost, the BOP protects public safety by ensuring that Federal offenders serve their sentences. Through imprisonment, the BOP helps deter criminal activity by showing offenders the consequences of crime. To help break the cycle of crime, the BOP provides a range of programs to help inmates adopt a crime-free lifestyle when they return to the community.

BOP's General Goals: Supports the Detention and Incarceration priorities in DOJ's strategic plan (5.1,5.2,5.3,5.4) include the following:

1) BOP will proactively manage its offender population to ensure safe and secure operations.

2) BOP will have a competent and representative workforce meeting the organization's needs up to and beyond the year 2000.

3) BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements.

4) BOP will manage its operations and resources in a competent and effective manner which encourages creativity and innovation in development of exemplary programs as well as excellence in maintaining the basics of correctional management. BOP continually strives toward improvements in its effective use of resources and its efficient delivery of services.

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5) BOP provides services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.

6) BOP will continue to seek opportunities for expanding the involvement of community, and local, State, and Federal agencies, in improving the effectiveness of the services it provides to offenders and constituent agencies. The active participation by BOP staff to improve partnerships will allow the BOP to carry out its mission within the criminal justice system and to remain responsive to other agencies and the public. BOP will develop partnerships to focus the shared responsibility for the establishment of a supportive environment promoting the reintegration of offenders into the community.

B. Highlights of FY 1999 Mission Critical Results

By the end of FY 1999, the BOP incarcerated over 133,000 inmates (growth of over 11,300 inmates from FY 1998) in 94 Bureau operated institutions; 2 privately managed prisons; a variety of contract facilities, including community corrections centers and jail/short term detention facilities; and home confinement. At the end of FY 1999, over 12% of the total BOP population was housed in Contract Confinement. Despite activation of FMC Devens, FCI Beaumont, FCI Edgefield and the minimum security facility at FCI Forrest City in FY 1999, overcrowding in BOP facilities increased to 31% from 26% at the end of FY 1998. In FY 1999, BOP continued its efforts to meet the provisions of the D.C. Revitalization Act requiring the BOP by no later than December 31, 2001 to assume custody of felons sentenced pursuant to the District of Columbia Code. Further in FY 1999, BOP operated 44 residential substance abuse treatment programs and provided residential drug treatment to 100% of eligible inmates. Numerous speciality programs were offered in FY 1999 including: CODE program; Skills Building program; BRAVE program; Values program; Bridge program; SHARE program; CHANGE program; and Pathways program. Also in FY 1999, BOP received an Unqualified opinion on it's Financial Statements.

C. FY 2001 Performance Goals and Indicators

The BOP is proposing an FY 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown below. These FY 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act (GPRA).

The following goals summarize the major accomplishments anticipated for FY 2001:

1. ADD CAPACITY TO KEEP PACE WITH INMATE POPULATION GROWTH AND REDUCE OVERCROWDING

During FY 2001, the BOP anticipates activating four new facilities and six expansions: USP Pollock, LA; USP Atwater, CA; USP Coleman, FL, and FDC Honolulu, HI. The expansions are at: Ft. Dix, NJ; Elkton, OH; Jesup, GA; Yazoo City, MS; Seagoville, TX, and Lompoc, CA. When fully activated these facilities will add 6,250 critically needed beds to BOP's capacity. In addition, the BOP will convert the El Paso minimum facility to a satellite low camp for a total of 500 beds. Also in FY 2001, BOP will increase it's contract capacity by 6,000 beds to house short term criminal aliens and females.

2. PROVIDE INMATES WITH PRODUCTIVE USE OF TIME PROGRAMMING INCLUDING WORK, EDUCATION, AND DRUG TREATMENT PROGRAMS

All medically fit inmates will continue to work. All inmates will continue to be provided the opportunity to participate in general and occupational education programs, psychology services, religious and fitness activities. The BOP will continue to provide residential drug treatment to 100% of eligible inmates. During FY 1999, over 8,000 inmates completed at least one vocational training program, and approximately 11,000 participated in residential drug treatment programs. During FY 2001, nearly 8,000 inmates are expected to complete at least one vocational training program, and over 14,000 will participate in residential drug treatment programs. In FY 2001, an additional 120 staff positions are requested for education programming expansion and to address the backlog of inmates waiting to participate in literacy/GED programs.

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D. New FY 2001 Initiatives

The BOP is requesting for FY 2001 a total of 1,672 positions, 662 FTEs and $193,274,000 in program enhancements for the Salaries and Expenses budget. This amount includes a program increase for activation of four facilities, activation to support expansions at six existing low security facilities, and initial equipment purchases for two new facilities. Also included is funding to house an additional 6,000 criminal aliens in contract beds; and add staff for educational programming.

Initiative 1: Activations (1,529 positions and $101,379,000). This provides funds for activation of four new facilities (3,806 beds): high and minimum security facilities in Pollock, Louisiana; high security facility in Coleman, Florida; high and minimum security facilities in Atwater, California; and a detention center in Honolulu, Hawaii. Also, funds are included for activation of satellite low security beds at 6 existing locations(2,444 beds): Ft. Dix, New Jersey; Elkton, Ohio; Jesup, Georgia; Yazoo City, Mississippi; Seagoville, Texas, and Lompoc, California; and initial equipment funding for two institutions to activate in FY 2002.

Initiative 2: Contract Beds/Population Increase (23 positions and $84,462,000). Funding is requested to place an additional 6,000 aliens in contract beds and support the projected increase in the BOP contract population. Approximately 29 percent of the BOP population are non-U.S. citizens. One management tool for addressing this growth is the use of privately owned and operated correctional facilities for inmates appropriately housed at minimum and low security facilities.

Initiative 3: Education (120 positions and $7,433,000). Funds are requested to expand education programming for inmates waiting to participate in literacy/GED programs. Implementation of the Violent Crime Control Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA) have dramatically increased demand for the literacy/GED program in the BOP, more than doubling since August of 1997. In addition, enrollments in all BOP education programs have expanded considerably requiring additional resources.

These initiatives directly relate to DOJ CORE FUNCTION 5: Detention and Incarceration

DOJ Strategic Plan Goals:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

Goal3: Maintain and operate the Federal Prison System in a safe, secure, humane and efficient manner.

Goal4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

E. Data Validation and Verification Issues

Data Collection and Storage: The data contained in the BOP measurement tables are gathered on several computer systems: Inmate data is collected on the BOP on-line system (SENTRY); Personnel data is collected on the National Finance Center (NFC) database, the Human Resource Management Information System (HRMIS), and from field locations reporting on a regular basis; and Financial data on Financial Management Information System (FMIS).

Data Validation and Verification: The BOP's Financial Statement is audited annually by an independent certified public accounting firm. For FY 1999, the BOP received an Unqualified opinion. Further, within the BOP headquarters, subject matter experts in different divisions retrieve data, analyze, validate, and report it for each budget cycle. On the measurement tables, the column entitled "Data Source" contains acronyms for the BOP division/divisions which validate and provide the information in the other columns: ADM - Administration Division; CCD - Community Corrections and Detention Division; CPD - Correctional Programs Division; HRM - Human Resource Management Division; HSD - Health Services Division; IEVT - Industries, Education & Vocational Training Division; IPPA - Information, Policy & Public Affairs Division; OGC - General Counsel and Review Division, and PRD - Program Review Division.

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Data Limitations: The BOP and the Department of Justice have strived to provide meaningful performance indicators which have solid and reliable data to back them up. Due to the unpredictable environments in prisons, there may often be discrepancies between planned and actual numbers contained in the performance tables. Most plans are based on past experience and best guess estimates for the future.

F. Resources

Core Function5: Strategic Goals 1,2,3,4	FY 1999 Dollars(000)	Pos.	FTE	FY 2000 Dollars(000)	Pos.	FTE	FY 2001 Dollars(000)	Pos.	FTE
S&E	$2,862,354	32,059	29,942	$3,088,549	33,394	31,526	$3,545,769	34,984	32,254
VCRP	26,499	318	302	22,524	318	302	n/a	n/a	n/a

G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 5: Detention and Incarceration

DOJ Strategic Plan Goals:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

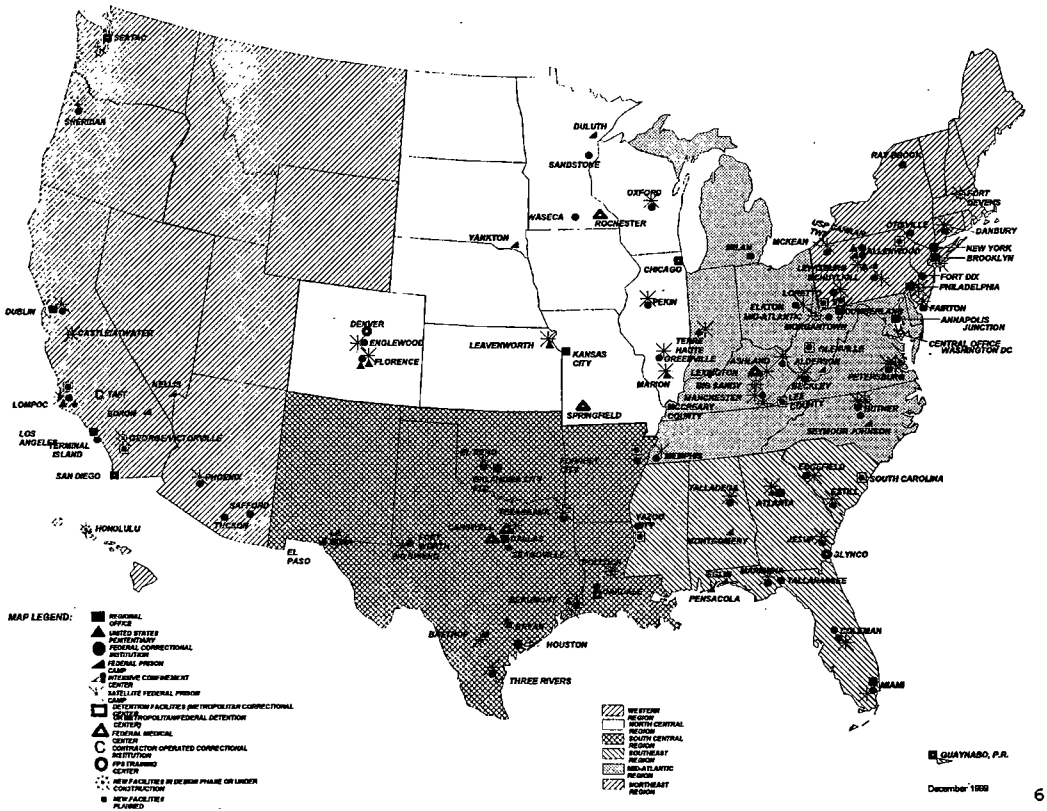
Goal3: Maintain and operate the Federal Prison System in a safe, secure, humane and efficient manner.

Goal4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
Total BOP Population	122,316	133,135/133,689	146,174	160,919
Total BOP Capacity	86,051	89,459/89,581	94,789	97,606
Overcrowding Level (Systemwide)	26%	30%/31%	33%	37%
Number of BOP Facilities Activated	1	2/2	4	4
Escape rate from secure institutions	0%	0%	0%	0%
Eligible inmate enrolled in residential drug treatment	10,006	10,800/10,816	12,400	14,400
% inmates with GED/HS Diploma, 7 months prior to release	68%	74%/67%	75%	75%
Number inmates completing at least one vocational program	6,848	7,244/8,711	7,550	7,927

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FEDERAL PRISON SYSTEM



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Federal Prison System

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The FY 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Salaries and Expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed [708] *707*, of which [602] *600* are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, [$3,089,110,000; of which not less than $500,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems]*$3,545,769,000*: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for *medical relief for inmates of Federal penal and correctional institutions*: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, [2001] *2002*: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and seven additional option years for the confinement of Federal prisoners. [In addition, $22,524,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.]

(18 U.S.C. 3050, 3059, 3651, 4001, 4002, 4007, 4008, 4011, 4041, 4042, 4081, 4082, 4253, 4281, 4351-4353, 5015; *Department of Justice Appropriations Act, 2000 (P.L. 106-113)*)

Explanation of Changes:

No substantive changes proposed.

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Federal Prison System
Salaries and Expenses
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogramming			Y2K and Other Transfers[2]		Unobligated Balance Brought Forward			Final 1999 Availability		
Estimates by Budget Activity:	Pos.	WY[1]	Amount	Pos.	WY	Amount	WY	Amount	Pos.	WY	Amount	Pos	WY[1]	Amount
1. Inmate Care and Programs	12,026	10,578	$1,090,148	0	0	($9,500)	0	(24,600)	0	0	$47,404	12,026	10,578	$1,103,452
2. Institution Security and Administration	16,761	17,940	1,401,349	0	0	0	0	($7,800)	0	0	58,122	16,761	17,940	1,451,671
3. Contract Confinement	297	297	255,062	0	0	9,500	0	0	0	0	4,400	297	297	268,962
4. Management and Administration	1,293	1,293	142,094	0	0	0	0	(8,500)	0	0	76	1,293	1,293	133,672
Total	32,377	30,108	2,888,653	0	0	0	0	(40,900)	0	0	110,004	32,377	30,108	2,957,757
Violent Crime Reduction Programs:														
Inmate Programs	*[318]*	*[302]*	*[26,499]*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*[8,848]*	*[318]*	*[302]*	*[35,347]*

[1] Excludes 136 reimbursable workyears.
[2] Transfers include −$41,100,000 to Buildings and Facilities Appropriation and +$200,000 from Government Wide Y2K Fund.

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Federal Prison System
Salaries and Expenses
Crosswalk of 2000 Changes
(Dollars in thousands)

Estimates by Budget Activity:	2000 President's Budget Request			Congressional Appropriation Action on 2000 Request[2]			Transfers	Government Wide .38% Rescission	Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY[1]	Amount	Pos.	WY	Amount	Amount	Amount	Pos.	WY	Amount	Pos	WY[1]	Amount
1. Inmate Care and Programs	12,514	11,471	$1,187,471	0	0	($54,115)	0	0	0	0	($9,500)	12,514	11,471	$1,123,856
2. Institution Security and Administration	19,576	18,611	1,543,002	0	0	(47,693)	($500)[3]	0	0	0	0	19,576	18,611	1,494,809
3. Contract Confinement	329	317	340,258	0	0	(4,985)	0	0	0	0	9,500	329	317	344,773
4. Management and Administration	1,293	1,293	147,696	0	0	0	0	(61)	0	0	0	1,293	1,293	147,635
Total	33,712	31,692	3,218,427	0	0	(106,793)	(500)	(61)	0	0	0	33,712	31,692	3,111,073
Violent Crime Reduction Programs:														
Inmate Programs	*[318]*	*[302]*	*[26,499]*	*0*	*0*	*[3,975]*	*0*	*0*	*0*	*0*	*0*	*[318]*	*[302]*	*[22,524]*

[1] Excludes 136 reimbursable workyears.
[2] Congress reduced $106.793 million for: $90 million carryover; $11.808 million for Butner activation delay; and $4.985 million for INS Long Term Detainees.
[3] Conference language directs the BOP to transfer $500,000 currently being spent by BOP for narrowband conversion to the Wireless Management Office.

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Federal Prison System
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Pos.	WY	Amount
2000 Appropriation Enacted (Direct)	33,394	31,390	3,089,110
2000 Appropriation Enacted (VCRP)	318	302	22,524
.38% reduction	0	0	(61)
Transfer to Wireless Management Office	0	0	(500)
2000 Availability	33,712	31,692	3,111,073
Adjustment–to–base increases	0	792	246,375
Adjustment–to–base decreases	(400)	(1,028)	(4,953)
2001 Base	33,312	31,456	3,352,495
Program Changes (See Program Narrative for Details)	1,672	662	193,274
2001 Estimate	34,984	32,118	3,545,769

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Budget Activity:	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Inmate care and Programs	12,514	11,471	$1,123,856	12,114	11,089	$1,183,518	12,731	11,387	$1,226,846	617	298	$43,328
2. Institution Security and Administration	19,576	18,611	1,494,809	19,576	18,745	1,555,473	20,608	19,097	1,620,957	1,032	352	65,484
3. Contract confinement	329	317	344,773	329	329	458,342	352	341	542,804	23	12	84,462
5. Management and Administration	1,293	1,293	147,635	1,293	1,293	155,162	1,293	1,293	155,162	0	0	0
Direct (non–add)	*[33,394]*	*[31,390]*	*[3,088,549]*									
VCRP (non–add)	*[318]*	*[302]*	*[22,524]*									
Total	33,712	31,692	3,111,073	33,312	31,456	3,352,495	34,984	32,118	3,545,769	1,672	662	193,274

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Federal Prison System
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

Direct Estimates by Decision Unit	1999 Availability			1999 Actual*			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inmate Care & Programs	12,026	10,578	$1,103,452	12,026	9,601	$1,052,184	12,514	11,471	$1,123,856	12,114	11,089	$1,183,518	12,731	11,387	$1,226,846	617	298	$43,328
Institution Security and Administration	18,761	17,940	1,451,871	18,761	17,189	1,377,501	19,576	18,611	1,494,809	19,576	18,745	1,555,473	20,608	19,097	1,620,957	1,032	352	65,484
Contract confinement	297	297	268,962	297	274	260,809	329	317	344,773	329	329	458,342	352	341	542,804	23	12	84,462
Management and Administration	1,293	1,293	133,672	1,293	1,174	123,075	93	1,293	147,635	1,293	1,293	155,162	1,293	1,293	155,162	---	---	---
Total	32,377	30,108	2,957,757	32,377	28,238	2,813,569	33,712	31,692	3,111,073	33,312	31,456	3,352,495	34,984	32,118	3,545,769	1,672	662	193,274
Reimbursable workyears		136			136			136			136			136			---	
Total workyear ceiling		30,244			28,374			31,828			31,592			32,254			662	
Other Workyears: Overtime		626			810			929			929			999			70	
Total compensable workyears		30,870			29,184			32,757			32,521			33,253			732	
(Violent Crime Reduction Programs	*[318]*	*[302]*	*[35,347]*	*[318]*	*[266]*	*[30,433]*	*[318]*	*[302]*	*[22,524]*	*[---*	*---*	*---]*	*[---*	*---*	*---]*	*[---*	*---*	*---]*

* Actual obligations include FY '99 , Carryover, VCRP, Y2K and no year funding and ties to the operating plan excluding reimbursable obligations.

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Federal Prison System
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Authority by Source:	1999 Actual Perm. Pos.	WY	Amount	2000 Appropriation Enacted Perm. Pos.	WY	Amount	2001 Estimate Perm. Pos.	WY	Amount	Increase/Decrease Perm. Pos.	WY	Amount
States	136	136	$10,007	136	136	$12,000	136	136	$15,275	...	...	$3,275
D.C. Inmates	...	...	11,300	...	...	2,825	...	...	...	...	...	(2,825)
Staff Housing Rental	...	...	3,772	...	...	3,823	...	...	3,938	...	...	115
Federal Prison Industries	...	...	1,388	...	...	1,475	...	...	1,519	...	...	44
Meal Tickets	...	...	799	...	...	821	...	...	846	...	...	25
Farm Property	...	...	676	...	...	...	...	...	...	...	...	...
NIC	...	...	1,092	...	...	...	...	...	...	...	...	...
Recycling	...	...	115	...	...	108	...	...	111	...	...	3
Working Capital Fund	...	...	23,835	...	...	500	...	...	510	...	...	10
Travel and credit card purchases	...	...	860	...	...	...	...	...	...	...	...	...
Victims of crime	...	...	200	...	...	...	...	...	...	...	...	...
Total	136	136	54,044	136	136	21,552	136	136	22,199	...	...	647

Goods or Services Provided:
Custody and Care of State Prisoners from various states & D.C.
Rental of Staff Housing to BOP Staff.
Utilities for Federal Prison Industries.
Sale of Meal Tickets to Staff.
Sale of Farm By-Products.
NIC – Reimbursement for services provided to State, local and other corrections agencies.
Recycling Income.
DOJ – Working capital fund reimbursements.
Crime Victim Training for BOP Staff.

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Federal Prison System
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)
(Continued)

Obligation by Program:	1999 Actual			2000 Appropriation Enacted			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inmate Care and Programs	68	68	$7,852	68	68	$4,240	68	68	$4,367	...	...	$127
Institution Security and Administration	8	8	23,374	8	8	3,823	8	8	3,938	...	...	115
Contract Confinement	...	...	22,638	...	...	13,489	...	...	13,894	...	...	405
Management and Administration	60	60	180	60	60	0	60	60	0	...	...	0
Total	136	136	54,044	136	136	21,552	136	136	22,199	...	...	647

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ACTIVITY: INMATE CARE AND PROGRAMS

	Perm. Pos.	Work-years	Amount ($000)
2000 Appropriation Anticipated	12,514	11,471	$1,123,856
2001 Base	12,114	11,089	1,183,518
2001 Estimate	12,731	11,387	1,226,846
Increase/Decrease	617	298	43,328

BASE PROGRAM DESCRIPTION:

The purpose of Inmate Care is to provide offenders incarcerated in BOP with a nutritional diet; adequate health care services; clean clothing, footwear, linens; toiletries and stationery; and to properly manage the Inmate Trust Fund. The purpose of Inmate Programs is to improve inmate self-control, provide educational opportunity, and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment.

Inmate programs include general and occupational education programs, post-release job development and job placement services, psychology services, religious and leisure time activities. General education programs are designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are seven major components of the general education program: Literacy, Adult Continuing Education, English-as-a-Second-Language, Parenting, Postsecondary and Advanced Occupational Education, Life Skills and Structured Leisure Activities (e.g. Physical Fitness and Health Education). Leisure time activities, both structured and unstructured, reduce inmate idleness, enhance personal fitness and wellness, and promote positive life styles. The Life Skills component helps inmates develop a positive self-image and positive interaction skills, including parenting.

The BOP provides daily meals which are certified for nutritional adequacy by registered dieticians and meet the Recommended Dietary Allowances established by the Food and Nutrition Board Commission of Life Sciences, National Research Council. Meal preparation is accomplished primarily by inmate workers (about 12 percent of the population) under the supervision of staff. The United States Penitentiary at Lompoc, California and the Federal Correctional Institution at El Reno, Oklahoma utilize available land resources in limited production of beef and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and para-professional health care personnel including physicians, dentists, nurses, pharmacists, and physician assistants. Within 14 days of admission, all newly sentenced inmates receive a complete physical, mental health, and dental examination. Sick call, which includes examination of patient complaints, ordering and assessment of diagnostic tests, and a medical treatment plan is conducted five days a week. Medical emergencies during other than normal working hours or on weekends and holidays are handled on an on-call basis. If an inmate has a health condition which is beyond the professional capability of an institution's medical staff, the inmate is referred to an outside physician, a hospital in the community, or one of BOP's medical referral centers.

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The Medical Center for Federal Prisoners (MCFP) at Springfield, Missouri is the major medical referral center and dialysis center for the Federal Prison System. However, the FMC, Butner, North Carolina, a new 500-bed medical and psychiatric prison hospital, will become the major medical referral center for the Federal Prison System when activated in FY 2000. There are six additional regional medical centers within the BOP health care delivery system. The Federal Medical Center (FMC), Rochester, Minnesota accepts referrals of male inmates for medical, surgical and psychiatric specialty care nationwide. The Federal Correctional Institution (FCI), Butner, North Carolina provides for male psychiatric cases. FMC, Lexington, Kentucky is a chronic disease and long-term institution for male inmates. FMC, Carswell, Texas handles female medical, surgical and psychiatric cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) female cases are referred to Carswell on a nationwide basis. FMC, Fort Worth, Texas accepts referrals for male inmates with chronic disease and in need of long-term care. FMC, Devens, Massachusetts began accepting inmates in January 1999. When fully activated in FY 2000, FMC Devens will accept referrals for male inmates with chronic medical care, dialysis, and acute and chronic mental health care.

The U.S. Public Health Service provides personnel in support of the BOP medical program. The BOP contracts with the Health and Human Services (HHS) for Dentists, Physicians, Pharmacists, Nurses, Nurse Practitioners, Physicians Assistants, Psychologists and Engineers. In addition to providing 16-hour or 24-hour medical coverage at all institutions, all major medical facilities have accreditation by the Joint Commission on Accreditation of Healthcare Organizations. Medical, surgical, and rehabilitative services not available in BOP medical facilities are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities. Increasing numbers of Federal inmates are requiring medical care, primarily as a result of the population explosion, general aging of the population, and the increased numbers of inmates with a history of drug abuse. The incidence of HIV/AIDS (1%) and Infectious Diseases has remained stable throughout the inmate population. However, new treatment protocol is becoming more complex and expensive. For example, HIV/AIDS patients are now treated with two or more drugs simultaneously.

The BOP and USMS have recently begun a pilot project regarding the delivery of health care to USMS prisoners confined in BOP detention centers. The project results from a recommendation in the Congressionally-mandated DOJ Detention and Incarceration Study, which was completed in March 1998. Under the pilot program, the BOP assumes outside medical care responsibilities, including guard and escort duties, for USMS prisoners at three BOP detention centers: MCC New York, FDC Miami, and FTC Oklahoma City. From January 1 - April 30,2000, the BOP will collect data on all outside medical trips at the pilot sites, for both BOP and USMS prisoners. The data will be used to assess the financial and operational impact of this initiative on BOP facilities.

BOP maintains an inventory of clothing, footwear, toiletries, linens, and writing supplies for issue to all inmates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

BOP manages an Inmate Trust Fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries, performance pay, and money from family or friends are deposited directly to each inmate's account. BOP continues a successful record with the Inmate Financial Responsibility Program for court-imposed fines, fees, and their legitimate financial obligations by developing a financial plan which considers both outside assets and inmate earning capabilities while incarcerated. At the end of FY 1999, BOP collected $7,043,242 through inmate institution accounts. In addition, inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services, or pay for supplies to participate in elective programs.

BOP's Literacy Program is designed for the approximately 40 percent of Federal offenders who lack a high school diploma, and consists of basic literacy and high school equivalency courses, and general equivalency examinations. All inmates, with few exceptions, are required to enroll if they do not have verification of a high school diploma or a GED equivalency. A mandatory attendance period is 240 instructional hours. In November 1997, the Bureau of Prisons implemented the literacy program satisfactory progress provision of the Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA). These two laws mandate that inmates who are sentenced under the VCCLEA or the PLRA and do not have a verified high school diploma or its equivalent will make satisfactory progress in a literacy program in order to vest their earned Good Conduct Time (GCT) or to be eligible for maximum GCT, respectively. As a result, more inmates are enrolled in a literacy program for a longer time period. Adult Continuing Education courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special program, e.g., speed reading, English, mathematics, history, and foreign languages. The Crime Control Act of 1990 requires all non-English speaking Federal prisoners to participate in an English-as-a-Second-Language program until they function at the equivalent of the eighth grade level. Advanced Occupational Education courses are for inmates who have successfully completed high school and want to further their preparation for post release employment, e.g., drafting, building maintenance, data processing, and dental technology.

Occupational education programs serve to enhance skills during incarceration and increase the employability of offenders upon release, particularly

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those who either lack solid employment history or a marketable skill. BOP has recently updated data for the Post-Release Employment Project, which support earlier findings that Prison Industries and vocational training programs decrease recidivism. The majority of Federal inmates are unskilled at the time of commitment to prison. Federal inmates can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work.

Pre and Post-release pilot job development and job placement services include job fairs in selected institutions to familiarize inmates with current employer recruitment procedures, pre-employment counseling for targeted job interviews, coordination of follow-up activities, and related programs to enhance continued employment.

Chaplaincy personnel conduct religious services of their particular faith group and arrange for delivery of religious services of other faith groups to fulfill their role as correctional program providers. Chaplaincy staff play a positive role in inmate and religious group accommodation as they provide programs across the spectrum of faiths represented in the inmate population. Chaplains also train and sensitize staff regarding the variety of faiths that inmates practice. Chaplains additionally provide guidance to the institution to comply with the legal standard established by the Religious Freedom Restoration Act and the First Amendment. A common fare diet is provided to meet the religious diet requirements of a variety of faith groups.

Approximately 400 contracts are issued annually for the delivery of services to smaller faith groups and for other related religious services. Chaplains also recruit, train, supervise, and sustain approximately 8,500 volunteers from the community who regularly visit the institution to participate in religious programming. Approximately 130,000 religious worship services will be conducted in FY 2001 representing the 31 religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment as they administer programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. BOP policy requires that every inmate admitted to a BOP facility be given an initial psychological screening which consists of psychological testing, psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them.

Both individual and group psychotherapy are available to inmates who express a desire and demonstrate the need for it. Training and orientation programs are also offered for developing "life competency skills" including communication, self-image, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis counseling has been acknowledged by mental health professionals as a powerful, viable skill, and BOP psychologists with expertise in this area have provided training and consultation to staff in institutions. BOP psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

In response to the rapid growth in the Federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse programming, and community-transitional services programming.

Participation in BOP's Drug Abuse Education Course is strongly encouraged for all inmates who have a judicial recommendation for treatment, an instance offense involving drugs and/or a violation of supervision involving substance abuse. The Drug Abuse Education component provides the inmate with specific instruction on the risks involved in drug using and abusing behaviors, presents strategies toward living a drug-free lifestyle, while introducing the inmate to the concepts of drug treatment and motivating the inmate to enter and participate in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility of service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Non-residential treatment services are also provided as a follow-up to the BOP's residential drug treatment program while awaiting release to the community.

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The residential drug abuse program is designed for extended drug abuse treatment. Residential drug program units, continuing for six-to-twelve-months, are available in 48 Bureau institutions. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling. In addition, the BOP has opened a 16-bed residential drug abuse program for inmates with co-occurring mental health and substance abuse disorders. This program, operating at FMC Lexington, has become a model for the corrections field. In FY 2000, FMC Carswell will also offer a small program for female inmates with co-occurring mental health and substance abuse disorders.

The Community-based transitional drug abuse treatment programs were developed for successful residential drug abuse program graduates who were released to the community under BOP custody. The continuation of treatment, through community-based transitional drug treatment is required of these inmates during this critical period of the inmate's transition back into society. Additionally, the community transition program now accepts inmates who have not participated in a residential drug abuse program, but have later been identified in need of drug abuse treatment, as part of their community re-integration plan while still in BOP custody, (e.g., Intensive Confinement Center inmates, and inmates serving short sentences in CCCs).

In FY 1999, 12,202 inmates participated in the Drug Abuse Education Course, 6,535 inmates participated in Non-Residential Treatment, 10,816 participated in the Residential Drug Abuse Treatment Program, and 7,386 participated in the Community Transition Drug Abuse Treatment Program.

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Residential Treatment Programs

FPC Talladega, AL
FPC Montgomery, AL
FCI Phoenix, AZ
FPC Nellis, NV
FCI Dublin, CA
FPC Dublin, CA
FCI Lompoc, CA
FCI Terminal Island, CA
FCI Englewood, CO*
FPC Florence, CO
FCI Florence, CO
FCI Danbury, CT
FMC Carswell, TX
FCC Coleman,FL (low)
FPC Eglin, FL
FCI Marianna, FL
FCI Tallahassee, FL
FPC Leavenworth, KS
FMC Lexington, KY
FPC Cumberland, MD
FCI Waseca, MN
FPC Edgefield, SC.
FMC Devens, MA

FCI Milan, MI
FCI Fairton, NJ
FCI Ft. Dix, NJ
FCI Butner, NC
FCI El Reno, OK
FCI Sheridan, OR
FPC Sheridan, OR
FPC Allenwood, PA
FCI McKean, PA
FPC McKean, PA
FPC Yankton, SD
FCI Beaumont, TX (low)
FPC Beaumont, TX
FCI Seagoville, TX
FMC Fort Worth, TX
FCI Three Rivers, TX
FCI LaTuna, TX
FPC Bryan, TX
FCI Bastarop, TX
FPC Texarkana, TX
FCI Beckley, WV
FPC Beckley , WV
FCI Morgantown, WV
FPC Alderson, WV
FCI Oxford, WI

*Englewood's Drug Treatment program is exclusively for Mariel Cubans with diagnosed drug problems and INS release decisions.

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ACTIVITY: **INSTITUTION SECURITY AND ADMINISTRATION**

	Perm. Pos.	Work-years	Amount ($000)
2000 Appropriation Anticipated	19,576	18,611	$1,494,809
2001 Base	19,576	18,745	1,555,473
2001 Estimate	20,608	19,097	1,620,957
Increase/Decrease	1,032	352	65,484

BASE PROGRAM DESCRIPTION:

This budget activity cover costs associated with Institution Security, Institution Administration, Institution Maintenance and Institution Staff Training, All institutions are assigned a security classification based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. A separate classification system for females has been developed based on extensive research which indicates that female offenders generally do not require the same degree of security as male offenders.

Each inmate is tracked through BOP's SENTRY Information System. Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment appropriate to their custody and security level needs. The result is a grouping of offenders with similar custodial needs in an institution, a significant reduction in the mixing of aggressive and non-aggressive offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a walled or fenced perimeter, supplemented by staffed security towers, razor wire strung between a double fence, high mast lighting to illuminate the perimeter, motorized perimeter patrols and highly technical equipment such as alarm systems, and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For practical purposes, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release.

Supervision of inmates is provided in living units, work areas, visiting areas, dining halls, and any other area where inmates may be located or have access. Regularly scheduled counts are conducted several times a day in all institutions to monitor the whereabouts of inmates. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee. Depending on the seriousness of the charge, the Unit Discipline Committee may hear and decide the case or refer it to the Discipline Hearing Officer for appropriate action. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of the general population from offenders who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates who have committed serious prohibited acts are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charges.

The maintenance program is designed to adequately maintain and continue to operate the physical plants of BOP. Facilities vary in age from recently constructed to those 100 years old. Nearly half of the facilities are over 30 years old, which is the expected life of building systems without major upgrading and renovation. At the end of FY 1998, BOP facilities were situated on approximately 34,742 acres and contain approximately 40.6 million square feet of floor area (includes estimated activations and expansions), all of which must be maintained and furnished utility services. Complex heating and air conditioning systems, high pressure steam power plants, sophisticated hospital equipment, emergency electrical power systems and fire protection and life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic branch exchange telephone systems, radio systems including base station and mobile units and several electronic detection and control

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systems. Additionally in FY 1999, this program provided for the maintenance and operation of approximately 2,995 vehicles.

Physical plant requirements are identified through regular inspections conducted in the on-going preventive maintenance program; formal semi-annual inspections; and through requests for specific needs identified by institution staff members. This program finances maintenance and minor improvement projects which normally cost $10,000 or less. However, there are policy guidelines which allow funding of maintenance projects (Major Work Orders) costing more than $10,000 in certain circumstances. Maintenance and repair requirements in excess of $10,000 are normally included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and five to fifteen inmates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitting, air conditioning, mechanics and/or electronics repair. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

ACTIVITY: CONTRACT CONFINEMENT

	Perm. Pos.	Work-years	Amount ($000)
2000 Appropriation Anticipated	329	317	$344,773
2001 Base	329	329	458,342
2001 Estimate	352	341	542,804
Increase/Decrease	23	12	84,462

BASE PROGRAM DESCRIPTION:

This budget activity covers costs associated with BOP inmates in contract care and for the National Institute of Corrections. Approximately 13 percent of the Bureau's inmate population are housed in alternative confinement, including privatized prisons, contracts with private providers for community corrections centers (CCC), and inter-governmental agreements with state and local governments for secure bed space and community-based programs, and home confinement. Twenty-nine Community Corrections Managers (CCMs) throughout the nation develop and oversee contract confinement, make initial recommendations for designation of newly-sentenced offenders, and perform liaison activities with the U.S. Marshals Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other Federal agencies, State and local government agencies, and local communities.

Several categories of Federal offenders are confined in State, local and private facilities. Juveniles must be separated from adult offenders and are placed as close to their residences as possible in State, local and privately-run community-based and secure facilities. Adult offenders whose lives might be endangered in Federal facilities (protection cases) are placed in State correctional facilities, and offenders whose short sentences preclude transfer to a Federal facility are placed in local jails to serve their sentences. The BOP also oversees the joint BOP and Immigration and Naturalization (INS) 1,500 bed (750 for BOP prisoners and 750 for INS Detainees) private detention facility in Arizona, the government-owned, contractor-operated correctional institution in Taft, California, and the contractor owned and operated facilities that will house D.C. offenders.

Since January 1982, the number of inmates monitored by contract CCCs has nearly quadrupled, from 1,425 to an average daily population of 6,741 for FY 1999. Over 250 CCCs throughout the nation provide services to federal offenders, most of whom are preparing for their release to the community. These inmates are transferred from Federal institutions to CCC's near the end of their sentences for transitional programming. Life skills, gainful employment, the re-establishment of family ties, and drug treatment are major aspects of transitional programs. Home confinement is the last phase of incarceration for select offenders who have demonstrated personal responsibility and positive programming while in the Bureau's custody. Strict accountability procedures are applied to inmates on home confinement to continue the sanction of the sentence.

Some Federal offenders with short sentences (less than one year) and a recommendation from the court, serve their entire sentences in CCCs. Direct court commitments are subject to a more punitive program, which restricts movement from the CCC for limited purposes, such as employment. Offenders who are under the supervision of the U.S. Probation office, but have demonstrated the need for enhanced supervision and programming, are also subjected to the more restrictive program.

The Volunteer and Citizen Participation Programs create partnerships with community groups, public service organizations and other agencies by encouraging staff and inmate volunteerism and enhancing citizens' understanding of and participation in correctional facilities. Inmate volunteerism and citizen participation programs facilitate inmates' reintegration into their communities and families. Institution citizen participation programs continue to increase the number of volunteers providing non-traditional services. The Statement of Work for contract community corrections facilities now require the use of volunteers. Institution Volunteer Coordinators and directors of these contract facilities have been encouraged to establish ongoing working relationships as a means to improve the volunteer program at these facilities.

Mariel Cuban outplacement through BOP CCCs provides highly structured residential and community-based services for those whose needs and criminal histories dictate support and supervision in order for them to become self-sufficient. Each year, approximately 100 Mariel detainees participate in one of three intensive substance abuse program classes. Detainees become eligible after INS issues a release notice. Outplacement through family sponsorship provides transitional assistance to individuals whose needs and criminal histories do not require intensive residential or community supervision, and is generally granted for Mariel detainees releasing from non-BOP facilities.

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In 1996, the BOP, INS and the Executive Office of Immigration Review (EOIR) signed a Memorandum of Understanding establishing the Enhanced Institution Removal Program (IRP), which was implemented in 1997. The IRP allows INS and EOIR to complete removal proceedings for non-U.S. citizen inmates at the beginning of their sentences, rather than immediately before release. As a result, INS can minimize the number of non-U.S. citizen inmates detained after expiration of their sentences, and the BOP can manage its inmate population more efficiently by anticipating the needs of inmates already given deportation decisions.

The IRP continued to expand in fiscal year 1998 as additional release sites were activated at FCI Forrest City, FCI Yazoo City, and FMC Carswell. In addition, during FY 1999, 1,089 hearing beds and 2,040 release beds were added by reallocating beds at the existing IRP sites, in an effort to keep up with the increasing number of criminal aliens being admitted each year into the BOP. Approximately 29 percent of BOP inmates are non-citizens. Enhanced IRPs are now established at 27 BOP institutions and contract facilities around the nation. They range from smaller sites that handle less than a dozen, to large operations handling over 1,000 inmates at one time. All IRP sites facilitate the release of inmates with deportation orders. Fourteen of the 27 facilities provide courtroom and office space for INS and EOIR staff to process and complete deportation decisions. In addition to the Enhanced IRP sites, FCI Oakdale operates its IRP as it was originally initiated in 1989, processing inmates at the end of their sentences.

Also included in this decision unit is the National Institute of Corrections (NIC), the only Federal government agency that is solely dedicated to providing comprehensive, technical corrections assistance to state and local correctional agencies. NIC provides technical assistance either by a Technical Resource Provider and/or an NIC staff member to the requesting agency, or an individual or team of individuals visits another agency to gain expertise and experience in the specific area of concern. The National Institute of Corrections Academy is the training division which provides training and related services for state and local correctional practitioners. By developing and delivering training to prisons, jails and community corrections practitioners, the Academy enhances interaction among correctional agencies, other components of the criminal justice system, public policymakers, and concerned public and private organizations.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	Work-years	Amount ($000)
2000 Appropriation Anticipated	1,293	1,293	$147,635
2001 Base	1,293	1,293	155,162
2001 Estimate	1,293	1,293	155,162
Increase/Decrease	0	0	0

BASE PROGRAM DESCRIPTION:

This budget activity covers costs associated with general administration and provides funding for the central office, six regional offices, and three staff training centers. Included are oversight functions of the executive staff; and regional and central office program managers in the areas of: personnel management; equal employment opportunity; inmate systems management; safety; staff training; facilities management; procurement and property management; mail; printing and reproduction; space management; research and evaluation; program analysis; budget development; budget execution; financial management; policy development and implementation; systems support; ADP services; and legal services.

The Bureau of Prisons is managed from a Central Office in Washington, D.C., where the Director, Assistant Directors, and Assistant Director/General Counsel guide the agency's headquarters functions, and six regional offices, each of which is led by a Regional Director. The Executive Staff, which includes the Director, Assistant Directors, and Regional Directors meet once a quarter to review all major issues and determine policy for BOP. The management staff at each institution, including wardens, associate wardens, and executive assistants, provide overall direction and implement policies. Staff training is provided on site at each institution; central office; regional offices; at three training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections; by other Federal agencies; by colleges/universities; and by private agencies. BOP sets and enforces high standards of personal and professional conduct in its workforce.

The Office of Internal Affairs reports to the Director and provides liaison and investigative assistance to the Department of Justice Office of the Inspector General (OIG). The Office is responsible for investigating staff misconduct within the Bureau. Staff provide liaison and investigative assistance to the Department of Justice, Office of Inspector General, when there are allegations of waste, fraud, mismanagement, or other improper activities by Bureau employees, contract employees, or Public Health Service employees assigned to the Bureau. Staff also coordinate with the Office of Inspector General and the Federal Bureau of Investigation when investigations may lead to criminal prosecution or when there are allegations involving the abuse of an individual's constitutional rights under the color of law.

The Office of General Counsel provides legal advice, assistance, and representation to Bureau officials in the areas of Correctional Law, Commercial Law, Environmental Law, Inmate Civil and Criminal Litigation, Inmate Remedies, Administrative Claims, Ethics, Equal Employment Opportunity Complaint Processing, Labor Law, Freedom of Information and Privacy Acts, Administrative Rulemaking, and legislation affecting the Bureau.

The Community Corrections and Detention Division has an instrumental role in the designation of new offenders to BOP and to non-BOP facilities; develops and manages contract residential resources that provide pre-release assistance for inmates who are nearing their eventual release date, an option to institutional confinement for certain short-term offenders, and a structured environment for certain probationers, parolees and supervised releasees who need more assistance and supervision than can be provided by community supervision. In addition, the Division develops and provides oversight to contract resources that operate and manage secure adult corrections/detention facilities for federal offenders; that provide secure confinement for all sentenced Federal juvenile offenders; long-term Federal inmates confined in non-Federal institutions, and detention of Federal offenders serving short sentences. The Division maintains working relationships with U. S. District Courts, U. S. Probation, U. S. Marshals Service, the Immigration and Naturalization Service, U. S. Parole Commission, U. S. Attorneys, State, and local government agencies for the purpose of processing offenders into and out of the Bureau of Prisons. This Division also provides inmate systems and case management services to offenders in non-BOP facilities, and provides technical assistance to State and local criminal justice agencies.

The Correctional Programs Division ensures a safe, secure institution environment for inmates and staff, and encourages inmate population activities and programs designed to eliminate idleness and instill a positive work ethic. The Division provides leadership and policy direction in seven areas:

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Correctional Services, Correctional Programs, Psychology Services, Religious Services, Inmate Systems Management, D.C. Offenders, and Special Needs Offenders.

The Correctional Services Branch has primary responsibility for security and custody issues. This includes oversight for emergency preparedness (to include Special Operations Response Teams), locksmith operations, inmate discipline, the urinalysis program, inmate transportation, and the intelligence gathering network. Additionally, this Branch is responsible for monitoring and revising all Program Statements applicable to the Correctional Services discipline and developing specifications for all contracts pertaining to weapons, chemical agents, and emergency equipment. This Branch continues to seek ways to reduce violence in BOP facilities by handling disturbances, minimizing drug introductions, operating and maintaining security posts within Federal institutions, and enhancing the intelligence network for the detection and prevention of security hazards and the commission of crimes on Federal property.

The Correctional Programs Branch is responsible for planning, documenting, monitoring, and providing the delivery of correctional programs and services to inmates. The Branch provides guidance, instruction, and technical support to field staff in the areas of Witness Security, the central inmate monitoring system, unit management issues and training, case management, policy development, Inmate Financial Responsibility Program, and population issues. This Branch ensures inmates are placed in an institution commensurate with their security and custody requirements and sets forth and implements individual pre-release planning for inmates' successful reintegration into the community through the implementation of policy. The Correctional Programs Branch is also responsible for answering written and telephonic inquiries from the general public and other law enforcement agencies concerning "correctional programs issues." Additionally, the Branch provides services to victims and witnesses of Federal crimes to ensure that they have their rights upheld, their dignity and privacy respected, and their safety protected.

Unit Management, an integral part of correctional programs, determines inmate program, determines inmate program needs and encourages pro-social institution and community behaviors that benefit inmates, staff, victims and society. This is accomplished through functional unit management and effective interaction.

In addition, the Correctional Programs Branch is responsible for complying with the District of Columbia Revitalization Act of 1997 by transferring all D.C. sentenced felons, approximately 9,000, from the D.C. Department of Corrections (DOC) to various BOP institutions and contract facilities. The Branch will be responsible for facilitating the transfer of D.C. offenders. Duties include completing sentence computations, reclassifying inmates using the BOP's inmate classification system, designating D.C. offenders from DOC, providing training to DOC staff, and closely monitoring the transfer of D.C. offenders throughout the BOP. This Branch is responsible for answering written and telephonic queries regarding D.C. offenders, and coordinating all activities concerning D.C. inmates, with a variety of Federal, state and local agencies. The Branch also has primary responsibility in developing policies, procedures and practices relative to the BOP's responsibilities under the Revitalization Act.

The Psychology Services Branch is responsible for planning and monitoring the delivery of psychology services, hostage negotiation training, the suicide prevention program, psychological evaluations for the community Witness Protection Program, the employee assistance program, the development and implementation of unit-based psychology treatment programs, and victims assistance training. In addition, the Branch is responsible for drug abuse treatment program initiatives through standardized drug education programs, comprehensive treatment programs, and institution transitional services programs.

The Inmate Systems Management Branch is responsible for policy development related to sentence computations, the admission and release of inmates, and processing of mail, as well as procedural instruction which includes delivery of classroom-based and multimedia training programs at the national level. The branch monitors compliance with various court decisions, rulings and statutory changes. It provides technical support and oversight to field staff and Regional Offices in the areas of sentence computations, inmate and property processing, delivery of inmate and official mail, and the interdiction of contraband. The branch responds to controlled correspondence signed by the BOP Executive Staff, written and telephone inquiries from law enforcement and other related agencies, and public inquiries on all relative issues. Additionally, the branch responds to inmate correspondence and administrative remedy filings at the national level.

The Special Needs Offender Coordinator works with Bureau staff at all levels to ensure that female offenders, offenders with medical concerns and disabilities, and offenders with mental health concerns receive the appropriate programs and services afforded the rest of the inmate population.

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The Chaplaincy Services Branch facilitates opportunities for free exercise of religion by Federal inmates and extends this mission of pastoral care to institution staff members as their personal spiritual needs may require. This Branch has provided extensive educational materials to ensure that BOP provides for all faith groups consistent with the Religious Freedom Restoration Act. As of January 2000, there were approximately 216 Chaplains from a wide variety of faith traditions serving BOP's 95 institutions.

The Health Services Division has three missions: provision of sound medical care, safety and environmental health, and food services. The Health Care Branch ensures that essential medical, dental, and mental health services are provided to inmates by professional staff consistent with acceptable community standards. The Safety and Environmental Health Branch is responsible for a safe and healthful environment in which staff and inmates can work and live. The Food Service Branch establishes requirements for healthy, nutritionally sound, and appetizing meals that meet the needs of the general population and those at nutritional risk.

The Human Resource Management Division (HRMD) is responsible for the development, implementation, and administration of all personnel and training policies and programs which meet the regulatory requirements of the Federal Government.

HRMD develops and implements the Bureau's Federal Equal Opportunity Recruitment Program plan; monitors the recruitment efforts coordinated at the regional level to ensure a diverse pool of qualified applicants are available for positions Bureau-wide; plans, develops, and implements the Bureau's Affirmative Action Programs for Minorities and Women, Disabled Veterans, and Persons with Disabilities; provides management staff with techniques and procedures to identify and eliminate barriers in the hiring and retention of staff; develops and implements the Sexual Harassment Prevention Program and the Diversity Program; develops and operates a nationwide staffing program for the processing of job applications; manages seven nationwide Office of Personnel Management registers to provide timely services to job applicants and all Bureau of Prisons facilities; maintains registers for Correctional Officer, Correctional Treatment Specialist, Drug Treatment Specialist, Clinical Psychologist, Counseling Psychologist, Physician Assistant, Medical Doctor, in addition to the establishment and maintenance of the Priority Consideration Inventory for DC Department of Corrections employees who are RIFd as a result of closure of the Lorton complex; develops an effective correctional workforce through challenging staff development experiences; administers the Management Selection System for the processing of applications for Warden and Associate Warden positions; designs and implements management and executive level development programs to meet leadership needs; i.e., the Management Preference Profile System; implements automation initiatives to enhance customer service to all employees and the public; provides expert advice and guidance on matters relating to the employee's union, employee grievances, and employee disciplinary actions; provides agency representation before administrative third parties; provides advice on local negotiations; represents the agency at national negotiations; ensures all positions are properly classified and employees receive all benefits, rights and entitlements; conducts research and analysis of Human Resource program to support the development and enhancement of various initiatives; and manages the personnel security and background investigation program, ensuring all employees receive appropriate background investigations and subsequent reinvestigation, with employment security approvals processed in a timely manner.

BOP operates a Training Academy at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia, which provides introductory correctional training for all new law enforcement employees. The Training Academy provides facilities for the housing of the majority of students, training in academics, firearms and self-defense. Course materials provide instruction on hostage situations, ethics, interpersonal communication skills, special offenders, inmate discipline, legal procedures, etc. Mandatory completion of this program, in addition to the Physical Abilities Test, is required for retention of employment by newly hired staff entering into law enforcement positions. BOP also conducts Self-Defense Instructor training at the FLETC, Glynco facility. The Academy oversees the curriculum development and administration of the 60-hour Institution Familiarization course provided at all institutions for all new employees prior to attendance at the Staff Training Academy. BOP conducts advanced correctional skills training such as disturbance control, firearms, side-handle baton, bus operations and WITSEC, at the FLETC, satellite facility in Artesia, New Mexico.

The majority of the BOP's senior level training seminars, workshops and workgroups are held at the Management and Specialty Training Center (MSTC) in Aurora, Colorado. The management and specialty training offered at the MSTC is competency-based, providing participants the opportunity to progressively develop leadership skills and specialty competencies. A wide range of courses are available for institution Executive Staff, Department Heads, and Technical Support Staff. These include courses for Associate Wardens, Correctional Services Supervisors, Food, Financial, and Personnel staff, Legal staff, Education and Recreation staff, Drug Treatment and Psychological staff, Chaplains, UNICOR and Trust Fund staff, and others. In addition to preparing staff for position specific responsibilities, classes also train staff to assume collateral responsibilities such as: Hostage Negotiations Team Members, Disciplinary Hearing Officer, and others. All classes are evaluated for effectiveness, yielding pre/post-test scores for the performance of each participant, and in some cases evaluations measuring transfer of training to the job site. All courses are currently under review for updating and revisions. Revised testing evaluation strategies are also being addressed.

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Also, the MSTC has created a CD-ROM entitled "2000 Annual Training" and distributed it to all Institutions, Regional Offices, Central Office, and the National Institute of Corrections Information Center (NIC) for distribution to other state and local law enforcement agencies. With the guidance of the Bureau's Executive Staff, the MSTC has implemented an initiative to provide off-site training in an effort to realize cost savings. In support of this initiative, the MSTC established criteria for selecting classes that could be successfully delivered off-site. Additionally, the use of military facilities for training purposes is being expanded since they effect significant savings in lodging and per diem. The MSTC continues to review and revise all courses that are presented through the center.

Approximately 80 percent of Bureau of Prisons training is conducted on-site at Institutions, Regional Offices, and the Central Office. Each facility has an Employee Development Manager (EDM) who plans, manages, and organizes the facility's training programs. The Employee Development Manual, utilized by EDMs for operational procedures, has been revised by the MSTC. Certain institution-courses are required by national policy. For example, it is mandatory that each new employee attend the two-week Institution Familiarization training immediately upon entry-on-duty (EOD) at a correctional institution. Each experienced employee at a correctional institution must receive annual refresher training (ART), total of 40 hours of instruction yearly in subjects such as self-defense, disturbance control, firearms, fire protection, safety (OSHA) and inmate supervision. Additionally, most positions have mandatory training requirements which may include self-study programs. For example, each new Unit Manager must complete a self-study Cross Development course titled Case Management within two months of appointment. In FY 1999, the MSTC developed an electronic (automated) training request form to ensure expeditious enrollments and an accurate method of tracking student training. In addition, Mandatory Training Standards have been established for each position.

The Information, Policy, and Public Affairs Division facilitates the use and dissemination of information within BOP and to external constituents, including Congress, other components of Federal, State, and local governments, members of the criminal justice community, the media, and the general public. The Division includes offices of Public Affairs, Congressional Affairs, Research and Evaluation, Information Systems, Policy and Information Resource Management and Security/Technology.

The Office of Public Affairs is responsible for public information, public and media relations, archives, and communications functions and provides a wide range of public information services to the media, the public, and other organizations. This office serves as primary contact for six regional offices and 95 institutions seeking advice on media policy and national media contacts. In addition, this office coordinates responses to national media contacts, responds to numerous inquiries from local and national news organizations, compiles a detailed weekly report from the Director to the Attorney General, develops documents and publications about Bureau-related issues, prepares informational videotape programs, and disseminates daily news article clippings to agency executives. This office also develops projects, publications, and communications that enhance public knowledge of BOP and its programs; coordinates information regarding Community Relations Boards in BOP institutions nationwide; coordinates and advises on international issues of interest to BOP; maintains liaison with Foreign governments and international organizations requesting technical assistance, advice, and information; and assists other U. S. Government agencies in their efforts to provide international assistance.

The Office of Public Affairs also conducts historical research; and develops publications and special presentations on BOP history for both internal and external audiences; responds to requests from BOP offices, other Federal agencies, scholars, the press, and the general public for historical information and records; collects and preserves historical records and artifacts; conducts oral history interviews; and develops displays on BOP history. The Office of Public Affairs assists in records management issues for BOP by serving as a liaison with the National Archives and Records Administration, assisting in the transfer of records to the National Archives, and providing staff with training and advice on historical records management procedures.

The Office of Congressional Affairs tracks and analyzes legislation in coordination with the Department of Justice, Office of Legislative Affairs; maintains direct contact with Members of Congress and their staff; responds to Congressional inquiries and concerns; prepares the Director and other staff for Congressional hearings and visits with members of Congress; coordinates implementation of new laws; and works with the Federal Judicial Center in coordinating Sentencing Institute Seminars for Federal judges, and tours for Congressional staffers and others.

The Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research which includes analyzing current and proposed government policies, conducting studies, developing and maintaining an interactive PC-based system for organizational monitoring, producing and distributing reports, responding to information and technical assistance requests, and processing research proposals. The Research Office generates and distributes reports on such topics as institution social climate, substance abuse problems of inmates, escapes, inmate classification, inmate programs, staff misconduct, and privatization. The office also responds to requests for prison impact assessments, information or technical assistance from BOP staff and outside agencies; and generates data on such issues as population projections, gangs, HIV, inmate misconduct, low-risk segments of the prison population, and career paths of staff.

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The Policy and Information Resource Management Branch is responsible for system wide management of agency directives, forms, printing, electronic publishing, and quality assurance review of the Bureau's directives before and after issue. The Branch also coordinates the agency's electronic and paper records management and disposition functions and is the principle agency liaison with the National Archives and Records Administration. Moreover, the Branch has Bureau-wide coordination responsibility for the management and protection of information as a valuable and vital resource to the successful day-to-day operation of the agency and manages and maintains the agency's electronic Freedom of Information Act reading room.

The Office of Security Technology is responsible for identifying, evaluating, assisting, and developing security/technology initiatives and equipment within BOP; centralizing the identification and screening of new equipment and technology for potential use; establishing relationships with other Federal and State law enforcement agencies; responding to field requests for technical solutions to operational problems; coordinating evaluations with other BOP branches, divisions, regions and institutions potentially affected; distributing information to institutions and offices regarding the results of evaluations and tests; and establishing standards for the use of security systems.

The Office of Information Systems ensures the provision of modern, automated data and information systems for all BOP locations including computer services, application system development, technical support, personal computer support, financial systems, and field support.

The Program Review Division facilitates organizational self-assessment by BOP managers to determine strengths and weaknesses; gathers information about BOP operations in a consistent and objective manner; provides accurate, relevant information to management in a timely manner; provides training, insight and strategies to assist management in the strategic planning process and the efficient, effective gathering, monitoring and sharing of data; coordinates and monitors appropriate oversight activities of audit and regulatory authorities; and ensures that effective management and operations procedures exist throughout the Bureau of Prisons.

The Program Review Branch reviews compliance with the laws, regulations and policy, adequacy of controls, efficiency of operations, and effectiveness in achieving program results, including exploring and developing all pertinent and significant information necessary to properly evaluate, support, and present findings. Through this process, the Branch is able to provide assurance that BOP programs are operating within policy and are free of fraud, waste, abuse, mismanagement, and illegal acts.

The Program Analysis branch (PAB) is responsible for monitoring and analyzing BOP programs to provide timely and relevant information about specific program performance and Bureau-wide patterns and trends. PAB also assists BOP staff with the development of management information systems and trains them in the use of the systems to monitor, evaluate and plan. In addition, PAB is responsible for creating and overseeing national policy on Institution Character Profiles (ICP) and Pilot Programs. PAB assists regional Bureau staff with ICP question development, analysis, and reporting. PAB provides analysis of all ICP reports for the Director. Additionally, PAB evaluates pilot proposals and tracks the progress and outcomes of BOP pilot programs. Also, the branch supports the Executive Staff through collection and review of pertinent issues proposed for Executive Staff consideration, as well as tracking implementation of, and reporting on, Executive Staff decisions.

The Strategic Management Branch (SMB) facilitates, monitors, and evaluates the agency's implementation of the Federal Managers' Integrity Act by coordinating management assessments, thereby providing a quality assurance mechanism for the program review process. The branch also provides program management in the area of American Correctional Association (ACA) accreditation. SMB is responsible for providing training to institutional and regional staff on the accreditation process, has primary oversight over the agency's efforts to ensure that policy appropriately addresses ACA standards, functions as the primary resource/source of clarification for institutions progressing through the accreditation process, and has primary responsibility for interacting with ACA at corporate level. The SMB encourages the implementation of strategic planning through training, publication, and the dissemination of strategic planning updates. The Branch also provides assistance to agency managers in the development and implementation of strategic goals, objectives and action plans. This effort supports the budget development process and the Bureau's compliance with the Government Performance and Results Act.

The Competition Advocacy Section (CAS) provides support for the Bureau's Competition Advocate by providing analysis of information required for decisions related to competitive procurement. The Competition Advocate seeks to enhance deficit reduction, avoid wasteful spending, and accrue savings to the BOP through various competitive strategies which are designed to reduce contract costs. The CAS coordinates and prepares the Integrity Act Issues component of the BOP's submission for the "Annual Accountability Report for the Department of Justice" for the Director, and the Section 2 and Section 4 certifications of the Federal Managers' Financial Integrity Act, for the Director, which is forwarded to the Attorney General. The CAS serves as a liaison for the Bureau of Prisons' contacts with external audit authorities such as the General Accounting Office and the Office of Inspector General.

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The Administration Division provides the resources and support necessary for BOP to perform in the most effective and efficient manner. This includes the development of budget requests; the stewardship of financial resources; procurement and property management; the design and construction of new correctional facilities, as well as the renovation and maintenance of existing facilities; and other administrative support services required by the organization.

The Budget Development Branch formulates BOP's resource requests including budget submissions, amendments, supplementals, prison impact assessment estimates and reprogrammings; justifies the budget estimates by preparing formal budget exhibits, written testimony and detailed data which support the agency's funding requests before the Department of Justice, the Office of Management and Budget, and the House and Senate Appropriations Subcommittees; and represents the BOP at various interagency budget related workgroups.

The Budget Execution Branch ensures operation within the appropriated funding and position levels by developing and overseeing adequate monitoring and control mechanisms; and develops national policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, Office of Management and Budget, General Accounting Office, Department of Treasury, etc.

The Finance Branch ensures that all financial transactions are recorded in an accurate and timely manner in the financial management system in order to produce the financial reports necessary for the monitoring of the financial status of the Bureau and its institutions; develops BOP accounting policies and internal controls to ensure compliance with the requirements of the Department of Justice, the Office of Management and Budget, the General Services Administration, and the Department of Treasury; pays Central Office vendor and travel payments; manages contract programs which support the financial management mission of the Bureau such as the Government-wide Travel Charge Card Program, the third party draft program, the Government-wide Small Purchase Card payments, and the Central Office Travel Management Center contract; develops specifications for the design and operation of the Bureau's financial management system; and prepares the annual Financial Statement of the Federal Prison System required by the Chief Financial Officer Act of 1990 and the Government Management Reform Act of 1994 (GMRA).

The Capacity Planning Branch coordinates and analyzes information related to capacity planning, covering such varied areas as female offender needs, the D.C. felon requirements, detention requirements, medical facilities, new facilities construction and contract confinement. The Branch also produces and updates the Bureau's Capacity Plan, which is the official composite for the determination of correctional capacity requirements; assists the Office of Research in developing population projections by population subgroups; and is responsible for reviewing rated capacity changes at each institution and assuring that those changes are properly reflected in SENTRY.

Facilities Management directs and monitors the existing institution repair and improvement program; establishes policy governing the maintenance of existing facilities; and provides technical support to both BOP staff and outside entities regarding architectural, engineering, and facilities issues.

The Design and Construction Branch is responsible for the planning, design, and construction of new institutions for the Bureau of Prisons; develops design and related technical standards and policies for development of new BOP facilities; participates in BOP's long range capacity expansion planning; and provides technical advice and support within BOP and to outside entities related to architectural, engineering, construction, and project management issues.

The Procurement and Property Branch develops Bureau-wide procurement policy to ensure goods and services are acquired in a timely manner, within Federal statutory regulations, and at the best value to the Government; provides accurate accountability and control of BOP's real and personal property resources, and information technology processing equipment to include inmate telephone system and automated collect call operator services; provides direct national contract services in the areas of community corrections, new facility construction, prime vendor pharmaceutical products, and other large volume requirements; provides contract oversight and training to regions and institutions; provides direct contract services and develops procurement and oversight policies for the private operation and management of secure adult corrections/detention facilities.

Procurement training and education is required by the Clinger-Cohen Act of 1996. Approximately 10 years ago, the Bureau of Prisons established a procurement training program for its warranted contracting officers. The Program provides for in-house Basic and Advanced Procurement training and for specialized technical training, tracks individual development plans for each Contracting Officer, and monitors, in accordance with the requirement added by the Justice Acquisition Regulation in 1995, the completion of Federal Acquisition Institute Contract Specialist Workbook by each Contracting Officer. At the end of FY 1999, over 400 warranted Contracting Officers were provided with specialized procurement training.

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The Site Selection and Environmental Review Branch identifies sites for new correctional facilities; provides public information programs for local officials and the general public to garner support for proposed facilities; and coordinates the development of the required environmental impact studies.

Finally, the Trust Fund Branch provides commissary services; ensures the financial integrity of the Trust Fund and Inmate Deposit Fund; implements and manages a Bureau-wide inmate telephone calling program and provides management oversight for the laundry and warehouse operations.

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Initiative 1: Activations

Program	Positions	Workyears	Amount
Inmate Care	497	178	$35,895,000
Institution Security and Administration	1,032	352	65,484,000
TOTAL	1,529	530	101,379,000

An increase of $93,262,000, 1,529 positions and 530 workyears is requested for the following facilities which will require activation resources in FY 2001. These facilities will add a total of 6,250 critically needed beds to reduce overcrowding at penitentiaries and low security facilities, and address USMS detention needs in Hawaii.

Facility	Beds	Activation Date
Pollock, LA USP	960	1/2001
Minimum Security	128	1/2001
Atwater, CA USP	960	7/2001
Minimum Security	128	7/2001
Honolulu, HI FDC	670	8/2001
Coleman, FL USP	960	9/2001
Expansions		
Ft. Dix, NJ	250	
Elkton, OH	512	
Jesup, GA	508	
Yazoo City, MS	228	
Seagoville, TX	696	
Lompoc, CA	250	

The BOP is requesting 125 positions and $13,081,000 for the activation of six expansions at Ft. Dix, NJ, Elkton, OH, Jesup, GA, Yazoo City, MS, Seagoville, TX and Lompoc, CA., which were approved by Congress in FY 1999. The BOP received approval for the expansions including: (1) converting minimum security beds to modified low security; (2) adding work camps at low security institutions therefore, freeing up low security beds currently occupied by work cadres; and (3) adding housing units inside the secure perimeter of existing low security FCIs. In addition, the BOP will convert El Paso minimum to a satellite low security camp for a total of 500 beds. The BOP will need to request activation funding when this conversion is complete.

Activation of the Pollock, LA, Atwater, CA, and Coleman, FL, USPs will add much needed penitentiary bed space in the South Central, Western, and Southeast regions. Additional higher security beds for the BOP remain the highest priority for new capacity. Overcrowding in BOP's penitentiaries is currently at 53 percent, and these facilities are significant to address this problem which is potentially dangerous to staff, communities and inmates.

Activation of FDC Honolulu will provide 670 detention beds in the Western region. FDC Honolulu will house both USMS detainees and BOP sentenced inmates for work details.

Also included in this request is an increase of $8,117,000 to begin the initial purchase of equipment for USP Lee County, Va and FCI Petersburg, Va. Both of these facilities will be activating in the first half of FY 2002. It is necessary to buy some equipment at least six months to one year prior to activation because it requires long lead time for delivery/installation. Examples include but are not limited to: vehicles, beds and lockers, computers, radios, medical equipment, medical supplies, and cameras.

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Opening a new facility is the culmination of four steps: site selection, design, construction, and activation. To avoid delays in acceptance of inmates, it is necessary to staff facilities a minimum of three months prior to activation, and equipment which requires long lead time is ordered six months to one year prior to activation.

As of February 3, 2000, there are 119,653 inmates in BOP operated institutions with a rated capacity for only 90,473 inmates, resulting in a 32 percent overcrowding rate systemwide. Despite activation of new facilities and expansions, the BOP anticipates a 34 percent overcrowding rate systemwide in FY 2002 due to projected inmate population increases. Without the activations included in this request, overcrowding is projected at 43 percent systemwide. The BOP is experiencing record breaking increases in the inmate population, and has been forced to absorb thousands of inmates above its rated capacity. This trend is expected to continue and the need for additional capacity will be constantly monitored.

Requests for new facilities are developed based upon modular costs for new positions and the existing operation of similar type facilities within BOP. First year funding is requested based on the projected activation date of the facility and the anticipated period of operation. Further, it includes one time costs such as equipping the facility, permanent change of station (PCS)costs for transferring experienced employees from other facilities, conducting background investigations on new employees and providing three weeks law enforcement training to all new employees at Glynco, GA. All one-time costs are non-recurred the following year in accordance with future needs.

If these activations are not funded, the completed facilities and expansions would stand vacant after taxpayers spent nearly $500 million on construction. Overcrowding would worsen by FY 2002 from an anticipated 74 percent to 138 percent at penitentiaries, potentially leading to major institutional disturbances, loss of life and property.

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Initiative 2: Contract Beds/Population Increase

Program	Positions	Workyears	Amount
Contract Confinement	23	12	$84,462,000

For FY 2001, a total increase of $84,462,000, 23 positions and 12 workyears is requested for an additional 6,000 low security contract beds and a general contract population increase of 520. The 6,000 beds will primarily house a population comprised of short term criminal aliens and females from the Southern and Western regions. Approximately 29 percent of the BOP population are non-citizens.

Contracting for 6,000 Short Term Criminal Aliens

In FY 2001, the BOP requests $72,125,000 to contract for an additional 6,000 low security beds to house short term criminal aliens and females from the Southern and Western regions. These beds will alleviate crowding at Dublin, California and allow the BOP to keep pace with projected growth in the Southeast, South Central and Western Regions. The requirements will be for private corrections services in contractor-owned/contractor-operated facilities. The BOP's most recent projections of inmate growth anticipate nearly 63,000 additional inmates by the end of FY 2006. This includes over 8,600 DC sentenced felons and over 5,600 INS long term detainees (LTDs). One management tool for addressing this growth is the use of privately owned and operated correctional facilities for minimum and low security inmates, since this growth is particularly significant in the BOP's low security level populations.

There are a number of benefits to contracting for the confinement of the non-U.S. citizen population. Most of the aliens are serving short sentences, less than 3 years. Many are serving less than one year. There is not sufficient time to provide the drug treatment programs, vocational training programs, and other such programs which are typically found in a Federal Correctional Institution serving a longer term sentenced population. Accordingly, the contract can be written with reduced programming requirements in some areas, potentially producing a less expensive contract.

Contract Population

Finally, included in this request is a total of $12,337,000 to support a general contract population increase of 520 inmates. The cost for the additional beds is estimated at $65 a day. The BOP expects the contract population to grow to an estimated 30,063 by FY 2002. This is an increase of 13,669 beds from the FY 1999 levels. Six thousand of these beds are funded in FY 2000 and BOP is requesting funding for another 6,000 in FY 2001.

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Initiative 3: Education

Program	Positions	Workyears	Amount
Inmate Care	120	120	$7,433,000

An increase of $7,433,000, 120 positions and 120 workyears is requested to increase inmate enrollment in education programming. The positions will be distributed across the BOP with most institutions getting one position, and some receiving two or three as the population indicates.

Education programs have the dual benefits of providing a) pro-social and employment skills to inmates which have been shown by the BOP's Post-Release Employment Study to lead to lower recidivism, and b) constructive ways of improving institution security by reducing inmate idleness. Several new education initiatives have greatly increased the demands for education programs.

1) GED-VCCLEA/PLRA - In November 1997, the BOP implemented the literacy program satisfactory progress provision of the Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA). These two laws mandate that inmates who are sentenced under the VCCLEA or the PLRA and do not have a verified high school diploma or General Educational Development (GED) credential shall make satisfactory progress in the literacy program in order to vest earned Good Conduct Time (GCT) or to be eligible to earn the maximum amount of GCT, respectively. The implementation of the VCCLEA and the PLRA have dramatically increased the inmate demand for the literacy/GED program. The demand for literacy programs has more than doubled since August 1997, when less than 10,000 inmates were enrolled, to November 1999, when over 24,000 inmates were either in the GED program or on waiting lists.

   The BOP has proactively handled this unfunded mandate by increasing enrollments in literacy programs to 16,000 inmates with no additional staff. Despite this effort, over 8,000 inmates are currently on waiting lists for literacy services; there was no standing waiting list in 1997. The BOP has attempted to meet this massive demand by maximizing all existing educational resources: keeping classes at (or over) capacity at all times; using contractual monies to supplement staff, using qualified inmate tutors, using all available space creatively, eliminating some non-mandatory programs, reducing class duration in order to schedule more classes, etc.

   Without the additional positions, it is expected that the BOP will continue to experience even-larger waiting lists, due to the increased number of those incarcerated and new policy requirements for GED, special education and D.C. inmates. Also, as more inmates enter BOP facilities with PLRA sentences, the demand for education services will grow at an even higher rate. Currently, 62% of BOP inmates have sentences which are impacted by the provisions of VCCLEA/PLRA; 100% of all newly sentenced inmates entering the Federal system will be held to the PLRA provisions.

   The impact of the large waiting lists is significant, as the BOP may be unable to fully comply with a number of laws. As required by PLRA, inmates can earn only 42 of 54 possible days of GCT a year if they are not enrolled and making progress in the program. Inmates who are only earning 42 days a year typically want to be re-enrolled into the program but are facing long wait lists. A potential consequence of not increasing staff resources to handle the increasing literacy wait list is inmate lawsuits, since delays in program reenrollment could adversely impact their time served. In turn, this potential increase in time served will drive up both prison costs and prison overcrowding.

2) GED-English Proficiency - In Fiscal Year 2001, the BOP plans to implement an English Proficiency Test policy which requires Spanish-speaking inmates to pass an English Proficiency exam as part of the GED completion requirements. The policy was changed to encourage Spanish-speaking inmates to improve their ability to obtain employment and cope with the everyday demands of an English-speaking society. Improving the English communication skills of inmates during their incarceration also is supportive of a safer correctional environment where potential confrontations can be avoided due to the improved English communication skills of inmates. The English proficiency policy will greatly increase the time it takes for inmates to finish the program. Approximately 33 percent of all inmates enrolled in literacy/GED programs are in the Spanish GED program.

   A March 1998 survey shows that the estimated additional time required to master the English Proficiency skills is 14 months (beyond the approximately 10 months already needed to prepare for the five sub-tests in Spanish). Thus, when implemented, one third of BOP's literacy inmates (those in the Spanish GED program) may take at least twice as long to complete the program, placing another major demand on BOP's education resources.

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3) Special Education - Inmates with various kinds of cognitive learning problems require intensive instruction to benefit from education programming. These inmates may also have problems adjusting to a correctional environment, e.g., they have difficulty understanding rules, they are manipulated by other inmates, etc. The BOP has a goal of better managing these inmates and established a pilot program for inmates with special learning needs at the Federal Correctional Complex Coleman, Florida. The Education Branch has developed assessment and instructional procedures to help to determine the eligibility of inmates to participate in special programs such as the Coleman pilot, accommodate special learning needs of inmates in literacy and other programs, and increase the level of special education instruction at all facilities. Inmates participating in these programs require a smaller inmate to staff ratio, a wider range of instructional activities, longer periods of enrollments, and more extensively trained teachers. Once again, these requirements place an increased demand on the BOP's literacy program. The ability to make program accommodations for individuals with disabilities is a requirement of Section 504 of the Rehabilitation Act.

4) Enrollment Increases - In addition to literacy and special education programs, enrollments in all BOP education programs have expanded considerably, again placing competing demands on educational resources. In September 1999, 52% more inmates were enrolled in one or more programs than were enrolled in September 1996. This increase in daily enrollments was accomplished with a .5% decrease in education positions. In September 1996, approximately 25,000 inmates were enrolled in one or more education programs directed by 914 field education positions; in September 1999, almost 38,000 inmates were enrolled with 909 field education positions. In December 1999, enrollments are at 40,000. In addition to the benefits inmates receive from these programs, increased inmate involvement in programs helps to decrease the negative effects of prison idleness.

One major area of program improvement and expansion has been in occupational training programs. The Bureau's Post-release Employment Study (Office of Research and Evaluation) has demonstrated that inmates who participate in these programs recidivate at a rate as much as 33% lower than inmates that do not. Despite the improvements to the BOP's occupational programs, more progress is needed in the area of assessment of an inmate's needs for vocational programming. This is primarily due to the competing literacy program demands on staff made by VCCLEA/PLRA. Without the additional positions, the BOP will be unable to provide programs - with demonstrated ability to lower recidivism rates - to all inmates with vocational needs.

5) D.C. Inmates - The DC Offender Sentence Computation Group in the BOP has recommended that DC offenders serving time in BOP custody should receive education good time credits for courses completed, and this is currently not being done. The effect of this decision would be that DC inmates would be more likely to enroll and participate in education programs because these courses would lead to a reduction in the time they serve. This would increase the demand for many types of education programs and inmates on waiting lists would not get "time off" their sentences. It would also mean more staff time will be required to monitor and key data to be used by staff such as the Inmate Systems Management and the Discipline Hearing Officer involved in the sentence computation. Not having programs available for these D.C. inmates will increase the likelihood of inmate lawsuits. It will also increase their time served which further impacts on prison overcrowding and prison costs.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 1: BOP will proactively manage its offender population to ensure safe and secure operations
Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Salaries and Expenses Budget: Amount ($000's)	ADM	$2,748,414	$2,888,853	$2,813,569	$3,111,073	$3,545,769
	FTE	ADM	27,898	30,244	28,374	31,828	32,254
	2. Total End of Year Inmate Population	ADM	122,316	133,135	133,689	146,174	160,919
Output/ Activity	3. Number of beds added	ADM	3,029	3,408	3,530	5,208	2,817
	4. Number of BOP facilities activated	ADM	1	2	2	4	4
	5. Number of contract beds added	ADM	2,911	2,330	2,285	3,696	6,757
Intermediate Outcome	6. BOP Facilities Population	ADM	108,207	116,696	117,295	126,084	134,072
	7. Contract Population	ADM	14,109	16,439	16,394	20,090	26,847
	8. Total Number of Facilities	ADM	92	94	94	97	101
	9. Percentage of BOP Population in Alternative Confinement	ADM	12%	12%	12%	14%	17%
End Outcome	10. Overcrowding:						
	Low Security Facilities	ADM	27%	34%	37%	33%	37%
	Medium Security Facilities	ADM	48%	50%	51%	56%	57%
	High Security Facilities	ADM	56%	55%	51%	65%	86%
	11. Inmates in CCCs	ADM	5,414	5,684	5,768	5,941	6,119
	12. Inmates on Home Confinement	ADM	1,388	1,343	1,323	1,300	1,300
	13. Assaults: Inmate on inmate	CPD	1,269	1,315	1,320	1,452	1,597
	inmate on staff	CPD	996	961	966	1,063	1,169
	14. Homicides	CPD	4	5	5	4	4
	15. Suicides	CPD	16	5	8	8	8
	16. Escapes from secure institutions	CPD	0	0	1	0	0
Productivity/ Efficiency	17. End of Year Capacity	ADM	86,051	89,459	89,581	94,789	97,606
	18. Overcrowding Level (Systemwide)	ADM	26%	30%	31%	33%	37%

A. Data Validation and Verification
Data contained in this table is collected on the BOP SENTRY computer system and subject matter experts retrieve the data, analyze and validate it for each budget cycle.
B. FY 1999 Performance Report

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.
8) In FY 2000 the BOP will add four facilities and close one.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 2: BOP will have a competent and representative workforce meeting the organization's needs up to and beyond the year 2000.
Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Salaries and Expenses Budget: Amount ($000'S)	ADM	$2,748,414	$2,688,853	$2,813,569	$3,111,073	$3,545,769
	FTE	ADM	27,898	30,244	28,374	31,828	32,254
	2. Authorized Staff (S&E + VCRP)	ADM	32,507	32,377	28,575	33,712	34,984
Output/ Activities	3. Percent eligible staff attending Basic Correctional Training within 60 days of Entry on Duty	HRM	88.0%	99.5%	88.0%	99.5%	99.5%
	4. Pass Rate for Basic Corr. Training	HRM	98%	98%	98%	98%	98%
	5. Institution Familiarization Completion %	HRM	93%	100%	100%	100%	100%
	6. Number of Recruiting Activities/Trips	HRM	239	325	231	250	300
Intermediate Outcome	7. Percent of Staff Receiving External Training	HRM	30%	61%	38%	61%	61%
	8. Percent of Staff Completing at least one Cross Development Course	HRM	11%	25%	3%	25%	25%
	9. Number of Staff Attending Training at MSTC Aurora	HRM	5,385	5,847	4,816	5,900	5,900
	10. Number of Staff Attending Advanced Training at STA Artesia	HRM	733	450	736	750	750
	11. Number of New Hires	HRM	1,200	1,800	2,262	1,800	1,800
	12. Percent of New Hires Completing Probationary Year	HRM	80.7%	75%	81%	75%	75%
	13. Percent of Staff with more than one year of service	HRM	93.4%	91.5%	93.5%	90%	90%
	14. Percent Supervisors with more than four years of service	HRM	94.3%	92.0%	96.0%	91.5%	91.5%
	15. Percent Institution Staff Receiving Performance Related Awards	HRM	61%	65%	73%	65%	65%
End Outcome	16. Number of Sustainable Administrative Remedies Performance Related	HRM	5	5	5	5	5
	17. Minority Staff Representation:						
	American Indian	HRM	1.4%	1.5%	1.5%	1.5%	1.6%
	Asian	HRM	1.8%	1.8%	1.9%	1.8%	1.8%
	African American	HRM	19.5%	19.8%	20.2%	20.3%	20.7%
	Hispanic	HRM	10.1%	10.2%	10.4%	10.4%	10.5%
	Female	HRM	26.6%	26.7%	27.3%	26.8%	26.9%
Productivity/ Efficiency	18. Percent of staff receiving less than satisfactory performance evaluation	HRM	< .1%	< .1%	< .1%	< .1%	< .1%
	19. Percent below National Civilian Labor Force Statistics representation	HRM					
	Asian		-1.1%	-1.1%	-1.1%	-1.1%	-1.0%
	Female		-19.5%	-19%	-19%	-19%	-19%

A. Data Validation and Verification
The data contained in this table is collected is collected by the Human Resource Management Division Research staff. Some data is reported in regularly by training centers, some extracted from the Human Resource Management Information System (HRMIS), and the National Finance Center data base. Research staff then evaluate and validate the data and report it for each budget cycle.

B. FY 1999 Performance Report
5) Waivers due to temporary physical limitations/emergencies. 6) Budget constraints. 7)6% better than 1998.
8) Not mandatory any longer. 9) MSTC staff traveled to sites to train, money saving measure.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans

2251

PERFORMANCE MEASUREMENT TABLE. PRESENTED BY GENERAL GOAL

GENERAL GOAL 3: BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements.

Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Institution Security & Administration: Amount ($000,s)	ADM	$1,367,590	$1,401,549	$1,377,501	$1,494,809	$1,620,957
	FTE	ADM	16,509	17,940	17,189	18,611	19,097
Output/ Activity	2. Major Maint. Projects Completed	ADM	577	510	488	510	530
	3. Minor Maint. Project Completed	ADM	234,948	200,783	216,341	235,000	250,000
	4. Safety & Facilities Depts Program Reviews Conducted	PRD	30/31	40/36	39/34	30/35	21/28
Intermediate Outcome	5. Preventive Maintenance Projects Completed	ADM	384,343	390,800	392,424	407,960	443,520
	6. Life Safety Discrepancies Completed	HSD	98.3%	99%		100%	100%
	7. Workers Compensation Programs in effect	HSD	92	94	94	97	101
	8. Number Inmate Accident/Injury Reports	HSD	647	704	704	752	811
	9. Rate Inmate Accident/Injury per 100	HSD	0.53	0.53	0.53	0.53	0.53
End Outcome	10. Number Staff Accident/Injury Reports	HSD	2,352	2,493	2,493	2,596	2,518
	11. Rate Staff Accident/Injury per 100	HSD	7.7	7.7	7.7	7.7	7.2
	12. Acceptable Safety & Facilities Programs	PRD	99%	100%	100%	100%	100%
	13. Life Safety Discrepancies Remaining	HSD	2%	1%	1%	0%	0%
Productivity/ Efficiency	14. Percentage Facilities over 30 Years Old	ADM	42%	41%	44%	42%	41%
	15. Year End Workers Compensation Costs: Amount ($000's)	HSD	$22,495	$24,960	$20,445	$27,690	$30,720

A. Data Validation and Verification

HSD data is collected on the BOP SENTRY computer system and subject matter experts retrieve the data, analyze and validate it for each budget cycle. S&E maintenance projects are tracked at BOP facilities on a Total Maintenance System and reported monthly to Central Office where the data is analyzed and validated for each budget cycle.

B. FY 1999 Performance Report

6, 8 - 13) Estimated - complete institution reporting not yet available for FY 1999 actuals.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

2252

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 4: BOP will manage its operations and resources in a competent and effective manner which encourages creativity and innovation in development of exemplary programs as well as excellence in maintaining the basics of correctional management. BOP continually strives toward improvements in its effective use of resources and its efficient delivery of services.

Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Institution Security & Administration:						
	Amount ($000's)	ADM	$1,367,590	$1,401,549	$1,377,501	$1,494,809	$1,620,957
	FTE	ADM	16,509	17,940	17,189	18,611	19,097
	2. Management and Administration:						
	Amount ($000's)	ADM	$127,918	$142,094	$123,075	$147,635	$155,162
	FTE	ADM	1,276	1,293	1,174	1,293	1,293
Output/ Activity	3. Management Assessments Completed	PRD	8	16	13	15	6
	4. Total Number of Program Reviews	PRD	466	632	496	466	550
	5. Complexes	ADM	5	5	5	5	5
Intermediate Outcome	6. Policy Statements Issued	IPPA	98	112	83	95	95
	7. Operations Memorandum Issued	IPPA	117	57	62	70	75
	8. BOP Locations Operational on FMIS	ADM	101	108	108	113	118
	9. BOP Locations Included on BOPNET	IPPA	159	146	146	146	146
End Outcome	10. Daily Medical Per Capita Cost	ADM	$9.22	$9.22	$8.89	$9.25	$9.62
	11. Daily Food Service Per Capita	ADM	$5.03	$5.03	$4.97	$5.17	$5.33
Productivity/ Efficiency	12. Daily Per Capita Cost	ADM	$60.07	$60.07	$59.41	$61.78	$63.71
	13. Percent of BOP Institutions Accredited by ACA.	PRD	71%	81%	80%	95%	94%

A. Data Validation and Verification

PRD tracks management assessments, program reviews, and accreditations manually.

B. FY 1999 Performance Report

3)Cancellations and rescheduling.
4) Frequency of Program Reviews for locations with good ratings reduced.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

13) The number of institutions on the accreditation list has been substantially increased for FY 2000 and FY 2001.

2253

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 5 **: BOP provides services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards. ** NOTE: Goal 5 has two tables, the second contains drug treatment information and is produced separately for the Drug Budget.

Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Inmate Care & Programs: Amount ($000's)	ADM	$1,014,605	$1,090,148	$1,052,184	$1,123,856	$1,226,846
	FTE	ADM	9,690	10,578	9,601	11,471	11,387
Output/ Activity	2. Classroom hours	IEVT	11,966,412	13,170,002	13,265,005	13,768,640	14,085,393
	3. Number of inmates with financial obligations	CPD	71,532	77,799	73,700	77,385	82,254
Intermediate Outcome	4. Percent of Inmates Enrolled in One or More Education Programs	IEVT	34%	34%	36%	34%	34%
	5. Number of inmates with financial obligations participating and making payment to Financial Responsiblity Pgm	CPD	26,222	22,686	17,243	18,105	19,010
End Outcome	6. Percent of inmates with GED or High School Diploma within 7 months of Release	IEVT	68%	74%	67%	75%	75%
	7. Funds collected through Financial Responsibility Program	ADM	$5,843,022	$7,167,717	$7,043,242	$7,658,658	$8,260,629
Productivity/ Efficiency	8. Number of Inmates Completing at Least One Vocational Training Program	IEVT	6,848	7,244	8,711	7,550	7,927

A. Data Validation and Verification

Data in this table is stored in the BOP SENTRY computer system. Subject matter experts retrieve data, analyze, validate and report it for each budget cycle.

B. FY 1999 Performance Report

3 & 5) The planned/projected number of inmates with financial obligations is projected using initial intake information on inmates. The actuals only reflect those who chose to participate in the Inmate Financial Responsibility Program.

6) Increases in the criminal alien population in BOP facilities are affecting this indicator as many of the criminal aliens are exempted from mandatory literacy (GED) requirements because they will be deported. In FY 1999, 11 percent of releasing inmates were exempted compared to 7 to 8 percent in FY 1997.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

2254

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 5: BOP provides services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.

Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	(Drug Treatment) 1. Inmate Care & Programs: Amount ($000's)	ADM	$26,234	$26,499	$32,011	$34,500	$35,535
	FTE	ADM	302	302	286	302	302
Output/ Activity	2. Inmates with a diagnosis of substance abuse/dependence	CPD	32,422	34,505	34,500	36,554	38,820
Intermediate Outcome	3. Drug abuse education counseling hours:	CPD	500,000	520,000	508,000	520,000	522,000
	Participants:	CPD	12,002	14,000	12,202	15,000	16,200
	4. Residential Drug abuse counseling hours:	CPD	5,003,000	5,400,000	5,408,000	6,200,000	7,200,000
	Participants:	CPD	10,006	10,800	10,816	12,400	14,400
	5. Non-residential Drug abuse counseling hours:	CPD	19,000	21,000	32,001	21,600	23,500
	Participants:	CPD	5,038	4,000	6,535	4,500	5,000
	6. Community transition participants	CCD	6,951	7,000	7,386	7,200	7,500
End Outcome	7. Number of institutions providing Residential Drug Abuse Treatment	CPD	42	44	44	48	53
Productivity/ Efficiency	8. Percentage of eligible inmates receiving residential drug treatment.	CPD	100%	100%	100%	100%	100%

A. Data Validation and Verification

Data in this table is stored in the BOP SENTRY computer system. Subject matter experts retrieve data, analyze, validate, and report it each budget cycle.

B. FY 1999 Performance Report

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

1. For FY 2000, funding is a combination of VCRP and S&E. In FY 2001 VCRP has expired, and resources are instead included in the S&E budget.

2255

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 6: BOP will continue to seek opportunities for expanding the involvement of community, local, state, and Federal agencies in improving the effectiveness of the services it provides to offenders and constituent agencies. The active participation by Bureau staff to improve partnerships will allow the Bureau to carry out its mission within the criminal justice system and to remain responsive to other agencies and the public. BOP will develop partnerships to focus the shared responsibility for the establishment of a supportive environment promoting the reintegration of offenders into the community.

Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1, 5.2, 5.3, 5.4
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Management and Administration:						
	Amount ($000's)	ADM	$127,918	$142,094	$123,075	$147,635	$155,162
	FTE	ADM	1,276	1,293	1,174	1,293	1,293
	2. Contract Confinement:						
	Amount ($000's)	ADM	$238,301	$255,062	$260,809	$344,773	$542,804
	FTE	ADM	287	297	274	317	341
Output/ Activity	3. Contract for Adequate Juvenile & CCC Capacity (# beds contracted)	CCD	6,285	6,761	6,249	7,057	7,183
	4. Number of Inmate Job Fairs	IEVT	15	30	38	35	35
	5. Number Adult Corrections Personnel Provided Training by NIC	CCD	64,235	70,000	62,801	66,000	70,000
	6. Number of BOP Volunteers	CCD	9,601	9,234	10,268	10,000	10,500
Intermediate Outcome	7. Percentage of BOP facilities under Negotiated Medical Contracts	HSD	96%	100%	100%	100%	100%
	8. CCC Utilization Rate - Minimum S/L	CCD	88.1%	80%	88%	80%	80%
	- Low S/L	CCD	72%	70%	68%	70%	70%
	- Medium S/L	CCD	68.7%	65%	66%	65%	65%
	9. Number Requests Responded to by NIC Information Center	CCD	12,400	60,000	58,882	64,000	70,000
	10. Number of Inmates participating in job fairs	IEVT	715	750	1,660	1,800	1,800
End Outcome	11. Maximum Juvenile & CCC Capacity	CCD	7,750	8,316	8,550	8,680	8,835
	12. % eligible BOP health care facilities accredited by JCAHO	HSD	97%	100%	100%	100%	100%
	13. Percentage of BOP facilities accredited by ACA	PRD	71%	81%	80%	95%	94%
	14. Number of Partnerships established with employers, state, local, and community agencies	IEVT	237	250	565	600	600
Productivity/ Efficiency	15. Number of Offender Employment Specialists Trained	CCD	231	253	113	300	500
	16. Inmate contributions to the cost of confinement in CCC's ($000's)	CCD	$18,320	$19,494	$20,190	$20,969	$21,982

A. Data Validation and Verification

Data in this table is stored in the BOP SENTRY computer system. Subject matter experts retrieve data, analyze, validate and report it for each budget cycle.

B. FY 1999 Performance Report

5 & 15) Fewer participants than anticipated.

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans.

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Federal Prison System
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

	Activations														
	Pollock, LA 1,088 beds USP			Atwater, CA 1,088 beds USP			Coleman, FL 960 beds USP			Honolulu, Hawaii 670 beds FDC			2,444 beds low security expansion		
Estimates by Program	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Inmate Care and Programs:															
Inmate Care	38	28	$6,082	38	10	$3,011	37	3	$1,757	37	6	$1,855	4	2	$6,224
Inmate Programs	80	60	5,296	80	20	2,630	75	6	1,549	50	8	1,462	58	35	2,644
Subtotal	118	88	11,378	118	30	5,641	112	9	3,306	87	14	3,317	62	37	8,868
Institution Security and Administration:															
Institution Security	196	148	9,727	196	48	3,880	193	16	1,791	138	23	2,344	63	38	2,242
Institution Maintenance	23	17	6,361	23	6	3,905	23	2	2,842	17	3	2,070	0	0	1,436
Institution Administration	39	29	5,145	39	10	8,167	39	3	1,656	31	5	5,870	0	0	345
Staff Training	3	2	900	3	1	723	3	0	640	3	1	518	0	0	190
Subtotal	261	196	22,133	261	65	16,675	258	21	6,929	189	32	10,802	63	38	4,213
Contract Confinement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	379	284	33,511	379	95	22,316	370	30	10,235	276	46	14,119	125	75	13,081

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Justification of Multi-Activity Program Changes Cont'd

Estimates by Program	Equipment Funding for Lee County USP & FCI Petersburg	Subtotal Activations & Expansions			Contract 6,000 beds for Criminal Aliens			Contract Population Increase (520 beds)	Education programming			Total Program Increases		
	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Inmate Care and Programs:														
Inmate Care	$1,805	154	49	$20,734	0	0	0	0	0	0	0	154	49	$20,734
Inmate Programs	1,580	343	129	15,161	0	0	0	0	120	120	$7,433	463	249	22,594
Subtotal	3,385	497	178	35,895	0	0	0	0	120	120	7,433	617	298	43,328
Institution Security and Administration:														
Institution Security	1,159	786	273	21,143	0	0	0	0	0	0	0	786	273	21,143
Institution Maintenance	2,872	86	28	19,486	0	0	0	0	0	0	0	86	28	19,486
Institution Administration	635	148	47	21,818	0	0	0	0	0	0	0	148	47	21,818
Staff Training	66	12	4	3,037	0	0	0	0	0	0	0	12	4	3,037
Subtotal	4,732	1,032	352	65,484	0	0	0	0	0	0	0	1,032	352	65,484
Contract Confinement	0	0	0	0	23	12	$72,125	$12,337	0	0	0	23	12	84,462
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	8,117	1,529	530	101,379	23	12	72,125	12,337	120	120	7,433	1,672	662	193,274

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Federal Prison System
Salaries and Expenses
Financial Analysis – Program Changes
(Dollars in thousands)

	Item	Inmate Care & Programs		Institution Security and Administration		Contract Confinement		Total Program Changes	
	Grades	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
	ES–1	...	...	3	$359	...	...	3	$359
	GM–15	8	$690	1	87	...	...	9	777
	GM–14	...	...	8	587	...	...	8	587
	GS–13	4	254	20	1,242	...	...	24	1,496
	GS–12	63	3,285	21	1,094	23	$1,217	107	5,596
	GS–11	223	9,753	40	1,742	...	...	263	11,495
	GS–10	4	164	10	409	...	...	14	573
	GS–09	161	6,012	65	2,416	...	...	226	8,428
	GS–08	47	1,631	364	12,637	...	...	411	14,268
	GS–07	8	267	417	13,882	...	...	425	14,148
	GS–06	55	1,697	8	247	...	...	63	1,944
	GS–05	3	87	4	118	...	...	7	205
	Ungraded	41	1,777	71	3,185	...	...	112	4,962
	Total Positions and annual Rate	617	25,617	1,032	38,004	23	1,217	1,672	64,838
	Lapse (–)*	(319)	(13,211)	(680)	(25,004)	(11)	(582)	(1,010)	(38,797)
11.1	Workyears and Compensation	298	12,406	352	13,000	12	635	662	26,041
11.5	Other personnel compensation	16	940	54	3,069	...	...	70	4,009
11.8	Special Personal services payment	...	596	...	...	...	...	...	596
	Total Workyears and compensation	314	13,942	406	16,069	12	635	732	30,646
12.0	Personnel benefits		5,082		7,580		254		12,916
21.0	Travel and trans of persons		160		1,601		17		1,778
22.0	Transportation of things		76		1,823		...		1,899
23.2	Rental payments to others		44		...		...		44
23.3	Comm, utilities and misc		...		4,267		...		4,267
25.2	Other services		562		10,923		83,556		95,041
25.6	Medical Care		4,573		...		...		4,573
25.7	Operations and Maintenance of equipment		...		2,303		...		2,303
26.0	Supplies and materials		5,891		1,395		...		7,286
31.0	Equipment		12,971		19,523		...		32,494
41.0	Grants, subsidies, and contracts		27		...		...		27
	Total, Program workyears & obligations changes requested, 2001	314	43,328	406	65,484	12	84,462	732	193,274

*Lapse rate is based on projected activation date of a facility or projected date of an initiative.

Federal Prison System
Salaries & Expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

The Conference Report on H.R. 4276, for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies for Fiscal Year 1999 directed the Bureau of Prisons (BOP) to submit the following report back to the Committees on Appropriations of both the House and Senate.

1. The BOP is directed to conduct a study of the growth and development of the private prison industry and compare general standards and conditions at private and Federal prisons, and report to the Appropriations and Judiciary Committees of the House and Senate 270 days after enactment (7/18/99).

The BOP requested an extension through February, 2000 to complete the report. The BOP is working under cooperative agreement with ABT Associates to determine the status of privatization of prisons in the United States. A questionnaire was developed to gather information on staffing and training and other pertinent information from privately run facilities. The questionnaire was sent out during October 1999 to state corrections officials to complete about private prisons in their jurisdictions. Data compilation is proceeding but not all significant states have responded. Some of the private prisons were visited during late January 2000 to verify the quality of the data. It is anticipated that both phases of the study will be completed and forwarded to the Department by the end of February 2000.

2260

Federal Prison System
Salaries and Expenses
FY 2001 Priority Ranking

Base Program

Program	Ranking
Inmate Care & Programs	1
Institution Security and Administration	2
Contract Confinement	3
Management and Administration	4

Program Increases

Program	Ranking
Activations	1
Contract Confinement Increases (6,000 beds + population adjustment)	2
Education Programming	3

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Federal Prison System
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	FY 1999		2000			2001	
			Total			Total	
	Authorized	Reimb-ursable	Authorized	Reimb-ursable	Changes	Authorized	Reimb-ursable
Attorneys (905)	135	..	135	..	..	135	..
Paralegal Specialist (950)	88	..	88	..	4	92	..
Other Legal and Kindred (900-998)	447	..	494	..	44	538	..
Correctional Institution Administration (006)	1,787	..	1,839	..	64	1,903	..
Corrections officers (007)	14,714	..	15,343	..	841	16,184	..
Other Misc. Occupations (001-099)	615	19	629	19	15	644	19
Soc. Science, Econ. and Kindred (100-199)	2,388	18	2,523	18	121	2,644	18
Personnel Management (200-299)	988	2	1,030	2	42	1,072	2
General Admin clerical and office services (300-399)	2,380	58	2,460	58	82	2,542	58
Biological science (400-499)	2	..	2	..	..	2	..
Accounting and Budget (500-599)	944	4	972	4	37	1,009	4
Medical, Dental & Public Health (600-799)	2,339	8	2,430	8	(306)	2,124	8
Engineering and Architecture Group (800-899)	282	..	296	..	15	311	..
Information and Arts Group (1000-1099)	22	..	22	..	..	22	..
Business and Industry Group (1100-1199)	336	..	362	..	17	379	..
Equipment, Facilities and Service Group (1600-1699)	499	16	515	16	19	534	16
Education Group (1410-1411; 1700-1799)	937	9	967	9	161	1,128	9
Criminal Investigating Series (1811)	6	..	6	..	..	6	..
Supply Group (2000-2099)	109	..	113	..	4	117	..
Transportation (2100-2199)	2	..	2	..	..	2	..
Ungraded (culinary, farm, mechanical & construction)	3,357	2	3,484	2	112	3,596	2
Total	32,377	136	33,712	136	1,272	34,984	136
Washington	943	..	943	..	..	943	..
U.S. Field	31,434	136	32,769	136	1,272	34,041	136
Total	32,377	136	33,712	136	1,272	34,984	136

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Federal Prison System
Salaries and Expenses
Summary of Law Enforcement and Administrative Positions
FY 2000 – 2001

	2000 Appropriation Enacted		2001 Increases		2001 Request Level	
	Pos.	WY*	Pos.	WY	Pos.	WY*
Primary Law Enforcement.....	32,090	30,082	1,249	402	33,339	30,484
Administrative (Includes secondary law enforcement)**	1,622	1,610	23	24	1,645	1,634
Total.....	33,712	31,692	1,272	426	34,984	32,118

* Excludes 136 reimbursable FTEs.
** Includes Management and Administration and Contract Confinement Decision Units.

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Federal Prison System
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1998 End-of-Year Inventory	1999 Acquired	1999 Disposed	1999 End-of-Year	2000 Acquired	2000 Disposed	2000 End-of-Year	2001 Acquired	2001 Average Cost	2001 Disposed	2001 End-of-Year
Direct Purchase:											
Large Sedan	210	20	15	215	65	40	240	70	$20,000	40	270
Midsize Sedan	82	8	5	85	10	10	85	11	18,000	8	88
Compact Sedan	85	20	14	91	35	20	106	40	14,000	27	119
Station Wagon	59	0	10	49	12	5	56	10	20,000	10	56
Van 4x2	538	50	50	538	110	78	570	125	21,000	79	616
Truck 4x2 Utility	377	23	5	395	60	86	369	75	31,000	90	354
Bus, Inter-urban	75	2	0	77	2	0	79	6	285,000	4	81
Bus, School Type	53	0	3	50	6	4	52	5	85,000	2	55
Special purpose:											
Carryall 4x4	91	15	10	96	10	8	98	10	25,000	8	100
Other	89	6	5	90	6	5	91	6	21,000	5	92
Trucks:											
Pick-up 4x2	906	120	46	980	175	150	1,005	200	16,000	190	1,015
Pick-up 4x4	183	20	18	185	71	67	189	70	20,000	67	192
Sub-total Purchased:	2,748	284	181	2,851	562	473	2,940	628		530	3,038
Leased:											
Large Sedan	1	1	1	1	1	1	1	1	$5,000	1	1
Other	12	2	6	8	6	5	9	4	5,000	5	8
Sub-total Leased:	13	3	7	9	7	6	10	5		6	9
Seizes or No-Cost Excess:											
Large Sedan	4	6	0	10	3	1	12	5	$0	3	14
Midsize Sedan	0	0	0	0	3	1	2	3	0	1	4
Other	115	21	11	125	46	40	131	66	0	60	137
Sub-total Seized:	119	27	11	135	52	42	145	74	$0	64	155
TOTAL VEHICLES	2,880	314	199	2,995	621	521	3,095	707		600	3,202

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Federal Prison System
Salaries and Expenses
Summary of Change

	Pos.	FTE*	BA ($000)
2000 Appropriation Enacted	33,712	31,692	$3,111,634
Congressional Rescission .38%	0	0	(61)
Transfer to Narrowband Communications Account	0	0	(500)
2000 Appropriation Anticipated	33,712	31,692	3,111,073
Adjustments to base:			
2001 Pay Raise (3.7%)	0	0	52,490
Annualization of 2000 pay raise (4.8%)	0	0	26,629
Transfer of CSRS employees to FERS retirement system	0	0	474
Increase Federal Health Insurance Costs	0	0	10,867
GSA Rent	0	0	3,363
Lease Expirations	0	0	815
Antenna Fees (GSA)	0	0	8
Accident Compensation	0	0	2,359
GSA Blue Pages	0	0	41
Medical Hospital Service Cost (3.8%)	0	0	4,594
Travel Management Centers Contract Fees	0	0	225
National Archives and Record Projections	0	0	14
Subtotal	0	0	101,879
Annualization of 2000 Program Increases:			
Loretto, expansion	0	0	613
Forrest City, AR 256 beds minimum security	0	5	(1,267)
Victorville, CA 1,408 beds (1,152 beds medium & 256 beds female camp)	0	231	5,882
Houston, TX MDC 670 Beds Detention Facility	0	108	637
Brooklyn, NY MDC 1,229 beds	0	241	8,131
Philadelphia, PA MDC 757 Beds Detention Facilities	0	183	5,718
Butner, NC FMC 763 Beds	0	0	11,808
House 2,200 D.C. Felons in private facilities (ADP of 3,800 D.C. Inmates)	0	0	57,000
Contract 4,000 beds for criminal aliens	0	9	54,483
Residential Drug Treatment Program	0	12	610
Community Based Transitional Drug Treatment Services	0	3	881
Subtotal, Annualizationof 2000 Increases	0	792	144,496
Decreases:			
Position and FTE reduction	(400)	(975)	0
Boron, CA Deactivation	0	(53)	(4,953)
Subtotal, Decreases	(400)	(1,028)	(4,953)
2001 Base	33,312	31,456	3,352,495

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Federal Prison System
Salaries and Expenses
Summary of Change

	Pos.	FTE*	BA ($000)
2001 Program Increases:			
Activation of Sentenced Capacity:			
Pollock, LA 1,088 beds (960 beds High & 128 beds Minimum) 1/2001	379	284	33,511
Atwater, CA USP 1,088 beds (960 beds High & 128 beds Minimum) 7/2001	379	95	22,316
D.C. Initiative – USP Coleman, FL 960 beds 9/2001	370	30	10,235
Low Security Capacity Expansion 2,444 beds (Ft.Dix 250, Elkton 512, Jesup 508, Yazoo City 228, Seagoville 696 and Lompoc 250)	125	75	13,081
Equipment Funding:			
Lee County USP, FCI Petersburg (partial)	0	0	8,117
Activation of Detention Facility:			
FDC Honolulu 670 beds 8/2001	276	46	14,119
Subtotal Activations & Expansions (6,250 beds)	1,529	530	101,379
Contract Confinement Increases:			
Contract 6,000 beds for Criminal Aliens (including 500 women & 1,000 Reeves exp.)	23	12	72,125
Contract Population Increase (520 inmates)	0	0	12,337
Subtotal, Contract Confinement Increases	23	12	84,462
Other Increases:			
Education programming (GED – VCCLEA/PLRA, GED – English proficiency, Special Ed, Enrollment increases, Vocational training and D.C. inmates)	120	120	7,433
Subtotal, Other Increases	120	120	7,433
Total, Program Increases	1,672	662	193,274
2001 Estimate	34,984	32,118	3,545,769

*Excludes 136 reimbursable workyears.

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Federal Prison System
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	WY	Amount
2001 Adjustment to Base:			
Mandatory Increases:			
1. 2001 pay raise	...	...	$52,490
This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $52,490,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($38,318,000 for pay and $14,172,000 for benefits totaling $52,490,000).			
2. Annualization of 2000 pay raise	...	...	26,629
This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $26,629,000, represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($19,439,000 for compensation and $7,190,000 for benefits).			
3. Transfer of CSRS employees FERS retirement system	...	...	474
This request provides for the increase in Federal Employees retirement Systems (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $474,000 for benefits.			
4. Annualization of 2000 Program Increases		792	144,496
This provides for the annualization of prior year program increases.			

	Annualization Required
Net Compensation	$38,365,000
Other personnel compensation	3,936,000
Special personal services payments	563,000
Associated employee benefits	14,880,000
Travel and transportation of persons	(538,000)
Transportation of things	(2,931,000)
Communications, utilities and misc	3,532,000
Printing and reproduction	63,000
Other Services	105,637,000
Supplies and materials	5,963,000
Equipment	(25,005,000)
Grants, subsidies, and contracts	31,000
Total, annualization (net of non-recurring)	144,496,000

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Mandatory Increases:	Pos.	WY	Amount
5. Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employee health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $10,867,000 for these costs.	...	...	$10,867
6. General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $3,363,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated systems, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.	...	...	3,363
7. Lease Expirations. GSA now requires all agencies to pay relocation costs associated with lease expiration. Based on prior experience the Department anticipates that 20 percent of all lease expirations will result in relocations. This request provides for the cost associated with new office relocations caused by the expiration of leases in FY 2001. No funding is requested for any build-out costs associated with lease expirations. Funding of $815,000 is requested for the Bureau of Prisons.	...	...	815
8. Antenna Fee. GSA will charge the Department antenna fees in FY 2001. The fees includes all current antenna's utilized by Justice components that have antenna's atop their buildings. Funding of $8,000 is requested.	...	...	8
9. Accident compensation. This increase reflects the estimated billing from the Department of Labor (DOL) for the actual costs in 1999 of employees' accident compensation, which will be billed in 2001. The 2001 increased cost will be $2,359,000.	...	...	2,359
10. General Services Administration (GSA) Blue Pages. Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000. Funding of $41,000 is requested for the Bureau of Prisons.	...	...	41
11. Medical Hospital Service costs. The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 3.8 percent against medical services. An increase of $4,594,000 will be required for 2001.	...	...	4,594
12. Travel Management Centers Fees. In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000. Funding of $225,000 is requested for the Bureau of Prisons.	...	...	225

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Mandatory Increases:	Pos.	WY	Amount
13. National Archives and Records Administration (NARA)..... The Office of Management and Budget directed NARA to convert its direct-funded records center program to a fully reimbursable program by FY 2000. This proposed legislation mandates that NARA is to remain the sole source for agency records center services, through FY 2002, for agencies currently using its services. In 2001, NARA advises that these charges will be increased by 2.5 percent. The Department's FY 2001 estimated costs total $6,599,584, an increase of almost $300,000, based on current records maintained by NARA. Funding of $14,000 is requested for the Bureau of Prisons.	...	...	14
TOTAL Mandatory Increases.....	...	792	246,375
Decreases:			
1. Position and FTE Reduction..... These reductions are to realign positions and workyears within the Department.	(400)	(975)	...
2. Boron, CA Deactivation..... The Bureau of Prisons has received approval to close the minimum security camp in Boron, CA, because it is not cost effective for BOP to operate the facility. This amount represents balance of savings by closing the Boron facility.	...	(53)	$(4,953)
TOTAL Decreases.....	(400)	(1,028)	$(4,953)
TOTAL CHANGES.....	(400)	(236)	$241,422

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Federal Prison System
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-6 $130,200	1		1		1		...	
ES-5 $130,200	6		9		10		1	
ES-4 $130,200	5		2		4		2	
ES-3 $126,825	4		4		7		3	
ES-2 $121,264	8		16		22		6	
ES-1 $115,811	25		17		8		(9)	
GS-15 $84,638-110,028	436		448		457		9	
GS-14 $71,954-93,537	498		506		514		8	
GS-13 $60,890-79,155	1,135		1,148		1,172		24	
GS-12 $51,204-66,564	2,183		2,299		2,406		107	
GS-11 $42,724-55,541	4,981		5,198		5,461		263	
GS-10 $38,885-50,554	431		441		455		14	
GS-09 $35,310-45,900	3,671		3,799		3,960		161	
GS-08 $31,968-41,557	5,865		6,164		6,469		305	
GS-07 $28,866-37,522	8,511		8,849		9,124		275	
GS-06 $25,976-33,768	1,101		1,164		1,207		43	
GS-05 $23,304-30,292	126		130		137		7	
GS-04 $20,829-27,080	33		33		33		...	
Ungraded positions	3,357		3,484		3,537		53	
Total appropriated positions	32,377		33,712		34,984		1,272	
Average ES Salary		$115,858		$122,469		$128,884		
Average GS Salary		42,268		44,356		45,997		
Average GS Grade		8.99		8.99		8.99		

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Object Class	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation:								
11.1 Full-time permanent	28,166	$1,191,493	31,620	$1,345,253	32,046	$1,419,975	426	$74,722
11.3 Other than full-time permanent	208	5,938	208	7,005	208	7,005	...	...
11.5 Other personnel compensation	810	105,752	929	122,868	999	130,548	70	7,680
11.8 Special personal compensation	...	603	...	846	...	2,005	...	1,159
Total	29,184	1,303,786	32,757	1,475,972	33,253	1,559,533	496	83,561
Reimbursable Workyears Full-time permanent	[136]		[136]		[136]		...	
12 Personnel benefits		508,908		585,780		631,012		45,232
13 Benefits for former personnel		1,100		1,100		1,100		...
21 Travel and transportation of persons		27,902		36,587		37,538		951
22 Transportation of things		10,837		11,783		12,103		320
23.1 GSA rent		13,109		16,302		16,302		0
23.2 Rental payments to others		499		55		55		0
23.3 Communications, utilities and misc. charges		126,036		135,169		137,443		2,274
24 Printing and reproduction		2,311		2,567		2,629		...
25.2 Other services		221,014		316,116		513,820		197,704
25.4 Operation and maintenance of facilities		51,907		52,945		54,004		1,059
25.6 Medical Care		75,198		81,815		83,721		1,906
25.7 Operations & Maintenance of equipment		5,856		6,043		6,285		242
25.8 Subsistence & Support of persons		92,308		116,033		116,033		0
26 Supplies and materials		279,088		304,084		300,490		(3,594)
31 Equipment		41,740		19,344		25,803		6,459
32 Land		927		0		0		0
41 Grants, subsidies, and contributions		8,520		3,059		3,108		49
42 Insurance claims and indemnities		355		12		12		...
43 Interest and dividends		1		0		0		...
Total direct obligations		2,771,402		3,164,766		3,500,991		336,163

Summary of Requirements by Grade and Object Class (Cont'd)

Object Class	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11.1 Personnel compensation:								
Military	...	$28,326	...	$29,204	...	$30,109	...	$905
Total workyears and personnel compen	...	28,326	...	29,204	...	30,109	...	905
Other Objects:								
12.1 Personnel benefits: Military		11,664		12,026		12,399		373
25.2 Other services		2,177		2,223		2,270		47
Total direct obligations, HHS Allocation	...	42,167	...	43,453	...	44,778	...	1,325
Total obligations Salaries and Expenses	29,184	2,813,569	32,757	3,208,219	33,253	3,545,769	496	337,488
Unobligated balance, start-of-year		(110,004)		(97,146)		..		
Unobligated balance, expiring		47,042		..		..		
Unobligated balance, end-of-year		97,146		..		..		
Total Requirements		2,847,753		3,111,073		3,545,769		
Relation of obligations to outlays:								
Total obligations		2,813,569		3,208,219		3,545,769		
Obligated balance, start-of-year		373,400		432,656		546,131		
Adjustment in expired accounts		2,724		..		..		
Obligated balance, end-of-year		(432,656)		(546,131)		(713,909)		
Outlays		2,757,037		3,094,744		3,377,991		

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Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 2001
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The M&R program established 508 new infrastructure projects in 1999 for a total of 1,660 projects active during the year, which ranged in cost from $10,000 to millions of dollars. Of these projects, 582 were completed, fifty-seven percent more than planned.

In FY 1999, the BOP was able to accelerate new construction and M&R mission efforts, as evidenced by the increase in actual obligations over the planned level. The BOP obligated $651 million under the new construction program, nearly 25 percent more than planned, as ten major construction contracts were awarded.

C. FY 2001 Performance Goals and Indicators

The BOP's FY 2001 mission-critical results are attainable within the requested resource level and with demonstrable results, as shown herein. The BOP performance plan is built upon the incarceration goals included in the DOJ plan, and the BOP strategic plan goals which support and expand the DOJ plan goals.

A summary table of key performance measures which support BOP and DOJ goals is provided later in this budget. The measures establish a baseline upon which future performance may be tracked and reported as required by the Government Performance and Results Act (GPRA).

The BOP will ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

During FY 2001, the BOP plans to begin construction of several new facilities which have already received partial funding. The FY 2001 request, including advance appropriations will also provide funding for construction of facilities to add nearly 20,000 beds when completed and activated during FY 2005 - FY 2007.

In FY 2001, the BOP plans to award ten major construction contracts to add capacity and address inmate population growth and overcrowding. In addition, four new facilities are planned to be completed in FY 2001.

The BOP will maintain all facilities in operationally sound condition and in compliance with security, safety, and environmental requirements

The BOP will continue to repair and renovate facilities as required; identify and address any hazardous waste that may exist on Federal prison property; comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities; bring applicable utilities into compliance with National Electric Code and American Waterworks Standards; and ensure safety and security of facilities. Through FY 2001, the BOP will remediate 100 percent of Life Safety discrepancies. Approximately 450 Modernization & Repair (M&R) projects will be completed each year, including 60 special projects relating to life safety, accessability, environmental and energy projects. By FY 2001, 100 percent of those M&R projects subject to the new guidelines and over three years old will be completed. In addition, long range master plans will be developed for all facilities over 50 years old (50+ surveys). Twenty-one BOP facilities are over 50 years old and have not had major renovations.

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Bureau of Prisons
Buildings and Facilities
Summary Statement and Performance Plan
Fiscal Year 2001

The Bureau of Prisons (BOP) is requesting a total of 342 positions, 309 workyears, and $835,660,000 for its Buildings and Facilities (B&F) budget. This request represents an increase of 2 positions, 1 workyear, and $278,880,000 above the FY 2000 enacted level.

The B&F's total requested program increases for FY 2001 (53 positions, 35 workyears, and $681,271,000) would provide additional secure capacity for the BOP's sentenced population and help to absorb the INS Long-Term Detainees (LTDs) into the Federal Prison System. In addition, this budget includes a request for advance appropriation authority in FY 2002 in the amount of $791,000,000 and $535,000,000 in FY 2003 to fully fund the new construction program and ease dangerous overcrowding levels. Positions and workyears will also be needed to accomplish those projects. A detailed explanation of the B&F's FY 2001 program increases by initiative is described on pages 13-18 and a corresponding explanation of B&F's base program is described on pages 10-12.

FY 2001 Federal Bureau of Prisons Performance Plan and FY 1999 Accountability Report

A. BOP Mission and Goals, and Relationship to Department of Justice (DOJ) Strategic Plan

BOP's FY 2001 budget submission and performance plan directly support the Detention and Incarceration mission priorities, general goals and strategic approaches contained in the DOJ Strategic Plan and Performance Plan for FY 1997 - 2001.

BOP Mission

The mission of the BOP, an agency of the DOJ, was established in an Act of Congress, signed by President Hoover on May 14, 1930. This legislation established the BOP and directed it to develop an integrated system of institutions to provide custody and treatment based on the individual needs of offenders.

The mission of the Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The BOP will proactively manage its offender population to ensure safe and secure operations.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 5: Detention and Incarceration: Goals 1 & 2: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation; and Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

The BOP will maintain its facilities in operationally sound conditions.

This directly relates to the DOJ Strategic Plan, CORE FUNCTION 5: Detention and Incarceration: Goals 1 & 3:
Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation; and maintain and operate the Federal Prison System in a safe, secure, humane and efficient manner.

B. Highlights of FY 1999 Mission Critical Results

During FY 1999, the BOP exceeded its plan by adding over 3,500 new prison beds to BOP capacity, holding overcrowding at planned levels despite a second record year of inmate population growth. The BOP also exceeded the planned number of Modernization and Repair (M&R) projects completed in FY 1999.

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D. New FY 2001 Initiatives

New Construction - Advance Appropriations	FY 2001 Request			Advance Appropriations Request	
				FY 2002	FY 2003
	Perm. Pos.	Work-Years	Amount ($000)	Amount ($000)	Amount ($000)
SENTENCED CAPACITY					
Projects with Prior Funding					
FCI Yazoo City, MS (Medium)	5	2	$86,884	...	...
FCI Forrest City, AR (Medium)	8	4	95,814	...	...
FCI Herlong/Sierra, CA (Medium) with Work Camp	6	4	116,861	...	...
FCI Victorville, CA (Medium) with Work Camp	7	3	116,838	...	...
Subtotal, Projects with Prior Funding	26	13	416,397	...	...
New Sentenced Capacity Projects with Advance Appropriation Authority					
Partial Site and Planning & Remaining Funds for two USPs:					
USP Western (with Work Camp)	3	2	11,930	$147,000	...
USP Southeast (with Work Camp)	3	2	11,931	133,000	...
Two USPs Subtotal	6	4	23,861	280,000	...
Partial Site and Planning & Remaining Funds for three FCIs:					
FCI Southeast (with Work Camp)	3	2	5,430	106,000	...
FCI Mid-Atlantic (with Work Camp)	3	2	5,430	121,000	...
FCI Midwestern (with Work Camp)	3	2	5,431	131,000	...
Three FCIs Subtotal	9	6	16,291	358,000	...
Partial Site and Planning & Remaining Funds for four FCIs:					
FCI Western (With Work Camp)	..	..	...	6,000	$131,000
FCI South Central (with Work Camp)	..	..	...	5,000	115,000
FCI Northeast (With Work Camp)	..	..	...	5,000	133,000
FCI Mid-Atlantic (with Work Camp)	..	..	...	5,000	133,000
Four FCIs Subtotal	..	..	...	21,000	512,000
Site and Planning & Remaining Funds for a Secure Female Facility:					
Mid-Atlantic Secure Female Facility/Unit	..	..	...	2,000	23,000
Subtotal, New Sentenced Capacity	15	10	40,152	661,000	535,000
INS LONG-TERM DETAINEE CAPACITY - WITH PRIOR FUNDING					
USP Lompoc, CA	6	6	129,861	...	...
FCI Mid-Atlantic (Medium) with Work Camp	6	6	94,861	...	...
USP Midwestern (with Work Camp)	..	..	...	130,000	...
Subtotal, INS Capacity	12	12	224,722	130,000	...
Total, New Construction	53	35	681,271	791,000	535,000

New Construction (53 positions and $681,271,000) This request provides a total program increase of 53 positions, 35 workyears, and $681,271,000 for the BOP's new construction program, in FY 2001. Also, included are advance appropriations requests for FY 2002 and FY 2003 in the amounts of $791,000,000 and $535,000,000, respectively to fully fund all new construction projects included in this budget. The FY 2001 request, together with the advance appropriation funds will provide the amount of beds required to prevent escalation of overcrowding levels through FY 2007.

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While this new construction request provides for nine new facilities and a secure female unit, overcrowding will remain a serious issue. Even with the new facilities requested in this budget, overcrowding will be close to 30 percent by 2007. The BOP is experiencing record breaking increases in the inmate population. If this trend continues, additional capacity may be required. The BOP will constantly monitor facility capacity and prisoner overcrowding.

The funding provided by advance appropriation will enable construction to proceed on an accelerated schedule to reduce overcrowding. While already appropriated, the advanced amounts will not be available (and will not be scored against the Sec. 302b allocations) until the year for which they are appropriated. This will allow the BOP to maintain a lower unobligated balance carrying forward from year to year. In addition, the BOP will be able to enter into full construction contracts under the design/build procurement concept before funds are technically available in FY 2002 and FY 2003, since they are appropriated in advance.

This initiative directly relates to DOJ CORE FUNCTION 5: Detention and Incarceration

DOJ Strategic Plan Goals:

Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

E. Data Validation and Verification Issues

Data Collection and Storage: The data contained in the Bureau of Prisons (BOP) measurement tables are gathered and maintained by various offices. M&R data is reported directly by facilities to Regional Offices or the Central Office through written reports and via the e-mail on the Wide Area Network (WAN). The information is consolidated and maintained by program managers. Most M&R and new construction projects are authorized and managed in the Central Office where data is consolidated on Personal Computers connected to Local Area Networks (LANs) and WANS. Capacity and inmate statistics are maintained on SENTRY by program managers, and financial data is collected from the Financial Management Information System (FMIS).

Data Validation and Verification: The BOP's Financial Statement is audited annually by an independent certified public accounting firm. For FY 1999, the BOP received an Unqualified opinion. Further, within the BOP headquarters, subject matter experts in different offices retrieve data, analyze, validate, and report it for each budget cycle. On the measurement tables, the column entitled "Data Source" contains acronyms for the BOP division/divisions which validate and provide the information: ADM - Administration Division.

Data Limitations: The BOP and Department of Justice have strived to provide meaningful performance indicators which have solid and reliable data to back them up. Due to the unpredictable environments in prisons, there may often be discrepancies between planned and actual numbers contained in the performance tables. Most plans are based on past experience and best estimates for the future.

F. Resources

Advance Appropriation Authority

Core Function 5: Strategic Goals 1, 2, 3	FY 1999 Dollars ($000)	Pos.	FTE	FY 2000 Dollars ($000)	Pos.	FTE	FY 2001 Dollars ($000)	Pos.	FTE	FY 2002 Dollars ($000)	FY 2003 Dollars ($000)
B&F	410,997	306	329	556,780	340	334	835,660	342	335	$791,000	$535,000

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G. DOJ Summary Performance Plan, Performance Goals, Targets and Actuals

Core Function 5: Detention and Incarceration

Strategic Goal 1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

Goal 2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
Number of prison beds added (BOP)	3,029	3,408/3,530	6,695	3,969
System-wide overcrowding (BOP)	26%	30%/31%	33%	30%
By Security Level: Low	27%	34%/38%	36%	26%
Med.	48%	50%/51%	58%	47%
High	56%	55%/50%	69%	78%
Number of New Facilities Completed	1	2/2	4	4
Number of facilities under design or construction (BOP)	13	19/19	19	26

Core Function 5: Detention and Incarceration

Strategic Goal 3: Maintain and operate the Federal Prison System in a safe, secure, humane and efficient manner.

Key Summary Level Indicators	FY 1998 Actual	FY 1999 Planned/Actual	FY 2000 Planned	FY 2001 Planned
Number of 50+ surveys completed	4	4/4	6	3
Total projects completed and closed	435	410/680	450	475
Life Safety discrepancies	2%	1%	0%	0%

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Federal Prison System
Buildings and Facilities
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; [$556,791,000] *$835,660,000*, to remain available until expended, of which not to exceed [$14,074,000] *$14,000,000* shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act. *In addition, for necessary expenses for planning, acquisition of sites and construction of new facilities, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2002, $791,000,000; and fiscal year 2003, $535,000,000.*

(18 U.S.C. 4003, 4009, 4010, 4013(a)(4), 4042, 4125; Department of Justice Appropriations Act, 2000)

Explanation of Changes: BOP is requesting Advance Appropriations of $791,000,000 in FY 2002 and $535,000,000 in FY 2003 to provide the funding necessary to complete the construction of ten facilities and a secure female unit. Of these, preliminary site and planning costs are requested for five facilities in FY 2001 with the remainder of their construction costs included in the FY 2002 Advance Appropriation; preliminary site and planning costs for five facilities in FY 2002 with the remainder of their construction costs included in FY 2003 Advance Appropriation; and for FY 2002 the remainder of construction costs for a U.S. Penitentiary, which received preliminary site and planning funding in FY 2000.

Federal Prison System
Buildings and Facilities
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity / Program	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. New Construction	184	181	$322,963	...	...	...	...	...	21,500	...	...	$812,352	184	181	$956,815
2. Modernization and Repair of Existing Facilities	122	122	88,034	...	...	...	...	...	19,600	...	...	139,696	122	122	$247,330
Total	306	303	410,997	...	...	...	...	...	41,100	...	...	752,048	306	303	1,204,145

Transfer Between Accounts. Funds transfered to B&F include: $41.1 million from the BOP's Salaries and Expenses budget to provide $21.5 million for the New Construction decision unit to help pay a litigation settlement at FDC Miami, and $19.6 million Modernization and Repair funds to expand minimum/low security. Further, $29 million from the DOJ Working Capital Fund provides an additional $14.5 million each for Big Sandy, Kentucky and Lee County, Virginia projects through a reimbursable agreement and is not reflected above.

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Federal Prison System
Buildings and Facilities
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity / Program	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. New Construction	200	168	$441,003	0	0	0	0	0	0	200	168	$441,003
2. Modernization and Repair of Existing Facilities	140	140	117,788	0	0	(2,000)	0	0	0	140	140	115,788
Total	340	308	558,791	0	0	(2,000)	0	0	0	340	308	556,791

Congressional Appropriation Action on 2000 Request Congress approved the Jackson-Lee amendment to reduce the B&F account by $2 million.

Federal Bureau of Prisons
Buildings and Facilities
Summary of Resources by Program
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	340	308	$556,791
Government-wide .38% recission pursuant to H.R. 3425			(11)
2000 Availability	340	308	556,780
Adjustments to Base (automatic, non-policy):			
Increases (Automatic, non-policy)	1	13	8,609
Decreases (Automatic, non-policy)*	(52)	(47)	(411,000)
2001 Base	289	274	154,389
Program Changes (See Program Narrative for Details)	53	35	681,271
2001 Estimate	342	309	835,660

	1999 Availability			1999 Actual			2000 Appropriation			2001 Base*			2001 Estimate			Increase/Decrease		
Estimates by Budget Activity	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
New Construction	184	181	$935,315	184	119	$651,014	200	168	$441,003	166	149	$31,112	219	184	$712,383	53	35	$681,271
Add: Reprogramming**	....	....	21,500	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Subtotal	184	181	956,815	184	119	651,014	200	168	441,003	166	149	31,112	219	184	712,383	53	35	681,271
Modernization and Repair	122	122	227,730	122	98	109,437	140	140	115,788	123	125	123,277	123	125	123,277	0	0	0
Add: Reprogramming**	....	....	19,600															
Less: Recission .38%***	....	....	....	....	....	....	....	....	(11)	....	....	....	....	....	....	....	....	....
Subtotal	122	122	247,330	122	98	109,437	140	140	115,777	123	125	123,277	123	125	123,277	0	0	0
Totals	306	303	1,204,145	306	217	760,451	340	308	556,780	289	274	154,389	342	309	835,660	53	35	681,271
Reimbursable Workyears		26			26			26			26			26				
Other Workyears:																		
Holiday/Overtime		9			....			9			6			6			....	
		336			243			343			306			341			35	

* A reduction of 45 positions and 40 FTE is included in the B&F Base in FY 2001. The reduction was split between New Construction (-27 positions and -24 FTE) and Modernization and Repair (-18 positions and -16 FTE).

** In FY 1999 $41.1 million was transfered from BOP's Salaries and Expenses to provide $21.5 million for the New Construction decision unit to help pay a litigation settlement at FDC Miami, and $19.6 million Modernization and Repair funds to expand minimum/low security. Further, $29 million from the Working Capital Fund provides an additional $14.5 million each for Big Sandy, Kentucky and Lee County, Virginia projects through a reimbursable agreement and is not reflected above.

*** The $11,000 recission to M&R is the B&F portion of the recission spread to components.

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Federal Prison System
Buildings and Facilities
Program Performance Information
(Dollars in thousands)

ACTIVITY: NEW CONSTRUCTION

	Perm. Pos.	FTE	Amount ($000)
New Construction			
2000 Appropriation Enacted	200	168	$441,003
2001 Base	166	149	31,112
2001 Estimate	219	184	712,383
Increase/Decrease	53	35	681,271
Advance Appropriation			
FY 2002			$791,000
FY 2003			535,000

BASE PROGRAM DESCRIPTION: The Bureau of Prisons (BOP) continuously reviews capacity requirements, considering the projected inmate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of existing facilities. As Federal inmate population levels are projected to increase and continue to greatly exceed the rated capacity of the BOP, every possible action is taken to protect the community, while keeping institutional overcrowding at manageable proportions to ensure that Federal inmates serve their sentences in a safe and humane environment.

The Federal Prison System (FPS) is at the end of the administration of justice pipeline. Most criminal justice agencies have at least some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the important cases are handled. The FPS, however, has little choice and must accept all inmates sentenced to confinement by the courts. In addition, through the D.C. Revitalization Act of 1997, the BOP has been directed to assume responsibility for the District of Columbia sentenced felon population by 2001, and is also adding capacity to absorb the Immigration and Naturalization Service's (INS) Long-Term Detainee (LTD) population into the FPS.

The BOP tries to accommodate the increasing population in the most cost effective manner, following a policy of adding capacity through the utilization of contract facilities where the inmate security level is appropriate, expansion of existing facilities, the acquisition and conversion of military and other properties to prison use, and the construction of new prisons.

From a cost perspective, the expansion of existing institutions is the least expensive technique for increasing FPS capacity, and the BOP is currently building additional housing units at facilities where program space and systems infrastructure can absorb population increases. Further, the BOP has identified seven facilities which will be converted or expanded to provide additional secure camp or satellite low security beds. However, where major program areas such as food service and utilities are already saturated, expansion may approach or even exceed the cost of newly constructed facilities.

ACTIVITY: MODERNIZATION AND REPAIR

	Perm. Pos.	FTE	Amount ($000)
Modernization and Repair of Existing Facilities			
2000 Appropriation Enacted	140	140	$115,777
2001 Base	123	125	123,277
2001 Estimate	123	125	123,277
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Modernization and Repair (M&R) program provides the resources to undertake essential rehabilitation and renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, modernization and repair of BOP institutions is essential. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. Most important, failure to maintain structures can cause direct and/or indirect security problems.

Most maintenance and repair projects are performed using inmate crews. This provides work for inmates and labor for the work performed. Inmate work crews require staff supervision to direct the work being performed and for obvious security reasons.

Of BOP's 95 institutions, 27 are over 50 years old from the time they were constructed or acquired by the BOP, and more than 40 facilities are over 20 years old. Based on a survey, 20% of BOP institutions are actually older facilities converted to Federal Prison use. Each facility has numerous buildings, as well as inmate living quarters on the compound, many of which require extensive work to maintain them in an adequate state of repair, to assure they meet BOP and American Correctional Association (ACA) standards. These prison facilities are subjected to heavier than normal use, since they are used on a 24 hour a day basis. In addition, because of record levels of overcrowding, these facilities are being over utilized which is causing extensive wear and tear, as well as premature deterioration. This is especially true in many of the older facilities which have infrastructures designed for a much smaller inmate population.

To maintain these facilities and provide a safe and secure environment, the BOP continually reviews institution project requests to determine which projects will be scheduled for completion. Institutions perform detailed annual inspections of all areas of their physical plants and provide a list of projects to their Regional Office for all items which are in need of remedial action. The six Regional Offices consolidate project request lists from their facilities and forward the lists to the Central Office. The Central Office prioritizes all the M&R project requests submitted by the Regions and then schedules as many projects as practical. Generally, only the highest priority projects from the list are planned each year within existing resource levels. However, the list of projects can range into the thousands.

With such a large inventory of facilities, the BOP generally has over 1,500 M&R projects at various stages of completion at any given time, ranging from $10,000 to millions of dollars. To manage this volume of projects and resources more efficiently, the BOP implemented three initiatives which have begun to significantly improve the entire M&R program: long range master planning with detailed surveys of older facilities; a project time limit policy; and a two percent replacement value method to provide a reliable annual source of funding.

To address the large inventory of older facilities, the BOP established a Long Range Master Plan to include surveys of pertinent facilities. The first facilities to be surveyed are those which are over 50 years old and have not had any major renovations. The surveys are conducted by contractors to determine the extent of renovations required to bring the older facilities to an adequate state of repair, or whether the costs of repair would equal or exceed the cost of replacing the facility. Survey results are then used by management in a long range plan along with other known renovation needs so M&R projects can be prioritized and planned well into the future.

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A three year time limit policy was implemented in 1998 to ensure that institutions either complete scheduled projects in a timely manner or the project is canceled, and the funds are committed to other high priority M&R projects. All projects are monitored so local, regional and central office management can be informed of projects which may not meet the time limit. This policy alone has enabled the BOP to make substantial reductions in its committed yet unobligated M&R balance. For Fiscal Year 1999, the M&R unobligated balance was reduced from nearly $247 million available during the year to approximately $154 million, a 38% reduction.

The 2% replacement value method of funding is being implemented in FY 2000 and allows the BOP to adopt a project management approach to the M&R program since it ensures a reliable funding source and a permanent work force. This method is based on the recommendations of the Federal Facilities Council Report Number 131 which recommends that maintenance programs should be funded at 2% to 4% of their replacement value, at a minimum. Using this method of funding, rather than the previous line item method, projects can be planned well in advance, and preliminary/preparation work can be performed prior to the scheduled start of the projects. In addition, staff and jobs can be scheduled to meet the unique requirements of each institution and project. The level of planning provided by this funding method will enable management to start projects, and thus obligate funds on schedule, which was not the case under line item funding. As a result, the BOP will be able to shorten the time required to complete large projects and operate with a lower unobligated balance.

BOP's M&R projects are classified under five general categories for internal management purposes, (Life Safety, General Improvements, Infrastructure Improvements, Hazardous Waste and Energy Savings). Within each of these categories are special projects to meet various regulations and codes requirements. Life Safety projects are required to make corrective actions in order to comply with National Fire Code (NFPA 101) standards. General Improvement projects are established to modernize and/or improve equipment, entire rooms, such as kitchens, or buildings that require total rehabilitation of structures, such as walls, and utilities. Infrastructure Improvement projects are established to modernize or replace utilities, such as water pipes and electrical systems. Hazardous Waste projects are established to abate hazardous waste, such as asbestos, through removal, encapsulation, and other methods as necessary. Energy savings projects are established to conserve energy by using more energy efficient equipment and systems. Energy projects are required to meet pertinent energy conservation laws and regulations. The energy conservation mandate is enunciated by the Public Law 102-486, codified at 42 U.S.C.§ 8253 (a), which calls for Federal agencies to achieve at least a 20 percent reduction in energy consumption per gross square foot of building area in FY 2000 versus energy consumption per gross square foot of building area during FY 1985. A further energy conservation requirement for Federal agencies, set forth in Executive Order 12902, calls for a reduction of energy use per gross square foot of building area of 30 percent by FY 2005 compared to energy use per gross square foot of building area during FY 1985.

The five categories may also contain subcategories of projects, such as Accessibility, Environmental and others to meet specific needs. For example, General Improvement projects may each include smaller Accessibility projects, which are required to meet current Architectural Barriers Act and proposed Chapter 12 under the Americans with Disabilities Act Accessibility Guidelines. Environmental projects are necessary for the BOP to be in compliance with environmental and safety regulations required by the Environmental Protection Agency (EPA) and the Office of Safety and Health Administration (OSHA).

In summary, the M&R program has undergone substantial changes through the implementation of the Long Range Planning with its associated facility surveys, the time limit policy which began in FY 1998 and the 2% replacement value method of funding which began in FY 2000. These changes will help the BOP to complete more projects in a shorter period of time and save repair dollars. In addition, the BOP has been able to substantially reduce the M&R unobligated balance which is committed to projects with the time limit policy, and as the 2% replacement method is implemented, the BOP expects to further reduce the unobligated balance to a maintenance level which will be just sufficient to maintain the program.

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INITIATIVES

New Construction - Advance Appropriations	FY 2001 Request			Advance Appropriations Request FY 2002	Advance Appropriations Request FY 2003
	Perm. Pos.	Work-Years	Amount ($000)	Amount ($000)	Amount ($000)
SENTENCED CAPACITY					
Projects with Prior Funding					
FCI Yazoo City, MS (Medium)	5	2	$86,884	...	...
FCI Forrest City, AR (Medium)	8	4	95,814	...	...
FCI Herlong/Sierra, CA (Medium) with Work Camp	6	4	116,861	...	...
FCI Victorville, CA (Medium) with Work Camp	7	3	116,838	...	...
Subtotal, Projects with Prior Funding	26	13	416,397	...	...
New Sentenced Capacity Projects with Advance Appropriation Authority					
Partial Site and Planning & Remaining Funds for two USPs:					
USP Western (with Work Camp)	3	2	11,930	$147,000	...
USP Southeast (with Work Camp)	3	2	11,931	133,000	...
Two USPs Subtotal	6	4	23,861	280,000	...
Partial Site and Planning & Remaining Funds for three FCIs:					
FCI Southeast (with Work Camp)	3	2	5,430	106,000	...
FCI Mid-Atlantic (with Work Camp)	3	2	5,430	121,000	...
FCI Midwestern (with Work Camp)	3	2	5,431	131,000	...
Three FCIs Subtotal	9	6	16,291	358,000	...
Partial Site and Planning & Remaining Funds for four FCIs:					
FCI Western (with Work Camp)	..	..	...	6,000	$131,000
FCI South Central (with Work Camp)	..	..	...	5,000	115,000
FCI Northeast (with Work Camp)	..	..	...	5,000	133,000
FCI Mid-Atlantic (with Work Camp)	..	..	...	5,000	133,000
Four FCIs Subtotal	..	..	...	21,000	512,000
Site and Planning & Remaining Funds for a Secure Female Facility:					
Mid-Atlantic Secure Female Facility/Unit	..	..	...	2,000	23,000
Subtotal, New Sentenced Capacity	15	10	40,152	661,000	535,000
INS LONG-TERM DETAINEE CAPACITY - WITH PRIOR FUNDING					
USP Lompoc, CA	6	6	129,861	...	...
FCI Mid-Atlantic (Medium) with Work Camp	6	6	94,861	...	...
USP Midwestern (with Work Camp)	..	..	...	130,000	...
Subtotal, INS Capacity	12	12	224,722	130,000	...
Total, New Construction	53	35	681,271	791,000	535,000

Proposed Actions
For FY 2001, this initiative seeks to address the following objectives:

1. To increase Federal prison capacity and ease prison overcrowding to a more manageable level.

2. To construct new Federal prisons and expand existing Federal prisons in the most cost efficient manner.

3. To provide budget, personnel, and administrative capabilities as needed for the design and construction program.

This request provides a total program increase of 53 positions, 35 workyears, and $681,271,000 for the BOP's new construction program in FY 2001. It also includes advance appropriation authority for FY 2002 in the amount of $791,000,000 and $535,000,000 in FY 2003 to fully fund all new construction projects included in this budget. The FY 2001 request, together with the advance appropriation funds will provide the amount of beds required to prevent escalation of overcrowding levels through FY 2007.

While this new construction request provides for nine new facilities and a secure female unit, overcrowding will remain a serious issue. Even with the new facilities requested in this budget, overcrowding will be close to 30 percent by 2007. The BOP is experiencing record breaking increases in the inmate population. If this trend continues, additional capacity may be required. The BOP will constantly monitor facility capacity and prisoner overcrowding.

The funding provided by advance appropriation will enable construction to proceed on an accelerated schedule to reduce overcrowding. While already appropriated, the advanced amounts will not be available (and will not be scored against the Sec. 302b allocations) until the year for which they are appropriated. This will allow the BOP to maintain a lower unobligated balance carrying forward from year to year. In addition, the BOP will be able to enter into full construction contracts under the design/build procurement concept before funds are technically available in FY 2002 and FY 2003, since they are appropriated in advance.

Projects - Partially funded in Prior Years
Of the total increase, 26 positions, 13 workyears, and $416,397,000 are included to construct four medium security FCIs with inmate work program areas, which have already received preliminary funding. Two FCIs are planned for the Western Region (1,152 beds each and 128 beds for each Work Camp), at FCI Herlong/Sierra, California, and FCI Victorville, California which will be co-located with other existing facilities at these sites. The other two FCIs are to be co-located with existing low security facilities in Yazoo City, Mississippi (1,152 beds) and Forrest City, Arkansas (1,152 beds). Preliminary funds were received in FY 1999 for Yazoo City and Forrest City, and additional site and planning funds for Yazoo City were provided in FY 2000.

This request also includes construction funds associated with the transfer of INS LTDs to the BOP. The FY 2001 request seeks an increase of 12 positions, 12 workyears, and $224,722,000 for construction of two facilities (one USP and one FCI) to add capacity to absorb part of the INS LTDs. In the FY 2000 budget, preliminary funding was provided for two USPs and one FCI. Construction funds for the third facility are requested in FY 2002, using advance appropriation authority. The BOP was directed to accept transfer of the LTDs based on the recommendations contained in the Congressionally directed Detention Consolidation Study. The BOP's assumption of custody of INS LTDs will free up INS bedspace for shorter term detainees awaiting deportation. The number of INS LTDs is increasing by approximately 460 a year, and by FY 2004, it is projected there will be over 6,000, LTDs to be managed by BOP. However, the BOP does not currently have bed space to absorb these inmates, and must build additional capacity.

The LTDs come from countries which refuse to allow their return. In the United States, they are non-releasable by law or for reasons of public safety. The severity of the offenses committed by the LTDs adds to the challenge in detaining them for an indefinite period of time. The most frequent offenses of the LTDs are burglary, larceny, drug possession and sale, assault, and homicide. According to an earlier DOJ study, LTDs require programs similar to those provided to sentenced prisoners, such as vocational, recreational and educational programs, as well as long-term health care services. The lack of program activity in INS short-term facilities results in idleness which causes disciplinary problems.

New Facilities in FY 2001 - No Prior Funding
Crowding at medium security facilities is 53 percent above capacity and 54 percent at high security levels. These facilities are crowding inmates, which results in increasing the inmates to staff ratio, and decreasing time for staff and inmate interaction and exchange. Thus, higher levels of overcrowding potentially endanger staff, inmates, and the community, and new capacity in this request is critical to safe management of the Federal Prison System.

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Included in this request is a program increase for 15 positions, 10 workyears, and $40,152,000 permitting partial site and planning of two USPs and three FCIs, for a total of 6,016 beds. The USPs are planned for the Southeast and Western regions of the country. The FCIs are planned for the Midwest and one each in the Southeast and Mid-Atlantic regions. The balance of construction funds for these five facilities is requested for FY 2002, under advance appropriation authority.

The BOP's population projections intensify the need for additional higher security capacity. Due to the absorption of the D.C. sentenced population and INS LTDs there is a great need for higher security beds in the BOP. The higher security population will nearly double by 2007 reinforcing the need for higher security facilities. Thus, it is most critical to increase higher security capacity for the safety of staff, inmates, and the surrounding communities.

New Facilities - Partial Site and Planning Funds in FY 2002 - No Prior Funding

Included in this request is advance appropriation authority of $23,000,000 in FY 2002 for four FCIs and a secure female facility/unit. The remaining $535,000,000 to construct these facilities is requested for FY 2003. This delay of initial site and planning funds until FY 2002 recognizes both the reality of tight budget constraints in FY 2001, as well as the BOP's critical need for additional capacity to relieve projected overcrowding. Having the authority for construction funds in FY 2002 and FY 2003 will allow the BOP to plan and advertise full construction of these facilities under the design/build procurement concept far in advance of what would be possible otherwise. These facilities will provide a total of 5,632 beds in four geographic regions: Western, South Central, Northeast, and Mid-Atlantic Regions. The addition of capacity in these regions will maintain the BOP's policy of housing inmates as close to their state of residence and release as practicable.

Capacity Requirements

The BOP is presently designating inmates at a level which forces double-bunking in 85% of penitentiary cells and 90% in medium security facilities. In other words, the BOP has double-bunked far greater numbers of inmates at all security levels than specified by its rated capacity standards, and the FY 2001 request for new construction is premised on continuing this higher level of double-bunking. The table below illustrates how this level provides nearly 50 percent more beds in penitentiaries and over 1/4th more in medium security facilities.

	Rated Capacity		FY 2001 Proposal	
Security Level	Number Of Beds	Percent Double-Bunked	Number of Beds	Percent Double-Bunked
High	960	25%	1,421	85%
Medium	1,152	50%	1,459	90%

Population Projections

Despite recent news reports of lower growth in State prison populations, the BOP's population projections indicate tremendous growth in the short and long-term. Sentences have remained fairly stable over the last few years. However, the BOP is again experiencing dramatic increases in the number of inmates due to higher numbers of prosecutions, particularly drug cases. This, as well as the recent sharp increase in immigration cases are the primary causes of current BOP inmate population growth. In FY 1999, the BOP exceeded the FY 1998 record growth of 10,000 inmates, and set another record breaking year in FY 1999, with an increase of over 11,300 inmates.

By the end of FY 2007, the total BOP population is expected to reach 204,527 inmates, including absorption of D.C. felons and INS LTDs. The projected population in BOP facilities alone will increase to 173,477. Without additional new construction, the BOP capacity will be only 112,782, resulting in an unmanageable and unsafe system-wide overcrowding rate of 54 percent.

Thus, the FY 2001 request proposes to add enough beds to bring overcrowding close to 30 percent system-wide by 2007, while increasing the level of double-bunking. The projected year-end capacity in the table on the next page reflects new construction requested in FY 2001, and advance appropriations for FY 2002 and FY 2003.

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Projected Population, Capacity and Overcrowding
Based on FY 2001 Request (Including FY 2002/2003 Advance Appropriations)

	Actual 1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
BOP Facilities										
Starting Capacity	86,051	89,581	94,789	97,606	105,060	107,167	113,669	120,398	127,502	132,622
*Approved/Funded/Requested Capacity	3,530	5,208	2,817	7,454	2,107	6,502	6,729	7,104	5,120	0
Subtotal Capacity	89,581	94,789	97,606	105,060	107,167	113,669	120,398	127,502	132,622	132,622
Population Projection	117,295	126,084	134,072	141,132	148,678	154,770	164,154	169,131	173,477	177,444
Percent Overcrowded	31%	33%	37%	34%	39%	36%	36%	33%	31%	34%
Total Federal Prison Population	133,689	146,174	160,919	171,195	178,735	185,060	194,687	199,917	204,527	208,769

* Year-end capacity ties to the date by which the majority of beds are projected to be available for inmates.

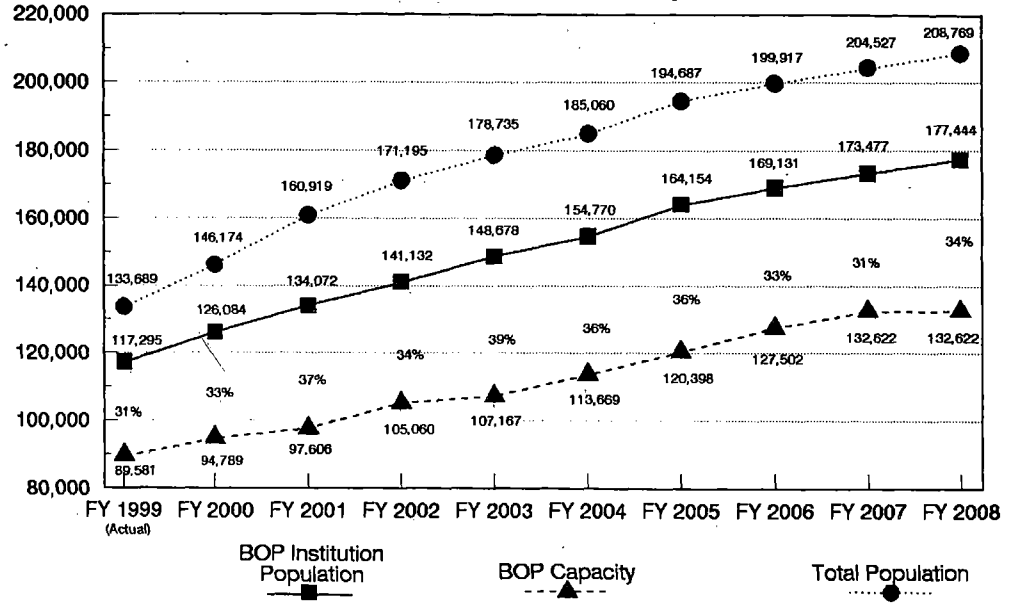
The population, capacity and overcrowding projections are displayed on the graph on the following page.

New Construction

The BOP strives to improve the pace and effectiveness of its construction program and recently began to incorporate design-build contracts for new construction projects. This will potentially shorten construction time and limit litigation related to contractor disputes. Under the design-build procurement concept, the Government contracts for a single firm to perform both the design and construction of a facility, while prior policy was to separate the two. The new process is a negotiated procurement where the Government can review the qualifications and past performance as a basis for awarding the contract. Also, with design-build there is a single point of responsibility for quality, cost, and schedule adherence; so the Government is able to focus on the scope of the project rather than coordination between a separate designer and builder. This approach allows the overlapping of the design and construction periods, and eliminates construction bidding periods, resulting in earlier completion. The BOP has successfully used the design-build process for a minimum security facility in Forrest City, Arkansas and currently has several larger projects underway using this method, including penitentiaries (USPs) at Coleman, Florida; Big Sandy, Kentucky; McCreary County, Kentucky; Canaan, Pennsylvania; and Federal Correctional Institutions (FCIs) at Petersburg, Virginia and Glenville, West Virginia.

22289

Projected Population, Capacity and Overcrowding for the Bureau of Prisons Based on the FY 2001 Request



22290

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL ($000)

DECISION UNIT/PROGRAM: NEW CONSTRUCTION
GENERAL GOAL 1: BOP will proactively manage its offender population to ensure safe and secure operations.
Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1 and 5.2
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	Actuals	2000 Plan	2001 Plan
Input	1. Funds obligated to construct new facilities	FMIS	$270,343	$530,887	$651,014	$482,300	$640,200
	2. Number of new construction FTEs	ADM	128	114	119	168	184
Output/ Activity	3. # of beds added (BOP facilities)	ADM	3,029	3,408	3,530	5,208	2,817
	4. End of Year Capacity (BOP facilities)	ADM	86,051	89,459	89,581	94,789	97,606
Intermediate Outcome	5. Number of Environmental Impact Studies/ Environmental Assessments	ADM	8	6	6	7	5
	6. New facility designs	ADM	5	5	7	10	11
	7. Number of major construction awards	ADM	5	8	10	7	10
End Outcome	8. Number of new facilities completed	ADM	1	2	2	4	4
Productivity/ Efficiency	9. System-wide overcrowding Level	ADM	26%	30%	31%	33%	37%

A. Data Validation and Verification:
The data collected in this table are authorized and managed in the Central Office where data is consolidated on the Local Area Networks (LAN) and the Wide Area Network (WAN). Capacity & inmate statistics are maintained on SENTRY & financial data is collected from the Financial Management Information System (FMIS).

B. FY 1999 Performance Report:.
During FY 1999, the BOP exceeded its planned addition of 3,408 beds by adding over 3,500 new prison beds to capacity.
The BOP was able to accelerate new construction mission efforts, in FY 1999. The BOP obligated $120 million or nearly 23% more funds under the new construction program than planned, as ten construction contracts were awarded.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

2291

DECISION UNIT/PROGRAM: MODERNIZATION AND REPAIR OF EXISTING FACILITIES
GENERAL GOAL 2: BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements.
Department of Justice Core Function 5: Detention and Incarceration
Strategic Goal: 5.1 and 5.3
Annual Performance Goal: As listed below.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	Actuals	2000 Plan	2001 Plan
Input	1. FTE for M&R	ADM	122	122	98	140	125
	2. Funds obligated for M&R	FMIS	$109,771	$101,749	$109,437	$116,000	$120,000
Output/ Activity	3. Total projects established	ADM	568	450	508	475	500
	4. Special projects established	ADM	49	40	54	45	40
Intermediate Outcome	5. Projects completed and closed:						
	TOTAL projects	ADM	435	410	680	450	475
	Special projects (included in TOTAL)	ADM	67	50	84	60	65
	6. Projects active at the end of the year:						
	Total projects	ADM	1,250	1,290	1,078	1,103	1,128
	Special projects	ADM	219	209	189	174	149
End Outcome	7. Court ordered remedial projects	ADM	0	0	0	0	0
	8. Dollar value of fines for violations	ADM	0	0	0	0	0
Productivity/ Efficiency	9. Number of facilities over 30 years old	ADM	45	46	44	44	44
	10. Number of facilities over 50 years old	ADM	31	32	31	31	31
	11. Long range master plan for existing facilities - in development	ADM	8	10	10	9	8
	12. Long range master plan for existing facilities - completed	ADM	4	4	4	4	5

A. Data Validation and Verification:
The data collected in this table are reported directly by facilities to Regional Offices or the Central Office through written reports and via the e-mail on the Wide Area Network (WAN). The information is consolidated and maintained by program managers. Most M&R and new construction projects are authorized and managed in the Central Office. In addition, financial data is collected from the Financial Management Information System (FMIS).

B. FY 1999 Performance Report:
The BOP exceeded the planned number of M&R projects completed in FY 1999.
The M&R program established 508 new projects in 1999 for a total of 1,660 projects active during the year. Of these projects, 582 were completed, far more than the planned 370.

C. Issues Affecting Selection of FY 2000 and 2001 Indicators:

22992

Federal Prison System
Buildings and Facilities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	New Construction			
	Pos.	Oblig.	Budget Authority	Total Amount
GS-12	26	1,380	...	...
GS-11	27	1,196	...	...
Total positions and annual rate	53	2,576	...	...
Lapse	(18)	(874)		
Total workyears and personnel compensation	35	$1,702	$10,342	$10,342
Personnel benefits	...	681	4,137	4,137
Travel and Transportation of persons	...	430	967	967
Transportation of things	...	155	314	314
Rental payment to others	...	180	645	645
Comm, utilities and miscellaneous	...	45	190	190
Printing and reproduction	...	53	155	155
Other services (Object Class 25.2)	...	455,639	662,705	662,705
Supplies and materials	...	524	1,015	1,015
Equipment	...	551	801	801
Total program workyears and obligations changes requested, FY 2001	35	$459,960	$681,271	$681,271

NOTE: The BOP is requesting Advance Appropriations in FY 2001 for FY 2002 and FY2003 to provide the construction funds necessary to complete ten facilities and a secure female unit. Based on estimates, the BOP is requesting Advance Appropriations of $791,000,000 in FY 2002 and $535,000,000 in FY 2003.

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Federal Prison System

Buildings and Facilities

Status of Construction
(Dollars in thousands)

	Fund Status New Construction			Total Current Cost	Status - Obligations as of December 31, 1999 - FY 2001 Congressional Budget		Estimated
	Fiscal Year	Amount	Total Funding	Estimate or Actual	Oblig. to Date	Stage of Programs	Activation Date
New Facilities:							
Brooklyn, NY MDC (1,229)	1989	$52,000	$189,948	$189,948	$183,350	Permanent MDC (1,229) - 99% Complete. Project is ahead of schedule. Activation date moved up.	4/2000
	1990	71,000					
	1991	37,500					
	93-94	12,011					
	1997	6,000					
	1998	4,687					
	1999	6,750					
Butner, NC (1,755)	1990	160,000	167,410	187,410	183,657	Low (992) - Complete	
(An additional $20 million for Butner has been requested through the DOJ WCF to fully fund this project.)	1991	8,700				Cadre (250) - 98% Complete	5/2000
	93-94	(8,467)				Medical (513) - 98% Complete. Original general contractor is no longer working on-site. New contractor has completed major construction.	5/2000
	1998	3,677					
	1999	3,500					
Forrest City Facility, AR (1,152)	1999	2,000	2,000	98,000	371	BOP is exercising option for additional land. Supplemental environmental report has been completed.	2004
Honolulu FDC (670)	1991	10,300	99,700	99,700	81,806	44% Complete	8/2001
	1996	14,253					
	1997	75,147					
Philadelphia, PA FDC (757)	1992	81,950	94,945	94,945	93,139	99% Complete. Project is ahead of schedule. Activation date moved up.	4/2000
	1997	12,995					
Pollock, LA USP (1,088)	1992	8,500	112,585	112,585	109,182	Minimum (128) - Design/Build project. 20% Complete	1/2001
	1995	79,753				High (960) - 77% Complete	1/2001
	1996	6,700					
	1998	15,632					
	2000	2,000					
Lee County, VA USP (1,088)	1995	550	130,553	130,553	115,088	Minimum (128) - 29% Complete	3/2002
	1996	96,550				High (960) - 29% Complete	3/2002
	97-98	14,453					
	1999	19,000					
Big Sandy, KY USP (1,088)	1996	12,350	171,750	173,577	151,083	Design/Build project. In Design. Preliminary site-work underway. Remaining funding is available from inmate work programs.	2003
	1997	100,000					
	1999	59,400					
FCI Yazoo City, MS (1,152)	1999	7,000	14,000	101,000	294	BOP is exercising option for additional land. Supplemental environmental report has been completed.	2004
	2000	7,000					

For budget purposes, the estimated activation date used in this exhibit is three months after the institution is turned over to staff.

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Federal Prison System

Buildings and Facilities

Status of Construction
(Dollars in thousands)

	Fund Status New Construction			Total Current Cost	Status - Obligations as of December 31, 1999 - FY 2001 Congressional Budget		Estimated
	Fiscal Year	Amount	Total Funding	Estimate or Actual	Oblig. to Date	Stage of Programs	Activation Date
D.C. Funding:							
USP Coleman, FL (960)	1998	$104,000	$96,000	$96,000	$84,481	Design/Build project. 39% Complete.	8/2001
	1999	(8,000)					
FCI Petersburg, VA (1,152)	1998	105,000	97,000	97,000	75,972	Design/Build project. 17% Complete.	3/2002
	1999	(8,000)					
FCI Glenville, WV (1,280)	1998	27,700	125,000	125,000	99,485	Design/Build project. In Design.	2002
	1998	95,000					
	1999	(10,000)					
	2000	12,300					
USP Canaan Township, PA (1,088)	1992	40,600	138,600	138,600	116,045	Design/Build project. In Design.	2002
	1998	24,300					
	1998	53,000					
	1999	15,000					
	2000	5,700					
USP McCreary County, KY (1,088)	1998	22,700	141,000	141,000	4,341	Procurement for design/build contract underway & contract award is pending. ROD signed 9/30/99.	2003
	1999	95,000					
	1999	11,000					
	2000	12,300					
South Carolina FCI (1,280)	1998	9,300	110,000	110,000	1,231	Four potential sites in Williamsburg, Marlboro & Georgetown Counties. Public meetings on DEIS have been held. FEIS preparation underway.	2003
	1999	15,000					
	2000	85,700					
Hazelton, WV (1,088)	1999	10,000	115,000	130,000	764	Phase I Design/Build procurement underway. Land to be acquired by purchase. Preliminary wetlands & geo-tech surveys under review.	2003
	2000	105,000					
INS Long-Term Detainee Funding:							
Lompoc, CA USP (960)	2000	6,667	6,667	136,528	0	Preliminary funds provided in FY 2000 Appropriation.	2004
Midwestern USP with Work Camp (1,088)	2000	6,667	6,667	136,528	0	Preliminary funds provided in FY 2000 Appropriation.	2005
Mid-Atlantic Medium with Work Camp (1,280)	2000	6,666	6,666	101,527	0	Preliminary funds provided in FY 2000 Appropriation.	2004

For budget purposes, the estimated activation date used in this exhibit is three months after the institution is turned over to staff.

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Federal Prison System

Buildings and Facilities

Status of Construction
(Dollars in thousands)

	Fund Status New Construction		Total Funding	Total Current Cost Estimate or Actual	Status - Obligations as of December 31, 1999 - FY 2001 Congressional Budget		Estimated Activation Date
	Fiscal Year	Amount			Oblig. to Date	Stage of Programs	
Acquired Facilities:							
Devens, MA (1,111)	1990	$859	$98,415	$98,415	$96,967	Medical Center (282) - Complete	
	1993	32,683				Minimum (125) - 15% Complete. Change in activation date.	6/2000
	1994	74,273				Delays due to poor Contractor performance.	
	1997	(6,000)				Low (512) - Complete	
	1999	(3,500)				Medium (192) - Complete	
George AFB/Victorville with Female Camp (1,408)	1990	15,700	112,501	112,501	107,291	Minimum Female (256) - 99% Complete. Temporarily housing male inmates from Boron until FCI is complete.	1/2000
	1995	8,000					
	1997	100,745				Medium (1,152) - 98% Complete; Punch list work underway.	6/2000
	1998	(11,944)					
Castle AFB/Atwater, CA USP (1,088)	1996	11,000	115,407	115,407	108,614	77% Complete	7/2001
	1998	124,407					
	1999	(20,000)					
Victorville, CA USP with Work Camp (1,088)	2000	137,000	137,000	137,000	0	Funding provided in FY 2000 Appropriation; Design/Build procurement underway.	2003
Victorville, CA Medium with Work Camp (1,280)	2000	13,000	13,000	129,838	0	Site/Planning funds provided in FY 2000 Appropriation; Design/Build procurement underway.	2004
Herlong/Sierra, CA Medium with Work Camp (1,280)	2000	13,000	13,000	129,861	0	Site/Planning funds provided in FY 2000 Appropriation.	2004
Expansion of Existing Facilities:							
Loretto, PA Expansion (200)	1995	7,250	9,445	9,445	9,174	68% Complete	3/2000
	1996	371					
	1998	1,824					
Camp Conversions/Low Security Expansions							
Seagoville, TX Work Camp (92)	2000	2,000	2,000	2,000	0	Approved reprogramming of funds from S&E to B&F.	10/2001
Seagoville, TX Two Housing Units (512)	2000	12,000	12,000	12,000	0	Approved reprogramming of funds from S&E to B&F.	3/2002
Jesup, GA Work Camp (100)	2000	1,500	1,500	1,500	0	Approved reprogramming of funds from S&E to B&F.	11/2001
Yazoo City, MS Work Camp (128)	2000	1,500	1,500	1,500	0	Approved reprogramming of funds from S&E to B&F.	8/2001
Lompoc, CA Two Housing Units (250)	2000	5,200	5,200	5,200	0	Approved reprogramming of funds from S&E to B&F.	9/2001
El Paso, TX Camp (508)	2000	1,800	1,800	1,800	0	Approved reprogramming of B&F funds.	

For budget purposes, the estimated activation date used in this exhibit is three months after the institution is turned over to staff.

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PARTIALLY OR FULLY FUNDED CAPACITY BY ANTICIPATED FISCAL YEAR OF ACTIVATION

Facility	2000	2001	2002	2003	2004	2005	2006	TOTAL
Devens, MA (Medical, Low & Medium)	289							
Butner, NC Medical	763							
Brooklyn, NY Detention Center	1,229							
Philadelphia, PA Detention Center	757							
Houston, TX Detention Center	406							
Devens, MA (Minimum)	85							
George AFB/Victorville, CA (Med. & Fem. Min.)	1,408							
Ft. Dix, MA Camp Conversion	150							
Loretto, PA Expansion	200							
Pollock, LA (Minimum & USP)		1,088						
DC Initiative - USP Coleman, FL		960						
Castle AFB/Atwater, CA (Minimum & USP)		1,088						
FDC Honolulu		670						
Yazoo City, MS Camp Conversion		128						
FCI Lompoc, CA Camp Conversion		250						
Lee County, VA (Minimum & USP)			1,088					
DC Initiative - FCI Petersburg, PA (Medium)			1,152					
DC Initiative - FCI Glenville, WV (Min. & Medium)			1,280					
DC Initiative - Canaan, PA (Minimum & USP)			1,088					
Seagoville, TX Camp Conversion			92					
Seagoville, TX Housing Units			512					
Jesup, GA Camp Conversion			100					
Big Sandy , KY Facility (Minimum & USP)				1,088				
DC Initiative - Hazelton, WV, (Min. & USP)				1,088				
DC Initiative - McCreary County, KY (Min. & USP)				1,088				
DC Initiative - South Carolina (Minimum & Medium)				1,280				
Victorville USP with Work Camp				1,088				
FCI Forrest City, AR (Medium)					1,152			
FCI Yazoo City, MS (Medium)					1,152			
Herlong/Sierra, CA FCI (Minimum & Medium)					1,280			
Victorville, CA FCI (Minimum & Medium)					1,280			
INS LTDs - USP Lompoc (No Work Camp)					960			
INS LTDs - FCI Mid-Atlantic (Minimum & Medium)					1,280			
INS LTDs - USP Midwestern W/Camp						1,088		
TOTAL APPROVED/FUNDED CAPACITY	5,287	4,184	5,312	5,632	7,104	1,088	0	28,607

The year-end capacity, illustrated in the table above is consistent with the lead time necessary for activations, although the majority of beds may not be available until three to six months later.

22971

Federal Prison System
Buildings & Facilities

Status of Congressionally Requested
Studies, Reports, and Evaluations

The Conference Report (H. Rpt. 106-479), directs the Bureau of Prisons (BOP) to submit the following reports to the Committees on Appropriations of both the House and Senate.

1. Study and report on the feasibility of constructing additional medium or high security prisons or work camps at existing federal prison sites, including those currently being constructed, and including Yazoo City, by May 1, 2000.

The BOP continues to evaluate existing sites for additional construction and compare that with population projections.

The Conference Report on H.R. 4276, for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies for Fiscal Year 1999 directed that:

2. The Attorney General shall complete conveyance of the parcel of land, by quit claim deed and negotiated sale, to the City of Tracy, California.

An agreement for General Services Administration (GSA) to manage the transfer was signed by BOP on 12/23/98, and a meeting was held between the City of Tracy and GSA on 1/20/99 to begin negotiations for the purchase. After review by BOP and DOJ/Environmental Review Division, in July, 1999, GSA submitted to the City of Tracy a draft offer and in August, 1999 submitted a draft deed for the Tracy property. As of January, 2000, the BOP is waiting for a response from the City on the draft offer and draft deed. GSA is also waiting for the City to provide a survey showing what area will be for educational use and what area for economic development. Once the survey is received, it will be provided to the GSA appraiser for update. Additionally, the City of Tracy is in the process of conducting their Environmental Impact Report (EIR) of this property, and GSA is waiting for the U.S. Fish and Wildlife Service comments to the draft EIR, regarding proposed mitigation measures, before initiating consultations under the Endangered Species Act.

2298

Federal Prison System
Buildings and Facilities
2001 Priority Rankings

BASE PROGRAM

Program	Ranking
Modernization and Repair of Existing Facilities	1
New Construction	2

PROGRAM INCREASES

Program	Initiative	Ranking
New Construction	FCI Yazoo City, MS (Medium)	1
New Construction	FCI Forrest City, AR (Medium)	2
New Construction	FCI Herlong/Sierra, CA (Medium with Work Camp)	3
New Construction	FCI Victorville, CA (Medium with Work Camp)	4
New Construction	FCI Southeast with Work Camp	5
New Construction	FCI Mid-Atlantic with Work Camp	6
New Construction	USP Lompoc	7
New Construction	USP Midwestern with Work Camp	8
New Construction	USP Southeast with Work Camp	9
New Construction	FCI Midwestern with Work Camp	10
New Construction	USP Western with Work Camp	11
New Construction	FCI Mid-Atlantic with Work Camp	12
New Construction	Mid-Atlantic Secure Female Facility/Unit	13
New Construction	FCI Northeast with Work Camp	14
New Construction	FCI South Central with Work Camp	15
New Construction	FCI Western with Work Camp	16
New Construction	FCI Mid-Atlantic with Work Camp	17

2299

Federal Prison System
Buildings and Facilities
Detail of Permanent Positions by Category
FY 1999-2001

Category	1999		2000		2001			
	Authorized	Reimbursable	Total Authorized	Reimb.	Non-Recurring	Program Increases	Total Authorized	Reimb.
General Administration Clerical and Office Services (300-399)	27	4	29	4	(9)	6	26	4
Accounting and Budget (500-599)	8	0	9	0	0	3	12	0
Engineering and Architecture Group (800-899)	161	14	179	14	(20)	21	180	14
Business and Industry Group (1100-1199)	70	0	80	0	(12)	16	84	0
Ungraded (mechanical and construction)	40	8	43	8	(10)	7	40	8
Total	306	26	340	26	(51)	53	342	26
Washington	46	16	50	16	(13)	15	52	16
U.S. Field	260	10	290	10	(38)	38	290	10
Total	306	26	340	26	(51)	53	342	26

Federal Prison System
Buildings and Facilities
Summary of Change (2000-2001)
(Dollars in thousands)

Item	Pos.	FTE	$(000)	Advance Appropriations FY 2002 $(000)	Advance Appropriations FY 2003 $(000)
2000 Appropriation Enacted	340	308	$556,780		
Adjustments to Base Increases:					
Increases (Automatic, non-policy):					
2001Pay Raise (3.7%)	....	....	783		
Annualization of 2000 Program Increases	....	12	....		
Annualization of 2000 pay raise (4.8%)	....	....	326		
2% Replacement Value Adjustment to M&R Base	1	1	7,500		
Total Increases	1	13	8,609	....	....
Adjustments to Base Decreases:					
Positions and workyears associated with closed New Construction projects	(7)	(7)	....		
New Construction Projects Funded in 2000	....	....	(411,000)		
Base Reduction of B&R Positions and Workyears	(45)	(40)	....		
Total, Net Decreases	(52)	(47)	(411,000)	....	....
2001 Base	289	274	154,389		
2001 Progam Increases:					
New Construction					
Sentenced Capacity Projects with Prior Funding					
FCI Yazoo Medium (1,152 beds)	5	2	86,884		
FCI Forrest City Medium (1,152 beds)	8	4	95,814		
FCI Herlong/Sierra Medium (1,152 beds) with a Work Camp (128 beds)	6	4	116,861		
FCI Victorville Medium (1,152 beds) with a Work Camp (128 beds)	7	3	116,838		
Subtotal, Four Facilities with prior funding for Sentenced Capacity (4,864 beds at rated capacity)	26	13	416,397	....	....

Federal Prison System
Buildings and Facilities
Summary of Change (2000-2001)
(Dollars in thousands)

Item	Pos.	FTE	$(000)	Advance Appropriations FY 2002 $(000)	Advance Appropriations FY 2003 $(000)
Advance Appropriations:					
New Sentenced Capacity Projects (No Prior Funding)					
Partial Site and Planning for two USPs (960 beds each) with 128 bed Work Camps (Southeast and Western Region)	6	4	23,861	280,000	
Partial Site and Planing for Seven Medium FCIs (1,152 beds each) with 128 bed Work Camps					
Southeast	3	2	5,430	106,000	
Mid-Atlantic	3	2	5,430	121,000	
Midwestern	3	2	5,431	131,000	
Western	...	...	...	6,000	131,000
South Central	...	...	...	5,000	115,000
Northeast	...	...	...	5,000	133,000
Mid-Atlantic	...	...	...	5,000	133,000
Partial Site & Planning for Mid-Atlantic Secure Female Unit	...	...	...	2,000	23,000
Capacity (with no prior funding - 11,648 beds at rated capacity)	15	10	40,152	661,000	535,000
INS Long Term Detainee Capacity Projects with Prior Funding					
USP Lompoc (960 beds)	6	6	129,861		
FCI Mid-Atlantic Medium (1,152 beds) with Work Camp (128 beds)	6	6	94,861		
USP Midwestern (960 beds) with Work Camp (128 beds)	...	...	...	130,000	
Subtotal, Three INS facilities with prior funding (3,328 beds at rated capacity)	12	12	224,722	130,000	
Subtotal New Construction (19,840 beds at rated capacity for sixteen facilities and a Secure Female Unit)	53	35	681,271	791,000	535,000
Total, Program Increases	53	35	681,271	791,000	535,000
2001 Estimate	342	309	835,660	791,000	535,000

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Federal Prison System
Buildings and Facilities
Justification of Adjustments to Base
(Dollars in thousands)

		Perm Pos.	Work-Years	Amount
2001 Adjustment to Base:				
Increases (Automatic, non-policy):				
1.	2001 pay raise This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $783,000,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($559,000,000 for pay and $224,000,000 for benefits totaling $783,000,000).	...	...	$783
2.	Annualization of 2000 pay raise This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent to be effective January 2000, and, for three-quarters of the year, the difference between 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $326,000,000 represents the total annualization of pay amounts for the fiscal year plus appropriate benefits ($233,000,000 for compensation and $93,000,000 for benefits).	...	...	326
3.	Adjustment to Modernization and Repair (M&R) Base The request applies to the Bureau of Prisons (BOP) which undertakes essential rehabilitation and renovation or replacement projects at existing institutions. This ensures that structures, utility systems, and other facilities are kept in a good state of repair. In FY 2000 the BOP used a 2 percent replacement value method of funding recommended by the Federal Facilities Council Report Number 131, which recommends that maintenance programs are funded at 2 to 4 percent of their replacement value, at a minimum. This method will allow the BOP to complete more projects in a shorter time period and save repair dollars. Funding of $7,500,000, one position and one FTE are requested for this base adjustment.	1	1	7,500
4.	Annualization of 12 additional positions approved in 2000 This provides for the annualization of 12 additional positions requested in the 2000 budget for the New Construction program.	...	12	...
	Sub-Total Increases	1	13	8,609

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Decreases (Automatic, non-policy):				
1.	**New Construction Projects Funded in Prior Year** ..... Program increases for the construction of new facilities are nonrecurred the year after enactment, since these are not recurring costs. This request includes a decrease of $411,000,000 from the FY 2000 New Construction request, and 7 positions and workyears which are non-recurred from prior years.	(7)	(7)	(411,000)
2.	**Base Reduction of S&E Positions and Workyears**	(45)	(40)	...
	Subtotal, decreases	(52)	(47)	(411,000)
Total, adjustment to base		(51)	(34)	(402,391)

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Federal Prisons System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1999 Actual Pos. & Wys.	2000 Estimate Pos. & Wys.	2001 Request Pos. & Wys.	Increase/Decrease Pos. & Wys.
GS-14, $71,954-$93,537	7	7	7	...
GS-13, $60,890-$79,155	62	63	63	0
GS-12, $51,204-$66,564	86	88	89	1
GS-11, $42,724-$55,541	118	149	150	1
GS-9, $35,310-$45,900	7	7	7	...
GS-8, $31,968-$41,557	4	4	4	...
GS-7, $28,866-$37,522	5	5	5	...
GS-6, $25,976-$33,768	7	7	7	...
GS-5, $23,304-$30,292	4	4	4	...
Ungraded positions	6	6	6	...
Total appropriated positions	306	340	342	2
Average GS/GM Salary		$51,990	$53,855	$55,955
Average GS/GM Grade		11.2	11.2	11.2
Average Ungraded Salary		$40,332	$41,571	$43,192

Federal Prisons System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Wys.	1999 Actual Amount	2000 Estimate Wys.	2000 Estimate Amount	2001 Request Wys.	2001 Request Amount	Increase/Decrease Wys.	Increase/Decrease Amount
11 Personnel compensation:								
11 1 Full-time permanent	217	$14,220	308	$18,889	309	$20,199	1	1,310
11 5 Other personnel compensation								
Overtime	0	357	9	405	6	451	(3)	46
Other Personnel Compensation	0	418		255		479		224
Total	217	14,995	317	19,549	315	21,129	(2)	1,580
Reimbursable workyears:								
Full-time permanent	[26]		[26]		[26]		...	
Other Object Classes:								
12 Personnel benefits		5,543		7,820		8,452		632
21 Travel and transportation of persons		1,570		1,835		2,154		319
22 Transportation of things		433		644		360		(284)
23.2 GSA rent		152		226		288		62
23.2 Rental payments to others		9,075		10,791		12,658		1,867
23.3 Comm., util., & other misc. charges		4,044		6,011		7,974		1,963
24 Printing and reproduction		3		180		187		27
25.1 Advisory and assistance services		(25)		5,751		6,748		997
25.2 Other Services		511,572		465,121		643,396		178,275
25.7 Operation & Maintenance of equipment		17,049		1,733		2,033		300
26.0 Supplies and materials		23,724		24,376		28,596		4,220
31.0 Equipment		12,850		14,727		17,277		2,550
32.0 Land and Structures		5,083		7,555		6,327		(1,228)
43.0 Interest and Dividends		0		188		221		33
Total direct obligations		606,068		566,487		757,800		191,313
Add D.C. and other reimbursable obligations - Obj Class 25.2		154,383		31,813		2,400		
		760,451		598,300		760,200		
Add D.C. and other reimbursable unobligated balances, start of year		(214,457)		(60,074)		(26,261)		
Add D C and other reimbursable unobligated balances, end of year		60,074		26,261		25,861		
Unobligated balance, start of year		(537,591)		(383,620)		(373,913)		
Unobligated balance, end of year		383,620		373,913		451,773		
Total requirements		452,097		556,780		835,660		
Relation of Obligation to Outlays:		154,383	D.C. & other	31,813		2,400		
Total obligations		606,068		566,487		757,800		
Obligated balance, start of year		553,864		830,593		969,196		
Obligated balance, end of year		(830,593)		(969,196)		(1,064,714)		
Outlays		483,722		459,697		664,682		
Less Reimbursement		(29,000)						
Net Outlays		454,722						

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Federal Prison System
Federal Prison Industries, Incorporated
Estimates for Fiscal Year 2001
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Federal Prison System
Federal Prison Industries, Incorporated
Summary Statement and Performance Plan
Fiscal Year 2001

A total of 2,107 positions and 1,933 workyears are requested for Federal Prison Industries Inc. (FPI) in FY 2001, and $3,429,000 is requested as the Administrative expense limitation. This includes a program increase for the activation of 3 factories at Pollock, Louisiana; Atwater, California and Coleman, Florida which will employ approximately 336 inmates at each location in FY 2001. A detailed explanation of FPI's FY 2001 program increases and base program are included in the Program Performance Information section of this budget.

A. Component Mission and Goals, and Relationship to DOJ Strategic Plan

FPI's plan directly supports the Detention and Incarceration goals and strategic approaches that are included in the Department of Justice's Strategic Plan, FY 1997 - 2001.

The mission of Federal Prison Industries (FPI) is to employ and provide skills training to the greatest practical number of inmates in Federal correctional facilities necessary to ensure the safe and secure operation of such institutions, and in doing so, to produce market priced, quality goods in a self-sustaining manner that minimizes potential impact on private business and labor.

FPI's goals are to provide services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.

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B. Highlights of 1999 Mission Critical Results

As of September 30, 1999, there were 20,966 inmates employed at 100 factories located at 68 facilities, an increase of 666 inmates over the planned employment level of 20,300. FPI also exceeded its planned new orders by $22,964,000 and its net sales volume by $28,572,000.

C. FY 2001 Performance Goals and Indicators

In FY 2001, FPI anticipates adding 1,008 more jobs to employ inmate employees are as a result of the projected population increases. These additional inmates jobs will provide inmate opportunities for on-the-job training and apprenticeship programs to develop entry level skills and enable inmates to acquire on-the-job knowledge and proficiency, as well as discipline in the work ethic. To provide these jobs, FPI plans to activate factories at Pollock, Louisiana; Atwater, California and Coleman, Florida.

D. New 2001 Initiatives

FPI's request of 2,107 position and 1,933 workyears for FY 2001 is to support the activation of factories at Pollock, Louisiana; Atwater, California; and Coleman, Florida which will employ approximately 336 inmates at each location.

A total of 2,107 positions and 1,933 workyears are requested for Federal Prison Industries, Inc.(FPI) in FY 2001. This request represents an increase of 78 positions and 48 wokyears over the FY 2000 base. These positions and $17,322,000 are being requested for the activation of factories at Pollock, Louisiana; Atwater, California; and Coleman, Florida employing approximately 336 inmates at each location. Further, $3,429,000 is requested as the Administrative expense limitation which is equal to the amount requested in FY 2000.

E. Data Validation and Verification Issues

Data Collection and Storage: FPI's operations consist of five principal product programs. The product programs are Metals, Furniture, Electronics/Plastics, Graphics/Service/Optics, and Clothing/Textiles. Financial and manufacturing data are maintained in the Central Office on a Wide Area Network (WAN) using off-the-shelf integrated manufacturing software. Local data is both uploaded and downloaded as needed to Local Area Networks (LAN).

Data Validation and Verification: FPI's financial and operational data are audited annually by independent accounting firms.

Data Limitations: FPI is dependent on its WAN being operational and sufficiently backed up.

F. Resources

Strategic Goals	1999			2000			2001		
	Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE
Budget Activity	$463,111	2,011	1,693	$605,396	2,029	1,876	$607,625	2,107	1,933

G. Summary Performance Plan, Performance Goals, Targets and Actuals

Key summary level indicators	1998 Actual	1999 Planned/Actual	2000 Planned	2001 Planned
Number of inmate jobs added each year.	975	100/766	400	1,008
Number of inmates employed at year end	20,200	20,300/20,966	21,666	22,374
Number of factory activations	2	0	1	3

Federal Prison System
Federal Prison Industries, Incorporated
Justification of Proposed Changes to the Appropriation Language

The 2001 budget estimates include proposed changes in appropriation language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

(18 U.S.C. 4121-4129; Department of Justice Appropriations Act, 2000, P.L. 106-113).

Limitation on Administrative Expenses
Federal Prison Industries, Incorporated

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for service as authorized by 5 U.S.C 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

(Department of Justice Appropriations Act, 2000, P.L. 106-113).

Explanation of Changes:

No substantive changes proposed.

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Federal Prison System
Federal Prison Industries, Incorporated
Crosswalk of 1999 Availability
(Dollars in thousands)

Activity/Program	1999 as Enacted			Approved Reprogramming			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos	WY	Amount
Federal Prison Industries	2,011	1,867	$463,111	...	...	...	...	...	...	...	...	$149,180	2,011	1,867	$612,291
Total	2,011	1,867	463,111	...	...	...	...	...	...	...	...	149,180	2,011	1,867	612,291

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Federal Prison System
Federal Prison Industries, Incorporated
Crosswalk of 2000 Changes
(Dollars in thousands)

Activity/Program	2000 President's Budget Request*			Congressional Actions on 2000 Request			Reprogrammings			2000 Appropriation Enacted*		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos	WY	Amount
Federal Prison Industries	2,029	1,876	605,396	...	...	...	...	...	...	2,029	1,876	605,396
Total	2,029	1,876	605,396	...	...	...	...	...	...	2,029	1,876	605,396

*The amount requested in the FY 2000 President's Budget Request and enacted level ($640,000,000) was an estimate based on projected sales, costs and carryover balance. Actual amounts varied from estimates resulting in reduced budget authority ($605,396,000).

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-Years	Amount
2000 Appropriation Enacted*	2,029	1,878	605,396
2001 Adjustments to Base:			
Adjustment-to-base increases	0	9	8,234 **
Adjustment-to-base decreases (automatic non-policy)	0	0	(23,327)
2001 Base	2,029	1,885	590,303
2001 Program Changes (See Program Narrative for Details)	78	48	17,322
2001 Estimate	2,107	1,933	607,625

Estimates by budget activity	1999 Availability			1999 Actual			2000 Appropriation Enacted*			2001 Base			2001 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Administrative expenses	...	...	...	32	29	1,307	32	32	3,429	32	32	3,429	32	32	3,429	...	...	0
Subtotal, funds subject to Congressional limitation	...	...	...	32	29	1,307	32	32	3,429	32	32	3,429	32	32	3,429	...	...	0
2 Cost of production	...	...	...	1,979	1,663	529,776	1,997	1,844	536,967	1,997	1,853	521,874	2,075	1,901	534,292	78	48	12,418
3. Other expenses	...	...	...	...	...	12,144	...	...	40,000	...	...	40,000	...	...	40,000	...	...	0
4 Buildings and improvements	...	...	...	...	...	14,140	...	...	10,000	...	...	10,000	...	...	12,287	...	...	2,287
5. Machinery and equipment	...	...	...	...	...	4,435	...	...	15,000	...	...	15,000	...	...	17,617	...	...	2,617
Total	2,011	1,867	612,291	2,011	1,692	561,802	2,029	1,878	605,396	2,029	1,885	590,303	2,107	1,933	607,625	78	48	17,322
Other Workyears																		
Other personal compensation		63			...			63			63			63				
Total, Compensable Workyears		1,930			1,692			1,939			1,948			1,996				

* The amount enacted for FPI in FY 2000 ($640,000,000) was an estimate based on projected sales, costs and carryover balances. Actual amounts varied from estimates resulting in reduced budget authority ($605,396,000).

** *Includes staff and production costs.

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Federal Prison System
Federal Prison Industries, Incorporated
Program Performance Information
(Dollars in thousands)

Activity: Federal Prison Industries

	Perm. Pos.	WY	Amount
2000 Appropriation Anticipated	2,029	1,876	$605,396
2001 Base	2,029	1,885	590,303
2001 Estimate	2,107	1,933	607,625
Increase/Decrease	78	48	17,322

BASE PROGRAM DESCRIPTION: Federal Prison Industries, Inc. (FPI) reduces undesirable inmate idleness by providing a full-time work program and strives to employ approximately 25 percent of the eligible inmate population. More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired.

FPI's operations are self-supporting. Revenues are derived from the sale of products and services to other Federal departments, agencies, and government institutions which purchase products listed on FPI's Schedule of Products. FPI provides services on a non-mandatory, preferred source basis. Operating expenses such as the costs of raw materials and supplies, inmate wages, staff salaries, and capital expenditures are applied against these revenues, resulting in operating income or loss, which is reapplied toward operating costs for future production.

Institution factories and shops are operated by civilian supervisors and managers, training and overseeing the work of inmates. The factories utilize raw materials and component parts purchased from the private sector to produce finished goods. FPI's major Government customers include the Department of Defense, the Postal Service, the Veterans Administration and the General Services Administration. Institution factories manufacture such items as furniture, clothing, electronics, metal and canvas products, and provide such services as data processing and furniture refinishing. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. A portion of the earnings realized by these operations is reinvested to improve and build new facilities and purchase equipment, maintain state-of-the-art capability and provide working capital.

Extensive testing and product development procedures are required to operate modern factories that produce products which meet Government specifications. Inmate training is also extensive because most of the inmates have no previous training, experience or skills. Much of the needed training occurs on-the-job, with the civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require more formal training, such as soldering, classroom instruction is provided by UNICOR staff.

FPI makes capital investments in building and improvements, machinery and equipment as necessary in the conduct of its industrial operations. Other expenses charged to the industrial manufacturing program include inmate accident compensation.

As a result of private sector concerns that the Corporation was becoming an undue burden of competition, Congress adopted guidelines for the production of new products and significant product expansion which are incorporated into statute. Before any significant product expansion or new products are manufactured, the guideline process is conducted with full knowledge of interested parties. The original guidelines procedures first promulgated in 1990 were updated in 1997, with input from the private sector, with publication of interim procedures in the March 12, 1997 Federal Register.

As required under the Federal rules, commonly referred to as the Guidelines process, when FPI proposes to produce a new product or expand its market share of an existing product, they first must conduct a market impact study. This study must identify and consider the number of vendors currently meeting the requirements of the federal government; the proportion of the federal market for the product currently served by small

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business, small disadvanteged businesses, or businesses operating in labor surplus areas; the site of the federal non-federal markets for the product; the projected growth in the federal government demand for the product; and the projected ability of the federal market to sustain both FPI and private vendors. FPI then must announce in the Commerce Business Daily its proposal and invite comments from private industry. FPI must also directly notify those trade associations affected and allow them to provide comment.

FPI's Board of Directors is provided copies of the market impact study, the comments received, and FPI's recommendations. The Board also holds hearings which the public can attend and provide testimony.

At the conclusion of the above process, the Board renders its decision, which is also published in the Commerce Business Daily.

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INITIATIVES

	Perm. Pos.	Work-Years	Amount
Activations	78	48	$17,322

Proposed Actions
This initiative seeks to address the following objectives:

Plan for the growth of FPI and provide employment for inmates which is required for the safe and orderly management of the Bureau of Prisons.

Manage FPI financial affairs in an efficient and more productive fashion.

Provide on-the job training to approximately 22,300 inmates in all industrial factories in 2001.

Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.

Achieve the installation of developmental programs which will assure FPI of a highly trained, qualified, and motivated staff.

Ensure Total Customer Satisfaction by being competitive in marketplace price, quality, and delivery standards.

Develop and implement strategies for communicating FPI's primary mission and goals to the public, private sector business community, government agencies, and elected officials.

A total of 2,107 positions and 1,933 workyears is requested for Federal Prison Industries, Inc.(FPI) in FY 2001. This request represents a program increase of 78 positions and 48 workyears, for the activation of factories at Pollock, Louisiana; Atwater, California; and Coleman, Florida. The factories at these locations will employ approximately 336 inmates at each location.

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Department of Justice Core Function: 5 Detention and Incarceration
Strategic Goal: 5.4 Provide Critical Inmate Services
Annual Performance Goal:

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	Actuals	2000 Plan	2001 Plan
Input	1. Base number of factories	Annual Report	97	99	100	100	101
	2. FTEs	NFC Payroll System	1,685	1,867	1,693	1,876	1,933
	3. Net sales volume ($ 000)	Annual Report	$534,279	$537,600	$566,172	$585,465	$577,000
Output/ Activity	4. Number of inmate jobs added	Activations Reports	975	100	766	400	1,008
	5. Inmates employed at year-end	Annual Report	20,200	20,300	20,966	21,366	22,374
	6. New orders received ($ 000)	FPI Key Indicators	$546,714	$579,000	$601,964	$605,396	$607,625
Intermediate Outcome	7. New factory activations	Activ. Sched.	2	1	0	1	3
	8. Increase in sales volume ($ 000)	Annual Report	$21,383	$9,600	$31,893	19,293	(8,465)
End Outcome	9. Number of inmates employed as a percentage of inmates housed in low, medium and high security institutions	SENTRY	25%	25%	17%	25%	25%
	6. Actual sales as percent of sales projections	Annual Report	100%	100%	100%	100%	100%

A. Data Validation and Verification
Data contained in this table is collected by email; manufacturing software on Local Area Networks which uploads information to a Wide Area Network; BOP's Key Indicators; National Finance Center Payroll Reports; and schedules and reports generated by subject matter experts. Information is verified by subject matter experts and independent auditors verify financial and manufacturing data annually.
B. FY 1999 Performance Report

B. Factors Affecting FY 2001 Program Performance.

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Federal Prison System
Federal Prison Industries, Industries
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work-Years	Amount
2000 Appropriation Enacted*	2,029	1,876	$605,396
2001 Adjustments to Base:			
Increases:			
Annualization of FY 2000 Positions	0	9	8,234 **
Decreases:			
Change in Cost of Production	0	0	(23,327)
2001 Base	2,029	1,885	590,303
2001 Program Change			
Factory Activation			
Pollock, LA (High, 01/2001)	26	26	9,448
Coleman, FL (High, 09/2001)	26	9	4,724
Atwater, CA (High, 07/2001)	26	13	3,150
Total Program Changes	78	48	17,322
2001 Estimates	2,107	1,933	607,625

* The amount enacted for FPI in FY 2000 ($640,000,000) was an estimate based on projected sales, costs and carryover balances. Actual amounts varied from estimates resulting reduced budget authority ($605,396,000).
* *Includes staff and production costs.

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Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears
ES-5, $130,200	0		1		1		0
ES-4, $130,200	2		0		0		0
ES-2, $118,739	0		1		1		0
GS-15, $80,658-104,851	10		10		10		0
GS-14, $71,954-93,537	54		55		58		3
GS-13, $60,890-79,155	117		117		117		0
GS-12, $51,204-66,564	261		263		269		6
GS-11, $42,724-55,541	160		165		180		15
GS-10, $38,885-50,554	18		18		18		0
GS-9, $35,310-45,900	190		191		203		12
GS-7, $28,866-37,522	88		88		88		0
GS-6, $25,976-33,768	6		6		6		0
GS-5, $23,304-30,292	26		26		26		0
GS-4, $20,829-27,080	1		1		1		0
Ungraded positions	1,078		1,087		1,129		42
Total, appropriated positions	2,011		2,029		2,107		78
Average ES Salary		125,900		120,715		120,715	
Average GS Salary		50,330		52,557		54,659	
Average GS Grade		10.73		10.71		10.74	

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Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirement by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual Work-Years	1999 Actual Amount	2000 Estimate Work-Years	2000 Estimate Amount	2001 Request Work-Years	2001 Request Amount	Increases/ Decrease Work-Years	Increases/ Decrease Amount
11.1 Full-time permanent	1,678	87,311	1,861	82,133	1,918	84,597	57	2,464
11.3 Other than permanent	14	91	15	554	15	571	...	17
11.5 Other personnel compensation							...	0
Overtime	...	4	63	3,931	63	4,049	...	118
Other compensation	0	187	0	144	0	148	...	4
11.8 Special service pay	...	33,822	...	39,228	...	40,405	...	1,177
Total workyears and personnel comp	1,692	121,415	1,939	125,990	1,996	129,770	57	3,780
Other objects								
12 Personnel benefits		29,087		50,396		51,908		1,512
21 Travel and transportation of persons		2,442		4,532		4,759		227
22 Transportation of things		2,416		14,420		15,574		1,154
23.2 Rental payments to others		674		2,000		2,060		60
23.3 Communications, utilities and miscellaneous charges		1,791		10,300		10,609		309
24 Printing and reproduction		484		2,987		3,584		597
25.1 Advisory and assistance services		1,336		35		36		1
25.2 Other services		3,485		514		529		15
25.3 Purchases of goods & svcs from Gov't acc		3,392		8,173		8,227		54
25.7 Operation and maintenance of equipme		5,989		6,463		6,657		194
26 Supplies and materials		369,409		345,618		365,222		18,604
31 Equipment		4,435		12,532		12,908		376
32 Land and structures		14,140		21,000		21,360		360
93 Administrative expenses		1,307		3,429		3,429		0
Total direct obligations		561,802		608,389		636,632		28,243
Unobligated Balance, start-of-year		(149,180)		(50,489)		(47,496)		
Unobligated Balance, end-of-year		50,489		47,496		18,489		
Total Requirements		463,111		605,396		607,625		
Relations of obligations to outlays:								
Total Obligations Incurred		561,802		608,389		636,632		
Less:								
Receipts		(463,000)		(605,000)		(607,826)		
Obligated incurred, net		98,802		3,389		28,806		
Receivables in excess of obligations, start-of-year		(710,867)		(603,725)		(600,336)		
Receivables in excess of obligations, end-of-year		603,725		600,336		571,530		
Outlays		(8,340)		0		0		

Office of Justice Programs
Congressional Estimates by Initiative for 2001
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I. COMMUNITY JUSTICE INITIATIVE

A. SUMMARY PERFORMANCE PLAN --*Component Mission and Goals, and Relationship to DOJ Strategic Plan*

Throughout the country, communities are engaged in the process of building and rebuilding neighborhoods. At the heart of this work is a commitment to help nurture families to become capable of providing the skills, knowledge, care, values, and resources necessary to ensure that their children become productive, financially self-sufficient and law-abiding citizens. OJP recognizes the direct impact that families and communities have on reducing crime, preventing violence, and promoting public safety. In partnership with communities, OJP is committed to assisting these efforts by supporting a broad range of programs to build safe and healthy families and communities, including comprehensive offender reentry programs. Because crime affects everyone living in a community, many of the strategies for identifying, understanding, resolving, and preventing crime also lie within the community. OJP's goal is to ensure that local residents and organizations who best understand their needs and resources have the tools to be successful. Community-based initiatives and the use of local comprehensive strategies that give residents a real opportunity to solve problems show great promise in preventing crime. The public, private, and community partnerships being formed provide the mechanisms through which residents can sustain their involvement. OJP supports a number of community based initiatives and provides technical assistance to help make programs successful.

All program increases identified under this initiative support the DOJ priority of providing **Assistance to Tribal, State and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	Amount
Community Supervision Initiative: Project Reentry	[10]	[5]	[$60,000,000]
Police Use of Force Program Initiative (Justice Assistance)	2	1	2,100,000
Executive Office for Weed and Seed (Weed and Seed Program)	1	1	8,500,000
Total, Community Justice Initiative	3	2	$10,600,000

The Office of Justice Programs (OJP) requests $10.6 million in resources for the following programs included in the Community Justice Initiative:

1. Community Supervision Initiative: Project Reentry - $60 million and 10 positions are requested for a collaborative, comprehensive offender reentry initiative to be administered by OJP of which $25 million is requested under OJP's Zero Tolerance and Drug Intervention Initiative and $35 million and 10 positions are requested under the Office of Community Oriented Policing Services (COPS). This initiative will help to reduce recidivism and improve public safety by awarding discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners. The Reentry Project will enable states and local communities to create broad partnerships that will use their combined resources to provide the necessary combination of surveillance, sanctions, incentives, and support services in ways that afford increased protection to communities that experience unusually high returns of inmates. The Department of Justice will administer the program in partnership with the Department of Labor, who will target $75 million to develop and operate jobs-related programs in the same communities and with the Department of Health and Human Services, who will dedicate $10 million in substance abuse and mental health treatment to support this effort.

2. Police Use of Force Program Initiative - $2.1 million and 2 positions are requested to implement a comprehensive program to address the appropriate use of controlling techniques by law enforcement officers when dealing with citizens. This program will be jointly administered by the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ). This enhancement will provide funds to BJS to continue the development and collection of data on use of force from local police agencies, for more extensive

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data on police-citizen encounters based on the results of a supplement to the National Crime Victimization Survey (NCVS), and for the analysis of data obtained under these data collection programs. NIJ will perform a variety of research and information gathering functions.

See related base program information under the Justice Assistance Account beginning on page 11.

3. Executive Office for Weed and Seed - An enhancement of $8.5 million and 1 position are requested for the Executive Office for Weed and Seed. Of this amount, $6.5 is requested to replace the supersurplus asset forfeiture funds with direct appropriated funding, which will return the program to reliance on the appropriation process rather than the uncertain availability of DOJ supersurplus asset forfeiture funds. The remaining $2 million is requested to enhance data collection and performance assessment capacity at existing Weed and Seed sites so that these sites can evaluate the effectiveness of their strategies.

See related base program information under the Weed and Seed Program Account.

C. COMMUNITY JUSTICE - PROGRAM INITIATIVES

1. Community Supervision Initiative: Project Reentry $60,000,000
Funds Requested Under the State and Local Law Enforcement Assistance Account ..... [$25,000,000]
Funds Requested Under the Community Oriented Policing Services Account ..... [$35,000,000]

The Office of Justice Programs (OJP) will administer $60 million and 10 positions for a collaborative, comprehensive offender reentry initiative, of which $25 million is requested under OJP's Zero Tolerance and Drug Intervention Initiative and $35 million and 10 positions are requested under the Office of Community Oriented Policing Services (COPS). This initiative will help reduce recidivism and improve public safety by awarding discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners. The Reentry Project will enable states and local communities to create broad partnerships that will use their combined resources to provide the necessary combination of surveillance, sanctions, incentives, and support services in ways that afford increased protection to communities that experience unusually high returns of inmates. The Department of Justice's OJP would administer the program in partnership with the Department of Labor, who would target $75 million to develop and operate jobs-related programs in the same communities and with the Department of Health and Human Services, who would dedicate $10 million in substance abuse and mental health treatment to support these efforts.

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The Reentry Problem

American crime policies over the past two decades have resulted in record numbers of offenders being incarcerated. Some 1.2 million offenders are now living in prisons, and another 600,000 offenders are incarcerated in local jails. Although many offenders are serving longer sentences than they would have a decade ago, once they complete their terms, they return to the community. A record number of approximately 500,000 inmates will return to communities this year. Historically, two-thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of returns has been exacerbated by reductions in the abilities of states and communities to supervise returning offenders. Parole systems have been abolished in thirteen states. Moreover, policy shifts toward more determinate sentencing have reduced the authority to impose supervisory conditions upon exiting offenders. Consequently, an estimated 105,000 inmates will receive no supervision in the community. State systems have also reduced the numbers of transitional support programs aimed at facilitating the return to productive community life styles. Recent studies indicate that many returning prisoners receive no help in finding employment upon release. Most offenders have low literacy and other basic educational skills which can impede

successful reentry. At least 60 percent of offenders are fathers, and therefore face a number of issues related to child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems add to concerns over community safety. Approximately 70 percent of state prisoners have a history of drug abuse. Research by NIJ indicates that between 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months when untreated. An estimated 179,000 state prison inmates have self-reported mental health problems. Mentally ill inmates are more likely than other offenders to have committed a violent offense and be violent recidivists. Few states connect mental health treatment in prisons with treatment in the return community.

Current policies to reduce public safety risks are cost prohibitive. Efforts to enforce offender accountability for release conditions have led to record returns to prison for revocations. These practices have added significantly to state correctional costs. Revocations comprised 20 percent of prison admissions in 1980; they have risen to nearly 40 percent in 1997.

Juvenile offenders represent a serious part of the reentry issue throughout the country. Juveniles were involved in 17 percent of all violent crimes and 35 percent of all property crime arrests in 1997. In 1997, 369 juveniles were in custody for every 100,000 in the population. Between 1987 and 1996, the volume of adjudicated cases resulting in court-ordered residential placements rose 51 percent. The steady increase of youth exiting residential placement has resulted in an increased strain on the juvenile justice aftercare system due to increased case loads for parole officers and the inability to provide the appropriate level of required supervision. Without structured aftercare supervision and services, youth are likely to relapse and recidivate and return to confinement in either juvenile or adult correctional facilities.

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Reentry Initiatives

The OJP will launch four activities to reduce the short and long term risks presented by returning offenders. A Reentry Partnerships Initiative ($40 million) would award discretionary grants to state and local community partnerships for coordinated approaches to community returns of offenders. A Juvenile Aftercare Initiative ($5 million) would address the special reentry needs of youth in the juvenile justice system. A Reentry Courts Initiative ($10 million) would award grants to states to create courts based oversight programs for returning offenders. The OJP would collaborate with the Department of Labor's Employment and Training Administration and the Department of Health and Human Services's Substance Abuse and Mental health Services Administration (SAMHSA)in building these initiatives. Additionally, a Reentry Research and Development program ($5 million) would sponsor much needed research on reentry and evaluation of promising approaches. A three percent set-aside would be applied to the reentry grant programs to provide for technical assistance and training. Each of these components is described below:

- **Reentry Partnerships -- $40,000,000.** The goals of the Reentry Partnerships initiative are to help reduce recidivism and improve public safety. The initiative seeks to improve risk management of released offenders by enhancing monitoring and follow-up, and strengthening individual and community support systems, and addressing the harm to victims. Patterned after successful police-corrections partnerships, reentry partnerships would establish alliances among institutional corrections, community corrections, community policing, grassroots community leaders, and service providers to prepare for more successful returns of inmates to their home neighborhoods.

  The OJP would award up to 40 grants of $1 million to state/community teams consisting of the entities listed above. Applicants will designate an agency within the partnership to serve as the grantee, responsible for grant administration. The Department of Labor's Employment and Training Administration would award *Responsible Reintegration for Young Offenders* grants in the same communities to provide job placement, work experience, internships, and other transitional services. The target population for these grants would be young offenders aged 18 to 35. A local match would be required by grantees for both Department of Justice, Labor and SAMHSA funds.

  Partnership funds could be used to acquire any of the services needed to facilitate the partnership and operate the reentry program. Communities could hire community safety officers – law enforcement officials who supervise offenders in the targeted neighborhoods – who would work in partnership with police and community leaders to develop the necessary support network to ensure successful transition to jobs and housing. These officers would also enforce release conditions by administering graduated sanctions through appropriate administrative law processes. Funds could also be used for drug and alcohol testing and treatment, planning efforts, developing appropriate progress tracking tools, convening victims panels, and service and surveillance costs.

  States could apply with multiple partners. Geographic diversity will be a consideration in awarding the grants, as will urban areas which shoulder the burden of heavy concentrations of returning offenders, especially those in which partnerships are in place. The five-year goal of the partnership funding is to establish sufficient programs to supervise 75 percent of the nation's reentry population.

- **Juvenile Aftercare Programs -- $5,000,000.** A special juvenile transition support program of $5 million will be used by OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to address the special integrative needs of youth in custody of the juvenile justice system. Discretionary grants will be awarded to 10-15 demonstration sites in the amount of approximately $250,000 each to develop and implement an intensive aftercare program with emphasis on employment and job training and placement services. This program would be coordinated with the Department of Labor to create reentry employment opportunities for these juveniles and youth while simultaneously tending to educational, treatment, and family support needs. Funding will also

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be used for evaluations of program effectiveness and for training and technical assistance, to include on-site training, cluster meetings, information dissemination to the field, and a national teleconference.

- **Reentry Courts -- $10,000,000.** Patterned after successful drug courts, reentry courts would create judicial oversight of returning offenders. Funds would be used to create these special courts that would use the coercive powers of the court in promoting positive behaviors. Inmates would appear regularly before judges to review their progress and problems with successful reentry, including drug and alcohol testing and treatment progress, job stability, child support and family responsibility accountability, and community restitution as appropriate. Graduated sanctions would be applied by the courts to punish violations, and modest incentives would be given to reward sustained clean drug tests and other positive behaviors. Moreover, judges would order offenders to participate in various treatment and reintegration programs, using drug and alcohol testing and other checks to monitor compliance. The expectation is that this continual review of performance, coupled with appropriate rewards and sanctions, will reduce recidivism among the returning inmates.

  Grants of up to $500,000 would be used to establish these courts and to support services like those allowed under reentry partnerships. The Department of Labor's *Responsible Reintegration for Young Offenders* grants would also complement these efforts. Eligible award applicants include state and local courts, state agencies, municipalities, public agencies, nonprofit organizations, or tribes that have an agreement with the courts to take the lead in conducting such a project. A local match is required of reentry court grantees.

- **Reentry Research and Development -- $5,000,000.** Both Reentry Partnerships and Reentry Courts are new and complex endeavors. While pilot efforts are being tested by the OJP, these efforts are modest, unfunded attempts to explore the issues involved in establishing these kinds of programs.

  NIJ will sponsor research on a range of issues pertinent to reentry programs including drug and alcohol testing and treatment outcomes, the ability of transition programs to prepare offenders for return to the community, the effects of family and community ties on job performance and compliance with release conditions, and the attitudes of the business community toward returning offenders as employees. In order to accelerate the adoption of promising approaches, NIJ will develop and test new reentry components and approaches. It will evaluate the results of these field tests as well as a cross section of the projects funded under the joint Justice/Labor initiatives. These results will be communicated rapidly to participating programs through cluster conferences and information dissemination to the field, and a national teleconference. Department of Labor evaluation funds may be linked with this effort.

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To fulfill the mission of the Project Reentry, 7 positions would be required to administer the 3 reentry grants programs. At least one of those positions will be assigned to OJJDP to administer the juvenile Reentry Program. An additional 3 positions are requested for NIJ to support research, development, testing, and evaluation.

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PERFORMANCE MEASUREMENT TABLE PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Community
PROGRAM/ORG UNIT: Project Reentry/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Improve crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments
DEPARTMENT OF JUSTICE ANNUAL GOAL: (2.3.2) DOJ will continue to encourage community-based approaches to crime and justice at the state and local level.
MISSION: To enable states and local communities to combine surveillance, sanctions, and support services in ways that afford increased protection to communities that experience high rates of inmate returns.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1.Appropriations (in millions)	P.L.					*$60M
Output/ Activity	2. Number of solicitations released	OJP Files					2
Intermediate Outcome	3. Number of partnership grants	OJP Files					50
	4. Number of court grants	OJP Files					20
	5. Number of research/evaluation grants	OJP Files					5
End Outcome	6. Number of inmates covered by program	OJP Files					175,000
	7. Number of partnerships successfully started	OJP Files					50
	8. Number of courts successfully established	OJP Files					20
	9. Number of Research projects successfully started	OJP Files					5
	10. Reduce the recidivism rate of released prisoners	OJP Files					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - to be determined. As this is the inaugural year of the program, no measurable reductions in recidivism can be expected in 2001 through program assessment and evaluation, such reductions are expected to be verifiable in the out years of the program.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. * The Office of Justice Programs will administer $60 million for a collaborative, comprehensive offender reentry initiative, of which $25 million is requested under OJP's Zero Tolerance and Drug Intervention Initiative and $35 million are requested under the Office of Community Oriented Policing Services (COPS). This initiative will award discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners.

D. Verification and Validation.
NIJ would usually verify and validate the measures referenced via progress reports, onsite monitoring and the like. However, as this is an inaugural program estimates used above are based on desired project goals, projected grants and estimated funds available.

2. Police Use of Force Program Initiative **$2,100,000**

The Office of Justice Programs (OJP) requests $2.1 million and 2 positions to implement a comprehensive program to address the appropriate use of controlling techniques by law enforcement officers when dealing with citizens. This program will be jointly administered by the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ).

The shooting of an unarmed man in New York City by police in February 1999 has brought this issue to the forefront. Lack of funds has limited OJP's ability to appropriately address this issue and to fully carry out the legislative mandate for the Attorney General to report annually on data obtained about the excessive use of force by law enforcement officials. Each year since passage of the 1994 Crime Act, BJS and NIJ have alternated the responsibility for the production of the annual report to Congress. In 2001, OJP requests $2.1 million to pursue a long-term comprehensive program to address this issue.

Under the Police Use of Force Program initiative, $1.2 million and 1 position is requested for BJS. This enhancement would initiate a Police Use of Force Statistics Program and enhance the annual data collection and reporting program mandated under Title XXI, Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA). This enhancement would provide funds to continue the development and collection of data on use of force from local police agencies, for more extensive data on police-citizen encounters based on the results of the *1999 Police-Public Contact Survey*, and for the analysis of data obtained under these data collection programs.

The collection instrument used to supplement the National Crime Victimization Survey (NCVS) will incorporate data from citizens about use of force outcomes associated with traffic stops for routine traffic violations, an area of increasing public interest, as well as a wide variety of other types of contacts, whether citizen-initiated or police-initiated. In both 1996 and 1999, BJS undertook pretests of potential items to be included in a final questionnaire. The pretests have yielded significant insights into the interactions between police and citizens; either the use of force or the threat that force would be used was found to account for about 1 percent of the contacts between citizens and police. The pretests also revealed that collection of data from the full NCVS sample will be necessary to examine use of force contacts in greater detail, as well as, citizen reporting of such incidents to complaint review boards or other agencies with responsibility to receive and investigate complaints.

VCCLEA sets forth three requirements for the Attorney General with respect to data on the use of excessive force by law enforcement agencies (Title XXI, Section 210402): (1) the Attorney General shall, through appropriate means, acquire data about the use of excessive force by law enforcement officers; (2) data acquired shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer; and (3) the Attorney General shall publish an annual summary of the data.

BJS was assigned the lead responsibility for developing a national reporting program on the use of excessive force. In mid-1995, BJS, together with NIJ, commissioned outside experts to prepare discussion papers on alternative measurement issues associated with the use of force and convened a national panel, composed of representatives of law enforcement and those with an interest in the quality of law enforcement services, to consider the range of statistical opportunities for carrying out Section 210402 of the VCCLEA. These efforts laid the substantive foundation for a first annual report to Congress in December 1995 on future efforts with respect to use of force statistics.

Following the working group conference, BJS initiated three experimental data collection programs in order to meet future reporting requirements. These efforts, while small and very preliminary in scope, have provided useful data for inclusion in the annual reports to Congress.

- The BJS NCVS, the second-largest ongoing household survey sponsored by the federal government, was utilized to estimate the extent of public contact with law enforcement authorities through interviews with a small subsample of respondents in 1996. The NCVS maintains biannual contact with a nationally representative sample of nearly 100,000 persons residing in about 43,000 U.S. households in order to learn about crime and its consequences for our citizens. A set of experimental questions on citizen contact with the police was fielded in May 1996 with a 3-month data collection period and covering approximately 6,000 respondents. BJS published findings from the pretest in the second annual report to Congress released in November 1997.

- In 1995, BJS and NIJ began a two-year joint project with the International Association of Chiefs of Police (IACP) to acquire use of force data from local law enforcement agencies modeled after a pioneering study undertaken by the Virginia Association of Chiefs of Police. In 1997, they focused upon developing uniform data collection standards and the formation of a constituency for supplying data on these incidents. Findings from this study will be used in the third annual report to Congress now in preparation by NIJ. BJS and NIJ have both ceased funding for the IACP effort due to the lack of success in securing adequate participation by law enforcement agencies.

- During the summer of 1999, BJS fielded a second supplement to the NCVS designed to test a revised version of the instrument pretested in 1996. This instrument will be administered to approximately half of the NCVS sample. A major new addition to this iteration of the instrument will be the use of a number of questions focused upon the exposure to and experience with police traffic stops for routine traffic violations.

This enhancement will permit the continued implementation and expansion of the survey effort to the full NCVS national sample with the goal of learning more about the use of both appropriate and inappropriate force as well as other types of contacts during

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police-citizen encounters. In addition, funds will be used to support analyses of the collected data and the preparation of the required annual report to the Congress. Specifically, this $1.2 million will:

- Support a required annual statistical report to the Congress on the use of force by law enforcement authorities. The enhancement will permit full fielding of regular data collection activities and will cover the costs associated with analysis of the data and preparation of the annual report.

- For the first time ever, provide for the development of a national set of measures describing the public's contact with law enforcement authorities. These measures will be monitored over time to identify changes in the nature of such contacts and the types of contacts experienced by different subgroups of the population.

- Provide new information from the public about those use of force encounters with police stemming from traffic stops. **Unlike the Traffic Stops by Police Initiative, this data collection effort will focus on controlling techniques by law enforcement rather than racial profiling concerns.** Specific attention will be paid to the analysis of those stops in which handcuffing, vehicle or personal searches, or provocative actions by the officer or respondent were factors in the use-of-force encounter. These data will permit estimation of the relative likelihood of a use of force interaction arising from a traffic stop.

A total of $900,000 and 1 position is requested for NIJ to perform a variety of research and information gathering functions. Informed in part by BJS Use of Force Statistical Program efforts, NIJ would convene an expert working group to define a research and training agenda. That agenda would result in a national survey of the current state of practice in use of force training and policy, policy suggestions and operating protocols for use of force, and a program of research on police use of force issues. NIJ estimates survey cost at $250,000 and research cost at $650,000.

A total of 2 positions are required to support the Police Use of Force Program Initiative. BJS will require one statistician to support their new statistical efforts and NIJ will require one position to perform a variety of research and information gathering functions.

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PERFORMANCE MEASUREMENT TABLE BY INITIATIVE AND PROGRAM

INITIATIVE: Community
PROGRAM/ORG.UNIT: Police Use of Force (PUF)/Bureau of Justice Statistics and the National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To implement a comprehensive program to address the appropriate use of controlling techniques by law enforcement officers when dealing with citizens. This program will be jointly administered by BJS and NIJ.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$2.1M
Output/Activity	2. Number of awards made	BJS & NIJ Records					4
Intermediate Outcome	3. Design data collection instrument (BJS)	BJS/Census Bureau Reports					Yes
	4. Cognitive laboratory testing of instrument (BJS)						Yes
	5. Conduct survey in full NCVS sample (BJS)	BJS Records					Yes
	# of U.S. residents interviewed						100,000
	Response rate						90%
	6. Build a dataset and make available for public use (BJS)	Grantee Reports					*
	7. Award grant for development and implementation of survey of state of practice in police use of training policy (NIJ)	Grantee Reports					TBD
End Outcome	6. Produce use of force survey report (BJS/NIJ)	BJS/NIJ Records					*
	7. Produce recommended practices (NIJ)	Grantee Reports					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
*Findings and public-use dataset from 2001 NCVS data collection will be available in 2002.
TBD - Data will be available in program outyears.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: With this enhancement, BJS will initiate a Police Use of Force Statistics Program and enhance the annual data collection and reporting program mandated under Title XXI, Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994. This enhancement will provide funds to continue the development and collection of data on use of force from local police agencies, for more extensive data on police-citizens encounters based on the results of the 1999 Police-Public Contact Survey, and for the analysis of data obtained under these data collection programs. NIJ will perform a variety of research and information gathering functions. Informed in part by BJS Use of Force Statistical Program efforts, NIJ will convene an expert working group to define a research and training agenda. That agenda will result in a national survey of the current state of practice in use of force training and policy, policy suggestions and operating protocols for use of force, and a program of research on police use of force issues.

D. Verification and Validation: These measures will be validated and verified through a review of various reports, including BJS and NIJ management status reports and progress reports from the data collection agent and grantees.

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3. Executive Office for Weed and Seed (EOWS) $8,500,000

In 2001, OJP is requesting a total of $42 million and 1 position as a direct appropriation for the Weed and Seed program. This request represents an increase of $8.5 million over the 1999 level of $33.5 million. Major elements of the requested increase include funds to replace current DOJ supersurplus asset forfeiture funds with appropriated funds ($6.5 million), and raise the existing site funding level to support local evaluation ($2 million).

Weed and Seed is the Department Of Justice's (DOJ) premier community-based crime prevention program. Enthusiasm for Weed and Seed is growing rapidly around the nation as information about the program spreads. The success of the Weed and Seed program comes from bringing together the energy of community leaders and organizations and the resources of the public and private sectors in an organized and coherent way. Weed and Seed is unique among DOJ programs in focusing on neighborhoods whose manageable size makes it possible to achieve demonstrable progress that gives hope and encouragement for further efforts in the initial neighborhood and others.

Weed and Seed is currently active in over 200 sites. While many site activities are locally initiated, Weed and Seed sites also serve as platforms for Administration initiatives from conflict resolution and anti-truancy programs to home visitation and after-school programs.

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In spite of the phenomenal growth in the number of funded Weed and Seed sites from 36 to over 200 in the last 4 years, the demand for new sites continues unabated. In 1998, 69 communities filed requests for Official Recognition of their Weed and Seed strategy. Funding limitations allowed DOJ to offer 1999 funding to only 25 of those sites. Jurisdictions from across the nation are requesting participation and assistance far exceeding our resources and capacity to respond. Driving this demand is the growing recognition that programs that offer partnerships with residents in troubled neighborhoods and that also provide flexible funding to support neighborhood-based strategies work best in helping to reduce crime and restore neighborhoods.

Of the $8.5 million requested, $6.5 million will be used to replace supersurplus asset forfeiture funds with appropriated funds. This will return the program to reliance on the appropriation process rather than uncertainty of dependence on supersurplus asset forfeiture funds.

The remaining $2 million will be used to enhance data collection and performance assessment capacity so that existing sites can evaluate the effectiveness of their Weed and Seed strategies. Locally collected data can be very useful to sites in helping them identify what is working and what is not, so that it can be corrected or duplicated. EOWS is working with the National Institute of Justice to design this new element of the program so that it can provide credible ethnographic documentation of local Weed and Seed experience

which will lead to improvements in performance measurements. At the same time, the General Accounting Office (GAO) has prepared a report that discusses ways the Weed and Seed Program could improve measuring the progress of Weed and Seed sites. As a result of both the GAO findings and the work it has completed with NIJ on improving performance measures, EOWS proposes to (1) help sites improve their capacity to do small-scale evaluations by providing technical assistance ($500,000) and (2) look at 22 different variables, such as household income, truancy rates, new business start-ups, home ownership, unemployment, out-of-wedlock births and other measures to get a better sense of the impact the Weed and Seed Program has had at its 200 sites ($1.5 million).

Rather than having sites perform impact evaluations, which can cost almost the same as the average grant award ($200,000 versus $260,000), EOWS will help sites improve their capacity to do small-scale evaluations. The $500,000 requested would be used to provide technical assistance and the actual evaluations would be funded from the grant award amount. In addition, the remaining $1,500,000 would be used for data gathering efforts. The 22 different variables will be collected by a contractor.

One additional staff person will be required to compile the data collected by the contractor and work with this data and with EOWS program monitors to determine what progress is being made at sites and determine whether site programs should be modified in light of information gained from the data collected.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Executive Office for Weed and Seed (EOWS) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) Encourage community-based approaches to crime and justice at the state and local level
MISSION: To provide grant funding to communities to help develop and implement comprehensive strategies to "weed out" violent crime, drug and gun trafficking, and gang activity and "seed" the neighborhood with programs that achieve and maintain crime prevention and economic revitalization.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$44.8M*	$33.5M	$40M*	$33.5M	$42M
Output/ Activity	2. Number of Sites Funded	EOWS Files	176	201	201	201	201
Intermediate Outcome	3. Grantee expressing satisfaction with Weed and Seed program overall	Survey	98%	90%	95%	90%	90%
	Application kit	Survey	100%	90%	97%	90%	90%
	Publications	Survey	100%	90%	96%	90%	90%
	Conferences	Survey	100%	90%	95%	90%	90%
	Technical Assistance and Training	Survey	70%	90%	94%	80%	80%
End Outcome	4. Participants who feel that community policing is working to reduce crime (% of responses, customer survey)	Survey	81%	80%	88%	TBD	TBD
	New Reporting Requirements: 5. Law Enforcement - Total Number of Homicides in the Site (average # for all sites reporting)**	Site Reporting	5	TBD	TBD***	TBD	TBD
	6. Number of sites using the following community policing activities:**						
	a. Foot Patrols	Site Reporting	117	TBD	TBD***	TBD	TBD
	b. Bike Patrols		131	TBD	TBD***	TBD	TBD
	c. Substations		119	TBD	TBD***	TBD	TBD
	d. Crime Watch		142	TBD	TBD***	TBD	TBD
	e. Participation in community meetings		150	TBD	TBD***	TBD	TBD

End Outcome (cont'd.)	7. Safe Havens - Participants who feel that Safe Havens are working to reduce crime (% of responses, customer survey)	Site Reporting	81%	80%	93%	80%	80%
	8. Total unduplicated Safe HavensAttendance for all services/ activities during one typical week during January 1 - March 31, 1999 (total for all sites reporting)**	Site Reporting	---	—	50,485	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD -To Be Determined
* Actual appropriations include carryover and Super Surplus Asset Forfeiture.

B. Issues Affecting 1999 Program Performance.
** GPRA data category revised for FY 1999; law enforcement data reported in FY 1999 reflects FY 1998 performance. For end outcomes #5 and #8, approximately 50% of sites reported. Data is unavailable from new sites.

*** These data will be available with sites' FY2000 funding applications, expected May 2000.

In 1999, $33.5 million was appropriated and $6.5 million in Super Surplus of the Asset Forfeiture Fund (AFF) was provided to Weed and Seed. Within DOJ, other funding sources have included the Executive Office for U.S. Attorneys, the Bureau of Justice Assistance Byrne Grant Program, and Asset Forfeiture Funds under 28 USC 524(c)(1)(I) (approximately $8 million in 1994 and $9 million in each year thereafter). A variety of factors beyond the control of the federal government may affect performance indicators, for example: local capacity and commitment to implement the program; and societal trends of a regional or national nature.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In 2000, funding sources include the appropriated amount of $33.5M. As in years past, plan to receive additional funding of $6.5M in Super Surplus of the AFF.

In 2001, $42 million is requested as a direct appropriation. The typical level of site funding as of 1997 and thereafter is approximately $200,000 - $300,000 per site, down from $750,000 per site for the original demonstration sites. This reflects a program decision to spread program resources over a larger number of sites. Also note that most sites awards are made toward the end of the fiscal year, so that outcomes will extend into the subsequent fiscal year.

The NIJ impact evaluation final report and the GAO findings have assisted EOWS in improving data collection efforts. Of the $8.5 million enhancement requested for 2001, $2 million will be used to enhance data collection and performance assessment capacity so that existing sites can evaluate the effectiveness of the Weed and Seed strategies. EOWS will help sites improve their capacity to do small-scale evaluations by providing technical assistance and examine 22 different variables, such as household income, truancy rates, out-of-wedlock births and other measures to get a better sense of the impact the Weed and Seed program has had at its over 200 sites.

D. Validation and Verification. EOWS validates and verifies performance measures through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers.

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II. BREAKING THE CYCLE OF SUBSTANCE ABUSE AND CRIME

A. Summary Performance Plan - *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

The inextricable link between substance abuse and crime is well established by research. For example, studies indicate that over 60 percent of arrestees coming into the criminal justice system test positive for drugs, and that some 80 percent of incarcerated offenders have been involved in some form of substance abuse. Most importantly -- from our research and evaluation activities -- we now know many things that can be done to **break** that cycle of substance abuse and crime. As it is OJP's mission to help "break the cycle," this initiative builds on proven successes to expand existing Department efforts to address both adult and youth drug use, and to address the frequently overlooked problem of alcohol and crime and drug abuse in the offender population.

All program increases identified under this initiative support the DOJ goal of providing **Assistance to Tribal, State and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	Amount
Arrestee Drug Abuse Monitoring (ADAM) System (Justice Assistance)	**2**	**1**	**$5,000,000**
"Stop Drugs and Stop Crime" Initiative:	**24**	**12**	**87,000,000**
--Zero Tolerance & Drug Intervention Initiative (State & Local Assistance)	**20**	**10**	**[75,000,000]**
--Residential Substance Abuse Treatment Program (State & Local Assistance)	**0**	**0**	**[2,000,000]**
--Drug Courts (State & Local Assistance)	**4**	**2**	**[10,000,000]**
Community Demonstration On Alcohol and Crime (State & Local Assistance)	**2**	**1**	**1,500,000**
OJJDP Drug Prevention Demonstration (Juvenile Justice)	**0**	**0**	**[10,000,000]**
Total, Breaking the Cycle of Substance Abuse and Crime	**28**	**14**	**$93,500,000**

The Office of Justice Programs (OJP) requests $93.5 million in resources for the following programs included in the Breaking the Cycle of Substance Abuse and Crime Initiative:

1. **Arrestee Drug Abuse Monitoring System (ADAM)** - $5 million and 2 positions are requested to complete the development of the ADAM program and bring the total funding level to $11.7 million. This funding is needed to: continue expanding coverage of ADAM to an additional 15 sites to reach the **targeted level of 50**; ensure that outreach data collection in rural, suburban and tribal is conducted from each site; initiate regional training meetings; initiate testing for new drugs that are costly to detect (such as inhalants and LSD); and to ensure that juvenile data collection is expanded to as many of the 50 sites where access to juvenile detainees can be obtained (estimated to be 12).

See related base program information under the Justice Assistance Account, Research, Evaluation, and Demonstration Program, beginning on page 11.

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2. "Stop Drugs and Stop Crime" Initiative - The following three enhancements totaling $87 million along with ONDCP's $25 million are requested under this initiative for a total enhancement of $87 million:

--Zero Tolerance and Drug Intervention Initiative - $75 million and 20 positions are requested for this drug testing and intervention initiative of which $10 million will be targeted towards an Indian drug testing program. In addition, $25 million will be directed to the Offender Reentry Initiative which is highlighted under the Community Justice Initiative. Planning grants of up to $50,000 will be available for those tribal, state, and local jurisdictions interested in implementing comprehensive drug testing and corresponding interventions. These funds will also provide criminal justice agencies and Indian tribes grant funding for implementation, and enhancement of comprehensive drug treatment programs; training and technical assistance; and program evaluation.

--Residential Substance Abuse (RSAT) Treatment Program - OJP requests a $2 million enhancement to RSAT, bringing the total program level to $65 million. The RSAT program, which is administered by the Corrections Program Office (CPO), provides formula grants for use by state and local governments to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities where inmates are incarcerated for sufficient time to permit substance abuse treatment, typically 6 - 12 months. The demand for RSAT treatment services is tremendous and this increased level of funding will address only a small fraction of the need.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 72.

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--Drug Courts - OJP requests an enhancement of $10 million and 4 positions for the Drug Courts Program, bringing total funding to $50 million. This enhancement will be used as follows: (1) $2 million is for the Dependency Court System's Response to Child Abuse and Neglect Initiative -- see the Building Knowledge Initiative and (2) $8 million will be used to establish 12 new drug courts, assist 8 additional communities in planning a drug court, provide the additional training and technical assistance needed for the new grantees, and further the national evaluation of drug courts.

Drug Courts leverage the coercive power of the criminal justice system to achieve abstinence and alter criminal behavior through the combination of judicial supervision, treatment, drug testing, incentives, sanctions, and case management. The Drug Courts Grant Program offers grants to jurisdictions to plan, implement or enhance drug courts.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 84.

3. Community Demonstration On Alcohol and Crime - The Office of Justice Programs requests $1.5 million and 2 positions for this initiative. In addition, OJP will direct $3 million from existing Byrne Discretionary funds to bring the total program to $4.5 million. These funds will be used to develop and implement a national demonstration initiative to assist communities in breaking the link between alcohol abuse and crime and will provide a comprehensive community-level enforcement and prevention program aimed at combating underage drinking, drinking and driving, and alcohol-related crimes. Of the total, $2.25 million will be used to support and evaluate approximately 7 community demonstration projects; $750,000 will be used to disseminate information to communities and practitioners on what practices identified to date already work to effectively deal with alcohol abuse; $500,000 is for BJS to test and implement a series of supplemental questions for victim respondents to the National Crime Victimization Survey (NCVS) on their use of alcohol and drugs at the time of the victimization incident; and $1 million is for NIJ to develop a program of study to better understand the link between alcohol abuse and crime.

4. OJJDP Drug Prevention Demonstration - The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requests $10 million be made available through existing OJJDP's Title V funding, for the Drug Prevention Demonstration Program. The Administration has identified juvenile substance abuse as one of the most critical areas of concern related to juvenile delinquency, with the country experiencing significant increases over the past six years. OJJDP will use these resources to increase the perception among children that substance abuse is risky, harmful and unattractive. These resources will fund up to 280 new sites and reach approximately 280,000 middle/junior high school students. OJJDP will use the Life Skills Training program to demonstrate effective drug prevention methods. This program has been **through extensive process and outcome evaluation, shown sustained successful outcomes over time, and been successfully replicated.** It targets middle/junior high school (6th, 7th, and 8th grade) adolescents in urban, rural, and tribal jurisdictions. In studies involving more than 180 suburban and urban schools, grades 7-12, diverse populations of youth, various substance abuse issues -- and with long-term follow-up for up to six years -- the Life Skills program has generally documented initial reductions of fifty percent in youth alcohol, tobacco, and marijuana use, along with a sustained impact.

See related base program information under the Juvenile Justice Account.

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C. BREAKING THE CYCLE OF SUBSTANCE ABUSE AND CRIME - PROGRAM INITIATIVES

1. Arrestee Drug Abuse Monitoring System (ADAM) $5,000,000

ADAM is the only federally-funded drug use prevalence program to directly address the relationship between drug use and criminal behavior and is the only program to provide drug use estimates based on urinalysis results, which have been proven to be the most reliable method of determining recent use. ADAM's data provides policy-relevant information to local, state and federal decision-makers. In addition, because ADAM's infrastructure has already been developed, research projects and evaluations that use the ADAM program can be fielded more rapidly and cheaply than most other studies. ADAM's findings are processed and released immediately and allow for quarterly monitoring in changes of use of a wide range of drugs by numerous subgroups of the offender population. In 2000, Congress provided $6.7 million to NIJ to sustain operations of the existing 35 ADAM sites. With the 2001 request, NIJ will expand ADAM sites to 50, the total targeted when the program was implemented in 1998.

In 1999, the ADAM program achieved several major successes. Project staff developed a new interview instrument that will generate important, policy-relevant information not available from any other source. With the new instrument, which will be fielded in calendar year 2000, local governments will be able to estimate the need for treatment and levels of dependence among the arrestees and will be able to track important changes in drug market operations in their communities. Also in 1999, ADAM staff published the 1998 annual report on drug use among arrestees, four reports on drug use (cocaine, opiates, methamphetamine and marijuana) that provided detailed information about trends in drug use, a report that compared U.S. and English drug use rates, and a detailed study of methamphetamine purchase and use patterns in 5 Western sites. NIJ also provided technical assistance to governments and institutions in 6 foreign countries (Australia, Chile, England, Netherlands, Scotland, and South Africa) that funded their own ADAM-like programs. Finally, project staff, in collaboration with the Centers for Disease Control and Prevention, developed a supplemental interview instrument to explore the extent to which arrestees undertake behaviors that raise their risk of contracting sexually transmitted diseases. When this project is complete, the information will be used to advise correctional staff on the health risks that the arrestee population poses to them in their work.

Also in 1999, ADAM awarded 4 important research grants. A grant to the University of Oklahoma will be used to study the co-occurrence of alcohol and drug use and Intimate Partner Violence among male and female arrestees. A second grant awarded to the San Diego Association of Governments will be used to compare the victimization of female offenders to victimization among homeless women. A third grant awarded to the University of Las Vegas-Nevada will be used to study the prevalence of pathological gambling and the relationship of substance abuse and gambling among offenders. A fourth grant awarded to the University of California at Los Angeles, Drug Abuse Research Center will be used to propose methods for using ADAM data to estimate national drug use trends.

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ADAM staff also initiated an intramural evaluation project of a jail-based domestic violence treatment program in California. This study will follow offenders over time and allow the community to determine if its specific jail programming has an impact on domestic violence recidivism. Finally, NIJ collaborated with the U.S. Attorney in Nebraska and the COPS office to pilot test the outreach data collection component in rural Nebraska. Initial results indicate that drug use, particularly methamphetamine use, is substantial in some rural communities. The information gathered will be provided to the U.S. Attorneys and service providers.

In 2001, OJP requests $5 million for NIJ to **complete** the development of the Arrestee Drug Abuse Monitoring program as originally planned.

This funding is needed to:

- continue expanding coverage of ADAM to an additional 15 sites to reach the **targeted level of 50;**
- to ensure that outreach data collection in rural, suburban and tribal is conducted from each site;
- to initiate regional training meetings;
- to initiate testing for new drugs that are costly to detect (such as inhalants and LSD); and
- to ensure that juvenile data collection is expanded to as many of the 50 sites where access to juvenile detainees can be obtained (estimated to be 12).

ADAM is designed to provide key substance abuse data in communities across the country. While ADAM sites are selected from among the most populous counties (generally population greater than 200,000), other factors are considered including the capacity of the site for compelling "outreach" data collection to suburban, rural, and/or Indian Country arrestee samples; the need for a network of sites that can provide a platform for analysis of national and regional drug trends; local demand for the data and demonstrated ability to maximize the utility of the data; and compliance with certain data collection parameters such as access to arrestees, assurances of interview data privacy, and specimen collection facilities.

Increasing the number of sites will allow the program to pursue two important but distinct goals with respect to population coverage. Instead of relying solely on a national sample that cannot provide insights for specific communities, additional ADAM sites will expand the ability to directly inquire into drug problems within these additional cities. The capability to look at drug use at the local level was the most important contribution made by the predecessor to ADAM, NIJ's former Drug Use Forecasting (DUF) program. It is now better understood how different kinds of drugs are abused and that patterns of use vary tremendously from one region of the country--and even one city--to the next. For example, the growing phenomenon of methamphetamine use in the West became apparent through the DUF program while other systems have only recently started to register the trend. Current increases in heroin use among young people being seen in ADAM samples may not register in a national sample for many years. Heroin is a drug that appears

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to be particularly susceptible to local conditions and needs to be monitored throughout the U.S. Expansion to the next 15 sites, largely Eastern U.S. cities, will be critical for monitoring this serious problem. At the same time, the addition of ADAM sites will enable the program to better support estimation processes of national level drug use that are in development. With national coverage, the value of the program will be multiplied greatly when, along with providing data for the majority of large U.S. cities, data can be generalized to the entire population.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Breaking the Cycle
PROGRAM/ORG UNIT: Arrestee Drug Abuse Monitoring (ADAM) Program/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To address directly the relationship between drug use and criminal behavior by providing drug use estimates based on urinalysis results which convey policy-relevant information to local, state and federal decision-makers.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$6.7M	$6.7M	$6.7M	$6.7M	$11.7M
Output/ Activity	2. # of ADAM sites operating	NIJ Files	35	35	35	35	50
	3. # of questionnaires collected, tabulated, and analyzed	NIJ Files	36,144	70,000	60,000	60,000	100,000
	4. # of days until questionnaire and urinalysis data available to local sites	NIJ files	20 days (avg)	20 days (avg)	20 days (avg)	20 days (avg)	20 days(avg)
Intermediate Outcome	5. # of sites receiving research design & quality control technical assistance	NIJ Files	35	35	35	35	50
	6. # of ADAM outreach sites (suburban, rural, and tribal lands) established	NIJ Files	1(pilot)	2(pilot)	1(pilot)	0/a	35/b
	7. # of ADAM sites that have initiated juvenile data collection where access to juvenile detainees is permitted	NIJ Files	12	12	12	12	12
End Outcome	8. # of community drug research policy collaboratives (local coordinating councils)	NIJ Files	35	35	35	35	50
	9. # of issue-specific research addenda	NIJ Files	2	3	3	3	6
	10. # of NIJ base-funded grants for drug-crime research capitalizing on ADAM research platform and findings	NIJ files	0	4	3	4	5
	11. # of ADAM publications disseminated to law enforcement, policy-makers, researchers and practitioners	NCJRS	---	---	22,519	25,000	27,500

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
The ADAM instruments focus on the detection of 5 drugs highlighted for prevalence measurement by the National Institute on Drug Abuse: opiates, cocaine, marijuana, PCP, and methamphetamines. The urinalysis testing component, however, provides the capacity to test for any controlled or other substances capable of detection through urinalysis, such as a variety of pharmaceuticals, hallucinogens, anti-depressants, and alcohol.

- Indicator #7 - Target number of sites collecting juvenile data is variable due to the fact that human subjects review committees, juvenile detention facility manager, and/or state laws may not permit juvenile testing at all sites.
- Indicator #8 refers to the local policy collaboratives that help "tweak" the testing programs to adjust to local conditions and needs. It usually, but not always, should parallel the number of sites receiving quality control technical assistance.

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B. Issu cting 1999 Program Performance. N/A
C. Issues Affecting Selection of 2000 and 2001 Plans. In 2001, OJP proposes to expand ADAM from 35 to 50 sites. a/ - In FY 00, NIJ must direct all funds to maintaining the current steady state costs attributable to this program. No NIJ funds are planned to be used to maintain outreach data collection pilot efforts in FY 00. b/ - In FY 01, the requested increase will allow for the expansion of outreach data collection efforts to all of the original 35 ADAM sites.
D. Validation and Verification. NIJ's Office of Research and Evaluation validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance by grant managers and telephone contact.

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2. "Stop Drugs and Stop Crime" Initiative $87,000,000

The following three enhancements along with ONDCP's proposed $25 million criminal justice treatment program fall under the Administration's "Stop Drugs and Stop Crime" Initiative:

Zero Tolerance and Drug Intervention Initiative $75,000,000
Funds Directed to Offender Reentry Initiative ..... [$25,000,000]
$75 million and 20 positions are requested for a drug testing and intervention initiative of which $10 million will be targeted for Indian drug testing programs. In addition, $25 million will be directed to the Offender Reentry Initiation which is highlighted under the Community Justice Initiative. The Zero Tolerance and Drug Intervention Initiative will provide criminal justice agencies and Indian tribes grant funding for planning, implementation, and enhancement of comprehensive drug treatment programs; training and technical assistance; and program evaluation. This initiative along with OJP's existing drug prevention programs -- Drug Courts and the Residential Substance Abuse Treatment Program -- and ONDCP's proposed $25 million criminal justice treatment program fall under the Administration's "Stop Drug and Stop Crime" Initiative.

Under the coercion of the criminal justice system, systematic drug testing is an important tool for criminal justice agencies concerned with controlling drug abuse among the offender population. Research has shown that when drug testing is combined with effective interventions, such as meaningful, graduated sanctions, drug use can be curtailed within the criminal justice population. Further, recent studies demonstrate that drug-dependent individuals who receive comprehensive treatment, decrease their drug use, decrease their criminal behavior, increase their employment, improve their social and interpersonal functioning, and improve their physical health. Moreover, when compared to substance abusers who voluntarily enter treatment, those coerced into treatment through the criminal justice system are just as likely to succeed. Since the majority of drug users are processed through some part of the criminal justice system during their drug use careers, it makes sense to consider that system as a location for intervention.

The Drug Treatment Outcomes Study (DATOS), sponsored by the National Institute on Drug Abuse, examined 8,000 clients in 11 cities in four types of community-based drug treatment--outpatient methadone, long-term residential facilities, out-patient drug free programs, and short -term inpatient programs, principally detoxification programs. About 35 percent of those in the long-term and outpatient programs were criminal justice referrals. The final analysis on 3,000 subjects reassessed 12 months after leaving treatment were very encouraging. The researchers found that both long-term residential and outpatient drug-free programs led to significant decreases in illegal activity. Drug use after treatment also decreased in both types of programs, especially for those who were treated for at least 90 days--with criminal justice supervision increasing the likelihood of an individual's stay beyond the 90-day mark.

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Moreover, studies suggest that, not only do treatment interventions work, but that they are cost-effective. In 1994, the RAND Corporation reported that drug treatment is the most cost-effective drug control intervention. Another 1994 study examined CALDATA, a comprehensive drug and alcohol treatment program in California, and concluded that for every dollar invested in drug treatment, taxpayers saved $7. This savings was attributable to decreased use of drugs and alcohol and the resulting reduction in costs related to the crime and health care.

Rigorous evaluations of a number of prison-based therapeutic communities around the country--Stay'n Out and KEEP in New York, Cornerstone in Oregon, Amity Prison TC in California, Key Crest in Delaware, the Texas Initiative, the Florida comprehensive drug treatment program and TASC–have all shown both reduced drug use and reduced criminal behavior after the offender is released from prison. These studies also show that when we combine prison-based therapeutic community-style treatment with post-release supervision and follow-up treatment the reductions in drug use and criminal activity are even greater.

Thus, based on research and experience, we have the building blocks to support a national effort aimed at drug testing, treatment, and graduated sanctions for those individuals under criminal justice supervision. First, a significant portion of our national drug consumption is attributable to individuals arrested and placed in the custody of our criminal justice system. Second, over half of those arrested are drug users and, therefore, candidates for some sort of intervention. Third, interventions under criminal justice coercion and control have the effect of significantly reducing drug use and criminal behavior

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The $50 million request for the Zero Tolerance and Drug Intervention Initiative will be used as follows:

- $40 million will be used for planning and building block grants of which $10 million will be for Indian programs. Planning grants of up to $50,000 will be available for those tribes, state, and local jurisdictions interested in implementing comprehensive drug testing and corresponding interventions and are in the early stages of development. Building block grants of up to $500,000 will be offered to jurisdictions that have demonstrated a commitment to furthering a system-wide strategy of universal drug testing combined with treatment interventions and graduated sanctions for failure to comply. For example, a jurisdiction may use this funding to purchase drug testing equipment to move to universal testing; to develop and implement a management information system that would allow the judge to instantly view the offender's drug and arrest history; or to create a treatment referral and readiness system in the jails. For both planning and building block grants, juvenile and adult systems would be eligible.

  Many jurisdictions have considerable experience with drug testing and treatment interventions, but much more needs to be done to encourage and assist criminal justice agencies to adopt and implement (on a broad scale) new, comprehensive drug testing policies and practices with regard to their arrestee and offender populations. For the most part, jurisdictions have been

constrained by limited resources in achieving the advantages of enhanced testing and intervention efforts for drug abusers. In addition, some jurisdictions have lacked information on the most recent research and findings and "best practices" already shown to be effective in certain sites. This funding will provide state, local and tribal criminal justice agencies grant funding for planning, implementation and enhancement of comprehensive drug treatment programs; training and technical assistance; and program evaluation.

- $5 million is requested for technical assistance and training. An information packet that describes the objectives of a comprehensive drug testing program will be produced and used for a training and technical assistance program. This packet is based on research findings that support successful interventions. Among the topics to be highlighted will be: developing appropriate responses to positive drug tests, including the use of graduated sanctions; the use of confirmation tests for drug positives; and brokering treatment services through the court. Training will be directed to a variety of key players in the criminal and juvenile justice system, including state courts, the prosecution and defense bar, pretrial service agencies, corrections and probation and parole authorities.

- $5 million is requested for program evaluation. Evaluation resources would be devoted to documenting innovative program models and evaluating the two-year impacts of funded initiatives. Every effort will be made to develop comparable information across clusters of similar programs. A small amount of resources will be used to analyze the implementation process, including difficulties encountered by sites. A central theme of this assessment will be the challenges posed by implementing system-wide coordination and resource sharing. A multi-site impact evaluation of the funded jurisdictions will also address several behavioral issues including: (1) effectiveness of the various interventions on reducing drug abuse and subsequent criminality; (2) the differential effectiveness of various testing, graduated sanctions, and treatment combinations; and (3) the effectiveness of using various treatment modalities and the severity of drug addiction problems encountered.

Residential Substance Abuse Treatment (RSAT) Program **$2,000,000**

OJP requests a $2 million enhancement to the RSAT Program, bringing the total funding level to $65 million. The RSAT program is administered by the Corrections Program Office (CPO). RSAT funds are awarded to the states to assist them in implementing and enhancing residential substance abuse programs that provide individual and group treatment activities for offenders in residential facilities operated by state and local correctional agencies. These programs must:

- Last between 6 and 12 months. Each offender must participate in the program for not less than 6 nor more than 12 months, unless he or she drops out or is terminated.

- Be provided in residential treatment facilities set apart from the general correctional population. Set apart means a totally separate facility or a dedicated housing unit within a facility exclusively for use by program participants.

- Focus on the substance abuse problems of the inmate.

- Develop the inmate's cognitive, behavioral, social, vocational, and other skills to solve the substance abuse and related problems.

The demand for RSAT treatment services is tremendous and this increased level of funding will address only a small fraction of the need. According to the Bureau of Justice Statistics (BJS), at least 80 percent or approximately 980,000 of the 1.4 million inmates in state prisons used drugs before incarceration. Further, about one in six reported committing their current offense to obtain money for drugs.

In 2001, approximately 22,000 offenders are projected to receive RSAT treatment services from approximately 130 programs. The additional $2 million will support an additional 700 offenders and 10 additional programs will be initiated. All 56 states and territories are expected to continue to apply for and receive RSAT grant funding. CPO has streamlined the application process so that grant awards can be made no later than 30 days after the application deadline. CPO will continue to provide technical assistance to states through workshops and conferences. These workshops and conferences will provide approximately 800 policy makers and practitioners with intensive training on the essential elements of effective treatment programs, with a goal of increasing the likelihood that treated offenders will remain drug free and crime free.

Recent research and evaluations show consistent reductions in drug use and recidivism for offenders completing treatment programs. To allow states to provide the comprehensive programs needed to appropriately treat inmates with substance abuse problem, language is proposed to enable states that have existing in-prison drug treatment programs, which comply with federal requirements, to use their RSAT grants to fund a full continuum of drug treatment, which includes treatment and sanctions, during both incarceration and reentry into the community following release.

Drug Courts **$10,000,000**

$10 million and 4 positions are requested for the Drug Courts Program, bringing the total funding level for this program to $50 million. Drug courts are a community based response to the increasing numbers of nonviolent, alcohol, and other drug abusing offenders who contribute to the pervasive problems of prison and jail overcrowding and who maintain a high rate of recidivism. $2 million of the $10 million request will be used to help fund the Dependency Court System's Response to Child Abuse and Neglect Initiative (see the Building Knowledge Initiative). Drug courts leverage the coercive power of the criminal justice system to achieve

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abstinence and alter criminal behavior through a combination of judicial supervision, treatment, drug testing, incentives, sanctions, and case management.

Since its inception, the Drug Courts Program Office (DCPO) has assisted more than 400 communities in the planning, implementation, or enhancement of drug courts. In addition, DCPO has provided technical assistance through an established Mentor Court Network, which provides jurisdictions in the planning stages with drug court mentors near their jurisdictions.

Of the total request, $8 million will be needed for the DCPO to establish 12 new drug courts, assist 8 additional communities in planning a drug court, provide the additional training and technical assistance needed for the new grantees, and further the national evaluation of drug courts. While the Drug Courts Program has grown in size since its inception, there is still insufficient funding to award grants to all qualified applicants. As interest in the program increases, the need for technical assistance grows exponentially. DCPO plays a critical role in providing information, resources and training on the key components of a drug court. Technical assistance and training stimulate interest in drug courts in general, provide tools for interested communities to properly plan for the creation of a drug court, and include an emphasis on sustainability with non-federal funds. While many courts and treatment providers are interested in the drug court concept, they may have little experience with the fundamental changes required to implement this approach to managing offenders. Furthermore, court administrators and judges often have difficulty developing their capacities for data collection and program evaluation. These are issues that can best be addressed through training and technical assistance to promote and support best practices in the development, implementation, evaluation and institutionalization of drug courts.

In 2001, DCPO is requesting 4 additional positions to support the drug court program. Of these 4 positions, 2 positions would be grant program managers to monitor the increased volume of grants. By the end of 1999, each DCPO program manager will monitor an average of 70 grants. DCPO anticipates that in 2001 the grant load will exceed 90 grants per program manager -- a 20 percent increase. DCPO is not able to effectively monitor this volume of grants without 2 additional positions. Currently grant managers are traveling an average of twice a month to monitor grants on-site and at training programs, writing monitoring reports as a result of on-site monitoring visits, processing grant adjustments, conducting quarterly desk reviews of grants (the original goal was monthly), reviewing an average of 40 new applications for funding, participating in OJP working groups, and participating in external working groups on drug courts. To manage their work loads, staff frequently work weekends and evenings. In the first six months of 1999, staff members have each worked a minimum of 140 hours of overtime.

The remaining 2 positions would manage the training and technical assistance program. DCPO greatly expanded its training and technical assistance program in 1999 to meet the needs of the drug court field. DCPO is now working with 10 organizations to provide training and technical assistance to grantees (previously there were only 3 organizations). Training and technical assistance continue to be a significant need in the drug court field and are a critical component of DCPO because training and technical assistance build capacity at the local level. Staff working on the training program are also frequently working weekends and evenings in order to manage the program.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Breaking The Cycle
PROGRAM/DECISION UNIT: Zero Tolerance Initiative/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) DOJ will continue to encourage community-based approaches to crime and justice at the state and local level.
MISSION: This initiative will provide criminal justice agencies and Indian tribes grant funding for planning, implementation, and enhancement of comprehensive drug treatment programs; training and technical assistance; and program evaluation. Additionally, this initiative compliments OJP's existing drug prevention programs such as the Drug Courts Program Office and the Residential Substance Abuse Treatment Program.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
				Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actual	2000 Enacted plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					*$75 M
Output/ Activity	2. Number of planning grants awarded	OJP Records					**
	3. Number of building block grants awarded	OJP Records					**
	4. Number of implementation grants awarded	OJP Records					**
Intermediate Outcome	5. Number of training sessions for grantees	OJP Records					**
	6. Number of technical assistance support and expertise to grantees	OJP Records					**
End Outcome	7. Number of jurisdictions with drug testing programs	OJP Records					85
	8 Number of individuals tested	OJP Records					150,000
	9. Number of individuals enrolled in treatment programs	OJP Records					**
	10. Percent of individuals who are not rearrested after participating in a drug treatment program	OJP Records					**

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources: **Results will be achieved in 2002.
B. Issues Affecting 1999 Program Performance: N/A
C. Issues Affecting Selection of 2000 and 2001 Plans: *Of the $75 million, $25 million will be directed to the Offender Reentry Initiative and $10 million to Indian country programs.
D. Validation and Verification : These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Drug Courts Program/Drug Court Program Office (DCPO) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.3) Drug Courts
MISSION: To provide financial and technical assistance for states, state courts, units of local government, local courts, and Indian Tribal governments to develop and implement treatment drug courts that employ the coercive power of courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$30M	$40M	$40M	$40M	$50M
	2. Total number of applications received	Office of the Comptroller	291	195	215	150	200
	3. Program Specialist positions to prepare/monitor grants	Personnel Office	8	9	7	7	10
	4. Policy administrator positions to guide program effort	Personnel Office	2	2	1	1	2
Output/ Activity	5. Support communities in the process of planning a drug court	Tech. Ast. Providers - TAP	75	50	81	80	120
	6. Award implementation grants (includes cont.grants)	Office of the Comptroller	58	85	119	45	59
	7. Award enhancement grants	Office of the Comptroller	30	39	23	32	43
Intermediate Outcome	8. Provide training sessions for grantees	TAP	11	16	22	37	50
	9. Provide special training session for tribal grantees	TAP	2	3	9	11	11
	10 Provide technical support and expertise to grantees	TAP & DCPO	1736	750	3,148	750	750
	11. Contact and exchange information with other federal agencies	DCPO	6	6	6	6	6
	12. %of on-site tech. asst. that is evaluated by grantees as good or excellent	TAP	100%	95%	95%	95%	95%
End Outcome	13. Number of DCPO-funded new operational drug courts	Drug Court Clearinghouse	112	115	108	40	54
	14. Establish cooperative programs with other federal agencies	DCPO	1	2	3	1	1
	15. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program (Recidivism)	Drug Court Clearinghouse	85%	80%	80%	80%	80%

A. Definitions of Terms or Explanations for Indicators and Data Source: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2001, $2 million of the $10 million request will be used to help fund the Dependency Court System's Response to Child Abuse and Neglect Initiative (see the Building Knowledge Initiative). The remaining $8 million will be needed for the DCPO to establish 12 new drug courts, assist 8 additional communities in planning a drug court, provide the additional training and technical a[illegible]ce needed for the new grantees, and further the national evaluation of drug co[illegible]

PERFORMANCE MEASUREMENT TABLE - PRESENTED BY INITIATIVE AND PROGRAM

PROGRAM/ORG UNIT: Residential Substance Abuse Treatment for State Prisoners/Corrections Program Office
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.7) Support Improved Criminal and Juvenile Justice Capabilities at the State and Local Levels
MISSION: To enhance the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$63M	$63M	$63M	$63M	$65M
	2. Number of applications received	Internal Reports	56	56	56	56	56
Output/ Activity	3. Number of awards made	Internal Reports	56	56	56	56	TBD
	4. Number of technical assistance workshops and national technical assistance conferences conducted for state grantees	Internal Reports	6	3	5	3	TBD
Intermediate Outcome	5. Number of residential substance abuse treatment programs initiated or expanded in state and local correctional facilities	Project Reports & Annual Evaluation*	74	120	114	150	TBD
	6. Number of state and local policymakers and correctional and treatment practitioners who receive technical assistance and training	Tech Assistance & Training Reports**	800	800	950	800	TBD
End Outcome	7. Number of offenders treated for substance abuse	Project Reports & Annual Evaluation*	10,220	12,000	18,893	22,000	TBD

A. Definitions of Terms or Explanations for Indicators and Data Source:
Recidivism is defined as reconviction for a crime committed after release from the treatment program.
* - Individual Project Reports and Annual Evaluation Reports submitted by the states.
** - Internal Report of Number of People Receiving Technical Assistance and Survey of Number of Conference Participants.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. OJP requests a $2 million enhancement to RSAT, bringing the total program level in 2001 to $65 million. The RSAT program, which is administered by the Corrections Program Office (CPO), provides formula grants for use by state and local governments to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities where inmates are incarcerated for sufficient time to permit substance abuse treatment. The demand for RSAT treatment services is tremendous and this increased level of funding will address only a small fraction of the need.

D. Validation and Verification. Information is validated and verified through surveys, and technical assistance conferences and workshops.

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D. Validation and Verification
Performance measures will be validated and verified through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers. Additionally, the OJP Drug Court Clearinghouse and Technical Assistance Project, a collaborative effort with American University, provides data to measure performance.

#13. Number of DCPO-funded new operational drug courts. The number of DCPO-funded new operational drug courts is obtained with the assistance of a grantee survey conducted by the Drug Court Clearinghouse. It is important to note that the number of DCPO-funded new operational drug courts per FY cannot be obtained by adding the number of planning, implementation, and enhancement grants in one FY, it may not become operational until the next FY. The Drug Court Clearinghouse surveys drug court grantees and obtains information on when a drug court becomes operational. This is the information used to arrive at this performance indicator. This information is verified by DCPO Program Managers through program monitoring.

#15. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program (recidivism). This information is collected through a survey of all operational drug courts. The survey is administered by the Drug Court Clearinghouse and the data is self-reported. This data is not verified by the Drug Court Clearinghouse on or the DCPO through evaluative means.

3. Community Demonstration on Alcohol and Crime **$1,500,000**
Funding from Existing Byrne Discretionary Grant Program ..... **[$3,000,000]**

According to a 1998 report by the National Center on Addictions and Substance Abuse at Columbia University, "Behind Bars: Substance Abuse and America's Prison Population," drug and alcohol abuse and addiction are involved in the incarceration of 80 percent of offenders behind bars. Moreover, the report finds that **alcohol is more closely associated with violent crime than any illegal drug.**

This inextricable link between alcohol abuse and crime--particularly violent crime--was highlighted at the April 1998 OJP-sponsored Symposium on Alcohol Abuse and Crime. Participants met for a three-day period to share current knowledge of the relationship between alcohol abuse and crime in all of its dimensions, and to provide advice and guidance to OJP regarding how it can best provide support to ongoing and emerging efforts to reduce alcohol-related crime and its consequences in communities across this country.

The total funding level for this initiative will be $4.5 million: $1.5 million in new funding plus $3 million from existing Byrne Discretionary program funds. The Community Demonstration on Alcohol and Crime Program will provide funding for comprehensive community-level enforcement and prevention programs for both juveniles as well as adults.

The total program level of $4.5 million for this initiative will be needed for the following:

$2.25 million will support and evaluate approximately 7 community demonstration projects. By awarding grants totaling $1.75 million to 7 sites ($250,000 per site), OJP's initiative will develop a comprehensive community-level enforcement and prevention program aimed at combating alcohol abuse by adults, underage drinking, drinking and driving, and alcohol-related crimes so that the link between alcohol abuse and crime can be broken. Communities will determine their needs and the most efficient and effective interventions to combat alcohol abuse and related crimes. The additional $500,000 will be used for evaluation of these sites. A special emphasis will be placed on communities in rural areas and Indian country, where alcohol abuse is a special problem.

$750,000 will be used to develop and disseminate information to communities and practitioners on best practices that effectively deal with alcohol abuse. The Community-Based Responses and Initiatives Working Group of the April 1998 OJP-sponsored Symposium on Alcohol Abuse and Crime identified some current practices and knowledge regarding the ways in which communities have focused on alcohol outlets and availability as a way of addressing crime related to alcohol abuse. This Working Group agreed that there were some common strategies across communities that could be emulated in a wide range of situations and settings and that this information needs to be shared with communities and practitioners as they mobilize their efforts to deal with drug abuse. As we learn more from the 7 demonstration sites, additional information will be available.

$500,000 is requested for the BJS to test and implement a series of supplemental questions for victim respondents to the National Crime Victimization Survey (NCVS) on their use of alcohol or drugs at the time of the victimization incident in order to establish a

data source for alcohol related issues. This information will complement data that is currently collected on offenders both through inmate self-reports and victims' perceptions of offender drug and alcohol use, as well as available national data on substance use obtained through national household surveys and surveys of high school and college students.

$1 million is requested for the NIJ to develop a program of study to better understand the link between alcohol abuse and crime. The Department of Justice is responsible for addressing interpersonal violence, crime, and threats to public safety. When the role of alcohol abuse is considered within the study of crime, other federal agencies have expertise that is valuable to the effort. NIJ will execute a government-wide strategic plan, building on OJP's work to date as well as on the extensive research already carried out on alcohol abuse and alcoholism and substance abuse prevention and treatment that have come from Health and Human Services agencies. NIJ's program of study will directly address issues around the reduction of violent crime, which is unique to DOJ's mandate.

To support approximately 7 community demonstration programs and disseminate information, two additional professional staff are required to oversee program development, administration, monitoring and evaluation. In addition, these two staff members will be responsible for coordinating sites, technology transfer, technical assistance delivery, and disseminating information.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Breaking the Cycle
PROGRAM/ORG UNIT: Community Demonstration On Alcohol and Crime/ Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovation, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) DOJ will continue to encourage community-based approaches to crime and justice at the state and local level.
MISSION: To provide assistance in developing and implementing a national demonstration initiative, to assist communities in breaking the link between alcohol abuse and crime and will provide a comprehensive community-level enforcement and prevention program aimed at combating underage drinking, drinking and driving, and alcohol-related crimes.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
				Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actual**	**1999 Enacted Plan**	**1999 Actual**	**2000 Enacted Plan**	**2001 Plan**
Input	1. Appropriations (in millions)	P.L.					*$4.5M
Output/ Activity	2. Demonstration projects	OAAG Reports					7
	3. Research solicitations, or number of topics included in one solicitation	NIJ files					1
	4. Number of proposals received	NIJ contractor rpt.					40
	5. Design survey instrument	Rand, BJS					**
	6. Pretest supplement in partial NCVS sample	Rand, BJS					**
	7. Field data collection in full NCVS sample	Rand, BJS					90%
	8. Response rate	Creighton, Census					**
	9. Analysis and finding report	Rand, BJS					**
Intermediate Outcome	10. Number of planning and demonstration grants awarded	OAAG Reports					7
	11. Number of demonstration sites evaluated	NIJ files					7
	12. Percentage of sites which received technical assistance and training	OAAG Reports					75%
	13. Percentage of sites evaluated	OAAG Reports					100%

End Outcome	14. Research publications, including information on Internet and academic journals 15. Publication of national report on Alcohol Abuse & Crime NIJ/NCJRS	NIJ/NCJRS NIJ/OJP files					4 1

A. Definitions of Terms or Explanations for Indicators and Data Source: ** Results to be achieved in 2002.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. *In 2001, OJP requests $1.5 million for this program initiative. In addition, OJP will direct $3 million from existing Byrne Discretionary funds to bring the total program to $4.5 million. Of the total, $2.25 million will be used to support and evaluate approximately 7 community demonstration projects; $750,000 will be used to disseminate information to communities and practitioners on what practices identified to date already work to effectively deal with alcohol abuse; $500,000 is for BJS to test and implement a series of supplemental questions for victim respondents to the National Crime Victimization Survey (NCVS) on their use of alcohol and drugs at the time of the victimization incident; and $1 million is for NIJ to develop a program of study to better understand the link between alcohol abuse and crime.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

4. Drug Prevention Demonstration Program ..... [$10,000,000]
The Administration has identified juvenile substance abuse as one of the most critical areas of concern related to juvenile delinquency, with the country experiencing significant increases over the past six years. The Drug Prevention Demonstration Program is designed to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. OJJDP recognizes the relationship between substance abuse and delinquency, and has thus promoted a rational framework for preventing and responding to adolescent problem behavior that is substantiated by years of research on risk-focused prevention (Hawkins, Catalano, & Miller, 1992). While the following plan is designed to provide communities with a structure to develop and evaluate their proposed substance abuse reduction program, it also provides the necessary latitude to enable them to meet their own specific and unique substance abuse reduction needs.

The 2001 Drug Prevention Demonstration Program total request is $20 million. The requested $10 million increase will be made available through existing OJJDP's Title V funding and will be used in conjunction with the existing $10 million in base Drug Demonstration resources. $20 million in resources will fund up to 280 new sites, which will serve approximately 1,000 middle/junior high school students per site. A total of 280,000 students will be reached at a cost of approximately $70 per student and will provide training and technical assistance and support a process evaluation of the 140 currently funded sites as well as the initiation of the 280 new site evaluations.

The Drug Prevention Demonstration Program builds upon previous work in the area of juvenile drug prevention. The Center for the Study and Prevention of Violence (CSPV) at the University of Colorado, funded by the Carnegie Corporation, developed Blueprints for ten exemplary violence prevention programs (funded with support from the Colorado Division of Criminal Justice, the Center for Disease Control and Prevention, and the Pennsylvania Commission on Crime and Delinquency). In consultation with an Advisory Board, the Blueprints were used to establish programs based on the following set of evaluation standards: (1) strong research design, (2) evidence of significant deterrence effect, (3) sustained effects, and (4) multiple site replication. The Blueprints provide step-by-step instructions that will help communities plan and implement youth crime and violence prevention strategies. OJJDP recognizes the importance of evaluation and has chosen a program model to replicate from the Blueprints project that focuses on drug prevention. The program, Life Skills Training, resulted from CSPV's search for effective drug prevention programs to combat crime and violence. This program will target middle/junior high school (6th, 7th, and 8th grade) young adolescents in urban, rural, and tribal jurisdictions. While this model has been tested in a number of jurisdictions, the Drug Prevention Program will foster the replication in more and diverse types of jurisdictions. The following is a brief summary of the program and highlights of its extensive evaluation.

- Life Skills Training

The Life Skills Training program is a drug abuse prevention program that is based on an understanding of the causes of smoking, alcohol, and drug use/abuse. The Life Skills Training intervention has been designed so that it targets the psychosocial factors associated with the onset of drug involvement. With this in mind, the program impacts on drug-related expectancies (knowledge, attitudes, and norms), drug-related resistance skills, and general competence (personal self-management skills and social skills). Increasing prevention-related drug knowledge and resistance skills can provide adolescents with the information and skills needed to develop anti-drug attitudes and norms, as well as to resist peer and media pressure to use drugs. Teaching effective self-management skills and social skills (improving personal and social competence) offers the potential of producing an impact on a set of psychological factors associated with decreased drug abuse risk (by reducing intra-personal motivations to use drugs and by reducing vulnerability to pro-drug social influences).

More than one and a half decades of research with the Life Skills Training program have consistently shown that it can cut drug use in half. These reductions (relative to controls) in both the prevalence (i.e., proportion of persons in a population who have reported some involvement in a particular offense) and incidence (i.e., the number of offenses which occur in a given population during a specified time interval) of drug use have primarily been with respect to tobacco, alcohol, and marijuana use. These studies have demonstrated that this prevention approach can produce reductions in drug use that are long-lasting and clinically meaningful. For example, long-term follow-up data indicate that reductions in drug use produced with seventh graders can last up to the end of high school. Evaluation research has demonstrated that this prevention approach is effective with a broad range of students including white, middle-class youth, and poor inner-city minority (black and Hispanic) youth. It has not only demonstrated reductions in the use of tobacco, alcohol, or marijuana use of up to 80 percent, but evaluation studies show that it also can reduce more serious forms of drug involvement such as the weekly use of multiple drugs or reductions in the prevalence of pack-a-day smoking, heavy drinking, or episodes of drunkenness.

A substantial base of knowledge has been developed about juvenile substance abuse prevention programs. There are few of these prevention programs that have been tested as thoroughly as the Life Skills Training program. OJJDP selected this program model based on consultations with the Department of Education (DOE) and the National Institute on Drug Abuse (NIDA). In studies involving more than 180 suburban and urban schools, grades 7-12, diverse populations of youth, various substance abuse issues--and with long-term follow-up for up to six year --**the Life Skills program has generally documented initial reductions of fifty percent in youth alcohol, tobacco, and marijuana use, along with a sustained impact.** There is no doubt that the program can be successfully replicated. Our challenge will be to ensure that the integrity of the program design is maintained so that similar positive outcomes will be achieved in additional communities. In summary, there will always be much to be learned, but we should not fail to seize the opportunity to replicate to full-scale implementation that which will make a difference on juvenile substance abuse in this country.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Breaking the Cycle of Substance Abuse and Crime
PROGRAM/ORG UNIT: Drug Prevention Demonstration Program/Office of Juvenile Justice and Delinquency Prevention
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) To emphasize both enforcement and prevention strategies to counter youth violence through targeted programs that provide funding and specialized assistance to states and localities.
MISSION: To reduce the use of alcohol, tobacco, or marijuana; increase parent/child communication about drug use; and reduce more serious forms of drug involvement.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$5M	$10M	$10M	$10M	$10M*
	2. Number of applications received from school districts	OJJDP Reports	57	800	800	800	1,200
Output/ Activity	3 Number of applications reviewed	OJJDP Reports	57	8400	800	800	1,200
	4. Number of sites selected	OJJDP Reports	35	140	140	140	280
Intermediate Outcome	5. Number of monitoring site visits	Site Visit Reports	35	30	30	30	60
	6. Number of sites evaluated	OJJDP Reports	35	140	140	140	280
End Outcome	7. Number of drug prevention programs implemented	Final Grant Report	35	140	140	140	280
	8. Number of middle/junior high school students reached	OJJDP Reports	26,143	140,000	70,000	70,000	280,000

A. Definitions of Terms or Explanations for Indicators and Data Sources:
* In addition to the $10 million appropriated for the Drug Prevention Program, there is an additional $10 million from the At-Risk Children's Program, bringing the total to $20 million for Fiscal Year 2001.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requests $10 million be made available through existing OJJDP's Title V funding, for the Drug Prevention Demonstration Program. The Administration has identified juvenile substance as one of the most critical areas of concern related to juvenile delinquency with the country experiencing significant increases over the past six years.

D. Validation and Verification.
Implementation of performance measures will be validated and verified through a review of progress reports submitted by grantees, telephone contact, and onsite monitoring of grantees' performance by grant program managers.

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A. SUMMARY PERFORMANCE PLAN - *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

An unstable geopolitical world has created a significant threat to the United States from international and domestic terrorism -- a threat that the U.S. Congress formally recognized with the 1996 enactment of the *Anti-Terrorism and Effective Death Penalty Act.* As a result, a comprehensive domestic preparedness initiative is underway which coordinates the resources of federal, state, and local agencies. While the federal government plays an important role in preventing and responding to terrorist threats, the state and local public safety community are the first responders on the scene. These first responders need the most comprehensive training and support available to combat terrorist attacks, especially those involving weapons of mass destruction (WMD), such as chemical, biological and nuclear weapons. Most state and local governments lack the specialized equipment and expertise needed to effectively respond to terrorist attacks. Federal leadership in counterterrorism training, equipment purchase, technology development, and research and evaluation will result in better prepared state and local public safety agencies.

All program increases identified under this initiative support the DOJ priority of providing **Assistance to Tribal, State and Local Governments.**

B. NEW INITIATIVES

Increases:	Pos	FTE	Amount
Equipment Acquisition Support Program	0	0	$3,000,000
OVC Rapid Response Unit	3	2	[190,000]
National Domestic Preparedness Office (NDPO) Liaison	3	2	[150,000]
Center for Domestic Preparedness, Ft. McClellan	0	0	2,000,000
Local Law Enforcement Training Program	0	0	9,000,000
Technical Assistance	0	0	6,000,000
Nunn-Lugar-Domenici Implementation	23	23	31,000,000
Counterterrorism Technology Program	0	0	17,000,000
Subtotal	29	27	$68,000,000
Base Program Reductions:			
Other General Training	0	0	-3,000,000
Counterterrorism Research and Development	0	0	-30,000,000
Distance Learning	0	0	-2,000,000
Subtotal	0	0	-$35,000,000
Net Increases, Counterterrorism Initiative	29	27	$33,000,000

All enhancements requested under this initiative are appropriated under the Justice Assistance Account. See related base program information under this account beginning on page 36.

The Office of Justice Programs requests $33 million in resources for the following programs included in the Counterterrorism Initiative:

1. **Equipment Acquisition Support Program** - OJP's Office of State and Local Domestic Preparedness Support (OSLDPS) requests $3 million and 6 positions for the Equipment Acquisition Support Program, bringing the total program level to $78 million. Of this amount, $2.66 million will provide additional equipment support to states and territories. The remaining $340,000 will support the following activities:

- **Office for Victims of Crime's (OVC) Rapid Response Unit** - $190,000 and 3 positions are requested for OVC to establish a rapid response unit within OVC to enable the Department of Justice to provide a timely, coordinated response to victims of terrorism and mass violence. The additional people will be housed in OVC.

- **National Domestic Preparedness Office (NDPO) OJP Liaison** - $150,000 and 3 positions are requested to enable OSLDPS to fully participate in the NDPO. These staffers will serve as liaisons between OSLDPS and NDPO to ensure that all counterterrorism activities within OSLDPS are integrated into overall federal program activities and all training conducted is in accordance with standards, policies, and guidance promulgated by NDPO.

2. Center for Domestic Preparedness (CDP), Fort McClellan - $2 million is requested for the CDP bringing the total program level in 2001 to $15 million. Of these funds, $1.8 million will be used for information systems to develop a training support management system for tracking students, maintaining a database of student capabilities across the country, and for the installation of an electronic security system for all CDP facilities. The remaining $200,000 will be needed for contingency costs associated with repairs that fall outside of the realm of routine maintenance such as boiler or air conditioning replacement and for inflation in the operations and maintenance costs for the CDP. These funds will allow OSLDPS to operate the CDP and provide advanced level residential training to 2,600 first responders.

3. Local Law Enforcement Training Program - $9 million is requested to develop and implement a comprehensive national law enforcement training program, which will enable OSLDPS to reach out to all states and territories. These funds will support 1) the aggressive expansion of the Law Enforcement Awareness Course; 2) the development of a Tactical Operations Training Curricula for state and local SWAT and tactical teams in cooperation with the FBI's Hazardous Materials Response Unit ; 3) the expansion of an already developed demonstration training program in order to train the 3,300 sheriffs nationwide; and 4) the development of a new course for senior command staff in sheriffs' and police departments.

4. Technical Assistance Program - OSLDPS requests $6 million to provide additional technical assistance to state and local jurisdictions, which have received or are going to receive equipment from the equipment acquisition program. Of this amount, $3 million will be needed to provide technical assistance on equipment maintenance. OSLDPS will accomplish this by establishing 4 mobile training teams to visit jurisdictions that have already received equipment and provide them with onsite assistance. A help line manned by an equipment technician will also be established to provide jurisdictions with assistance for minor equipment repairs. The remaining $3 million will be needed to assist jurisdictions in 1) developing and writing response plans; 2) assessing training and equipment needs; 3) conducting and reviewing exercises, which will include exercise scenario development; and 4) conducting stake holder meetings to gauge current needs of the first responder community and share information regarding equipment and model response programs.

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5. Nunn-Lugar-Domenici Implementation (NLD) - $31 million and 23 positions are requested to provide resources sufficient for OSLDPS to continue and complete the existing NLD program, which is currently administered by the Department of Defense (DoD). The NLD program is proposed to be formally transferred from the DoD to DOJ on October 1, 2000 and will be administered by OJP. The program was developed as a "train-the-trainer" initiative targeting the most populous 120 cities in the United States. The 2001 funds will be used to complete Phase 2 training (Field and Biological Table Top Exercises) in approximately 20 cities (cities 69-88) that were initiated in 2000; initiate and complete Phase 2 training and provide training equipment grants to approximately 17 cities (cities 89-105); and initiate and complete training Phases 1 (City Training) and 2 and provide training equipment grants to approximately 15 cities (cities 106-120).

6. Counterterrorism Technology Program - $17 million is requested for the National Institute of Justice (NIJ) to address the counterterrorism technology needs of state and local law enforcement first responders. This program will specifically address technologies in the areas of infrastructure protection; hostage rescue; explosive detection and remediation; chemical, biological, radiological and nuclear defense; and information/communication. Of the $17 million, $7.1 million is requested for the following 2 projects identified by the National Security Council's Interagency Working Group on Weapons of Mass Destruction: 1) $1 million to develop a more structured process for evaluating and responding to potential terrorist events involving toxic chemical agents and 2) $6.1 million to develop equipment standards, equipment deployment guidelines, and testing methods for law enforcement and first responder personal protective equipment and collective protection.

C. COUNTERTERRORISM - PROGRAM INITIATIVES

1. Equipment Acquisition Support Program $3,000,000

OJP's Office of State and Local Domestic Preparedness Support (OSLDPS) requests $3 million and 6 positions for the Equipment Acquisition Support Program, bringing the total program level to $78 million. Of this amount, $2.66 million will provide additional equipment support to states and territories to procure personal protective, chemical/biological detection, decontamination, and communications equipment. The remaining $340,000 will support the following activities:

- **Office for Victims of Crime's (OVC) Rapid Response Unit - $190,000 and 3 positions**

  $190,000 and 3 positions are requested to establish a Rapid Response Unit within OVC. This unit will coordinate an effective, timely response to terrorism and other crimes of mass violence. The unit would be staffed with people who have experience in dealing with terrorism victims, responding to multiple casualty crimes, crisis response, managing resources, and providing technical assistance and training. Most importantly, they would be able to respond quickly to emergencies and travel extensively, when necessary, to provide on-site assistance. This staff would be housed in OVC.

  The purpose of this initiative is to enable the Department of Justice to provide a timely, coordinated response to victims of terrorism and mass violence. The need for these types of services and coordination is unpredictable, but when they are needed, it is critical that OVC is able to devote staffing resources immediately and intensively. Currently, OVC does not have adequate staff to handle the urgent and ongoing needs of existing cases, much less a rapid response unit. Among current employees, who are mostly program specialists, there are only a handful who have the recent experience and practical expertise required to manage the provision of crisis response to victims and technical assistance to other professionals.

  Experience demonstrates that crimes involving mass violence quickly overwhelm the ability of local communities, and even states, to respond to the immediate and longer-term needs of crime victims and their families. Acts of terrorism against American citizens abroad overwhelm the federal agencies that have to respond and create other unique issues due to where the crime occurred and the residency status of the victims. Americans who are victimized abroad, particularly in multiple casualty crimes, may not be able to access traditional services available to people victimized in the U.S.[1]

  OVC has had to take on extensive direct service responsibilities in cases of national and international terrorism and mass violence. Providing direct services has meant that other policy and programmatic efforts had to be set aside during the crisis and sometimes for months afterwards. It has been nine months since the bombings of the embassies in Kenya and Tanzania, and several OVC

[1] Even when they are eligible for state program assistance, the extent of victims compensation and assistance depends upon the state in which the victim claims legal residency. State-run programs vary greatly in the types of services covered and the amount of compensation available. It also takes time to access these services and funds, which is often difficult for victims working or traveling abroad. For example, victims of the August, 1998 embassy bombings in East Africa encountered a bureaucratic morass when they tried to access workers compensation, death benefits for government employees, burial assistance, counseling, and other types of services.

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staff continue to spend a significant portion of each day trying to assist the victims and providing technical assistance to the Department of State and the U. S. Attorney's Office prosecuting the case. In addition, OVC has been tasked with providing direct assistance to the families of the victims of the December, 1988 bombing of Pan Am Flight 103 during the course of the trial in the Netherlands. Other pending terrorism cases, such as the bombing of Khobar Towers in June, 1996, also require ongoing assistance from OVC staff.

Because it is impossible to predict where the next act of terrorism or mass violence will occur, it is both impossible and impractical to try to maintain adequate staffing in FBI Field Offices or U.S. Attorney's Offices for responding to victims of these crimes. Therefore, OSLDPS requests 3 positions to devote to these purposes.

- **National Domestic Preparedness Office (NDPO) OJP Liaison - $150,000 and 3 positions**
  $150,000 and 3 positions are requested to enable OJP to fully participate in NDPO. This request is consistent with NDPO's office structure.

  These staffers will serve as liaisons between OJP and NDPO to ensure OJP's counterterrorism activities, such as exercises and equipment acquisition, are integrated into overall federal program activities, all training conducted is in accordance with standards, policies, and guidance promulgated by NDPO, and ensure there is no duplication of effort. All 28 people currently working in OSLDPS are vital to their existing duties and cannot be spared for such full time liaisoning obligations. Therefore, we request 3 positions to devote to this purpose.

2. Center for Domestic Preparedness (CDP), Fort McClellan $2,000,000

The Department of Justice's 1998 Appropriations Act established a training center for state and local first responders at Fort McClellan, Alabama. In response, OJP's Office of State and Local Domestic Preparedness Support (OSLDPS) formally opened the Center for Domestic Preparedness (CDP) on June 1, 1998. The CDP continued to operate as a tenant of the U.S. Army until September 30, 1999 when the Army base closed as a result of the Base Realignment and Closure Act of 1995. DOJ/OJP has assumed control of 14 buildings at Ft. McClellan under a permit with the U.S. Army and is scheduled to take possession of these facilities through a lease agreement estimated to be completed by the end of fiscal year 2001.

The CDP offers a unique environment and opportunity to provide specialized advanced training to state and local emergency first responders in the management and remediation of incidents of domestic terrorism, especially those involving chemical agents and other toxic substances. Furthermore, as the former home of the U.S. Army Chemical School, Fort McClellan has the facilities and infrastructure required (classrooms, lodging, dining areas, administrative office, and support areas) to support a "live agent" training facility.

The CDP is a member of the National Domestic Preparedness Consortium (NDPC), which is an integral part of OSLDPS' state and local first responders training program. The remaining four members are the New Mexico Institute of Mining and Technology; Louisiana State University; Texas A&M University; and the U.S. Department of Energy's Nevada Test Site. OSLDPS will ensure that all Consortium activities are coordinated with the NDPO in order to ensure Consortium activities are consistent with standards, policies, and guidance promulgated by NDPO.

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In 1999, the CDP received $8 million to support both its operations costs and to support first responder training. In 1999, the CDP trained 1,156 emergency first responders. Through 1999, all operations, maintenance, and facilities' support was provided by Army personnel, based on an agreement between OJP and the Army. In 2000, $13 million was appropriated for the CDP and will be used as follows:

1) $10.5 million for cost associated with the Army's departure, such as maintaining building and other structures. This includes a contractual 24-hour security guard force for the entire CDP, physical security plans of the CDP property (including the live agent facility), and physical security systems (such as fencing and intruder detection);
2) $2 million to conduct 40 training classes of 50 students each, or 2,000 trainees. Training costs reflect costs for instructors, equipment, materials, training support, and transportation and lodging cost associated with each student; and
3) $500,000 for the management and administration costs for supporting the federal Fort McClellan staff.

In 2001, OJP requests an increase of $2 million for the CDP, bringing total funding to $15 million. These additional funds for the CDP will be used as follows:

--$1.5 million for information systems to make the CDP a functional Department of Justice entity. These funds will be used as follows: 1) develop a training support management system for tracking students and their capabilities across the country; 2) purchase and configuration of a LAN and additional desk top computers, which will be required to set up a centralized computer area to be used by the first responder trainees; and (3) install an electronic security system for all CDP facilities.

--$305,000 for CDP contingency costs associated with repairs that fall outside the realm of routine maintenance such as a boiler or air conditioning systems replacement.

--$195,000 to cover inflation (2.6 percent) in the operations and maintenance costs for the CDP.

With this additional funding, OSLDPS anticipates training about 2,600 first responders in 2001. The NDPO will be coordinating a national strategy for domestic preparedness and will determine the appropriate role of the CDP in the overall federal training program.

3. Local Law Enforcement Training Program $9,000,000
OSLDPS requests $9 million to develop and implement a comprehensive national law enforcement program, which will enable OSLDPS to reach out to all states and territories. These funds will support 1) the aggressive expansion of the *Law Enforcement Awareness Course;* 2) the development of a *Tactical Operations Training Curricula* for state and local SWAT and tactical teams in cooperation with the FBI's Hazardous Materials Response Unit; 3) the expansion of an already developed demonstration training program in order to train the 3,300 sheriffs nationwide; and 4) the development of new course entitled *WMD Operations for Law Enforcement Command Personnel* for senior command staff in sheriffs' and police departments. This initiative will be closely coordinated with the NDPO.

In most instances, a patrol officer or deputy sheriff will literally be the "first to respond" to a potential or actual terrorist incident. It is imperative that these first responders have the basic awareness training to safely and quickly assess a situation and make informed decisions to reduce the threat to both civilians and themselves. During 1999, the *Law Enforcement Awareness Course* for first responders was developed and implementation began in November 1999. In 2001, $5.5 million is requested to engage all 50 states' to integrate the *Law Enforcement Awareness Course* into their present curriculum through a combination of train-the-trainer and direct delivery enabling approximately 45,000 first responders to be trained using this course. For those states that are unable to integrate this basic curriculum into their existing program, OSLDPS will work with state associations representing sheriffs and chiefs of police to schedule train-the-trainer and direct delivery of this basic first responder course.

The second key component of the Local Law Enforcement Training Program initiative will be the development of a *Tactical Operations Training Curricula* for state and local SWAT and tactical teams estimated to cost approximately $1.5 million. This curricula will be developed in cooperation with the tactical training recently developed and implemented by the FBI's Hazardous Materials Response Unit. The FBI has already deployed this training to their Hostage Rescue Team to ensure a consistent and comprehensive smooth integration of local, state, and federal tactical units. OSLDPS will develop a similar law enforcement tactical training course, which will involve multiple components to address threat assessment and tactical requirements. The *Tactical Operations Training Curricula* will also address the utilization of specialized equipment designed to enable tactical units to operate in potentially contaminated environments.

Third, $1.5 million is requested for OSLDPS to significantly expand its new *Executive Training for Sheriffs: Response to WMD Terrorism* demonstration training program. Through an agreement with the National Sheriffs' Association, these additional funds will engage all 50 state Sheriffs' Associations and enable 1,500 of the nations' 3,300 sheriffs to be trained. By 2002, all 3,300 sheriffs will be trained.

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Lastly, $500,000 is requested to develop a new course, which will focus on senior command staff in sheriffs' and police departments. At present, there is no training available for these senior officials. The class will focus on the operational requirements facing law enforcement, such as perimeter security, controlling access and departures from incident scenes, integration of crisis management with federal agencies, and the challenges to effective transition from crisis to consequences management.

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Counterterorrism Programs (Base)/ Office for State and Local Domestic Preparedness Support Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Improve Domestic Preparedness
MISSION: Enhance the capabilities of the nation's first responder community to effectively and safely respond to nuclear, biological, and chemical (NBC) incidents of domestic terrorism through training in real-life situations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. *Appropriation (in millions)*	P.L.	$19M	$135M	$135M	$152M	$185M
Output/ Activity	2. Number of grants made for equipment acquisition.	OSLDPS reports			207	50	50
	3. Number of classes conducted at the Center for Domestic Preparedness, (CDP) Ft. McClellan.	CDP reports			25	40	52
	4. Number of classes conducted by the Consortium, excluding the CDP.	OSLDPS reports			67	180	180
	5. Number of courses developed under the Local Law Enforcement Program.	OSLDPS reports			0	*	*
	6. Number of Firefighter/EMS courses conducted.	OSLDPS reports			428	428	428
End Outcome	7. Number of states receiving equipment.	OSLDPS reports			**	50	50
	8. Number of counties and municipalities receiving equipment.	OSLDPS reports			157	TBD-1	TBD-1
	9. Number of students trained at CDP	CDP reports			1156	2000	2600
	10. Number of students trained by the Consortium excluding CDP.	OSLDPS reports			1672	TBD-2	TBD-2
	11. Number of trainers trained by the Local Law Enforcement Training Program.	OSLDPS reports			0	*	*

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End Outcome	12. Number of trainers trained by Firefighter/EMS Training Program.	OSLDPS reports			338	350	350
	13. Number of first responders trained by trainers who received training through the Firefighter/EMS Training Program.	OSLDPS reports			45,762	46,000	46,000
	14. Number of jurisdictional exercises conducted.***	OSLDPS reports			0	1	0

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD-1 means that the States will determine the number of counties and municipalities receiving equipment. TBD-2 means that Consortium applications are expected April 2000, which will estimate the number of students that will be trained by the Consortium excluding CDP.

B. Issues Affecting 1999 Program Performance: **A plan for distribution of FY 99 equipment acquisition funds was approved by Congress in early August. Eligible applicants submitted their applications by September 30, 1999 and OSLPDS will complete final awards by mid-March 2000.

***The $3.5M provided for situational exercises in 1999 is being used for a top officials (TOPOFF) exercise with participation of all key officials who would participate in the consequence management of a major terrorist event involving the use of chemical, biological, radiological/nuclear (CBRN) and/or cyber weapons. In mid-2000, OSLDPS will co-direct the TOPOFF 2000 Exercise along with the Federal Emergency Management Agency.

C. Issues Affecting Selection of 2000 and 2001 Plans: The Counterterrorism Program GPRA charts have been consolidated and revised to reflect data that can be measured. GPRA information on equipment, Ft. McClellan, the Consortium, Local Law Enforcement Training Program, Firefighter/EMS Training and exercises are incorporated into this new base chart.

*During 1999, the Law Enforcement Awareness Course for first responders was developed and implementation began in November 1999. In 2001, OSLDPS requests $9 million to develop and implement a comprehensive national law enforcement program. The national law enforcement program would enable OSLDPS to expand the Law Enforcement Awareness Course; develop a Tactical Operations Training Curricula; and expand its new Executive Training for Sheriffs: Response to WMD Terrorism demonstration training program.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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4. Technical Assistance Program $6,000,000

The threat of potential terrorist incidents in our Nation presents an enormous challenge to all levels of government, but most significantly to the nation's first responder community. OJP's OSLDPS provides funds to state and local emergency first response agencies to purchase specialized equipment for fire services, emergency medical services, hazardous materials response units, and law enforcement agencies to enhance their capability to respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear, and improvised explosive devices.

Beginning in FY 1998, OSLDPS initiated a limited equipment acquisition program, which formed the basis for the FY 1999 State and Local First Responder Equipment Program totaling $85.5 million. This funding is being used to provide the nation's 157 largest jurisdictions and the 50 states with first responder basic defensive equipment, as well as for one-time state assessment grants and technical assistance and training to assist states in conducting their assessments.

In 2001, $6 million is requested to provide technical assistance to the jurisdictions receiving personal protective, chemical, biological and radiological detection, and communications equipment. The $6 million will be distributed as follows:

- $3 million is requested for an Equipment Maintenance and Repair Program. These funds will be needed to teach jurisdictions receiving grants from the two OSLDPS Equipment Support Programs how to use, maintain, and repair equipment purchased. The most up-to-date information will be disseminated to jurisdictions on how equipment works and a consumer guide will be developed to address equipment performance expectations and testing results.

  Four mobile training units will be assembled and headquartered at the Pine Bluff Arsenal. These units will travel to the jurisdictions which have received equipment and provide hands on training as well as videos and procedure manuals on the specific equipment they have purchased.

  A help line located in the OSLDPS Washington, D.C. headquarters and manned by an equipment technician will be established to provide jurisdictions assistance on equipment repairs and maintenance questions.

- $3 million is requested to establish an ongoing Domestic Preparedness Technical Assistance Program which will provide jurisdictions with onsite assistance in the following areas:

  –Assistance in developing and writing response plans which were not covered under the statewide assessments in FY 1999. These will address the areas of training and exercises rather than a focus on equipment;

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–Assessment of jurisdictional training and equipment needs;

–Assistance in conducting and reviewing jurisdictional exercises. This will include exercise scenario development. The success of a domestic preparedness program depends upon building the skills and confidence of emergency first responders, firefighters, emergency medical services, and law enforcement officials in their ability to respond to terrorist incidents. Experience shows this evolutionary process of building new knowledge and skills is best supported through realistic confidence-building exercises based on threat-driven scenarios.

–Conducting regional stake holder meetings to gauge current needs of the first responder community and share information regarding equipment and model response programs. These conferences will enable the first responder community to come together and discuss what works and lessons learned.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Counterterrorism
PROGRAM/ORG UNIT: Technical Assistance Program/ Office for State and Local Domestic Preparedness Support Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Improve Domestic Preparedness
MISSION: Enhance the capabilities of the nation's first responder community to effectively and safely respond to nuclear, biological, and chemical (NBC) incidents of domestic terrorism through training in real-life situations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					*$6M
Output/ Activity	2. Number of technical assistance requests	OSLDPS report					**
End Outcome	3. Number of jurisdictions receiving technical assistance on equipment maintenance and repairs.	OSLDPS reports					**
	4. Number of jurisdictions receiving on-site repair visits by mobile training units.	OSLDPS reports					**
	5. Number of technical assistance visits conducted.	OSLDPS reports					**

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: **Results expected to be achieved in FY 2002.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: * This $6M initiative is part of the total $185M requested for FY 2001 Counterterrorism Programs.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

5. Nunn-Lugar-Domenici Implementation (NLD) $31,000,000
The Department of Defense's (DoD) domestic preparedness training program, which was created in response to the 1996 Defense Authorization Bill (P.L. 104-201) and is commonly referred to as Nunn-Lugar-Domenici (NLD) Program, is proposed to be formally transferred from DoD to the Department of Justice (DOJ) no later than October 1, 2000. As envisioned, OJP's OSLDPS will administer this program in coordination with NDPO.

The NLD domestic preparedness training program is a **comprehensive, systematic approach** to domestic preparedness providing classroom training, various levels of practical exercise, and equipment and training aids. This approach insures the involvement of all levels of personnel and disciplines within targeted jurisdictions, and incorporates all dimensions of domestic preparedness for nuclear, biological, and chemical (NBC) incidents.

The NLD program was developed as a "train-the-trainer" initiative targeting the most populous 120 cities in the United States. Training the cities' trainers is seen as the most effective and efficient means of providing critical training and capacity building knowledge to the cities' first responders. The train-the-trainer concept allows each city to decide which of their personnel would be trained as trainers and how incorporation of this program would be accomplished to respond to a city's specific training needs and requirements. Through December 1998, the NLD program has completed orientation training support in 65 cities.

The DoD train-the-trainer program includes training equipment loans which consist of the following 4 categories:

Category 1: Protection - suits, respirators
Category 2: Detection - detection kits
Category 3: Decontamination - kits, showers
Category 4: Training Aids - videotapes, books

This training program is composed of 2 phases. Phase 1 begins with the initial meeting with each city and continues through a week of training, a chemical tabletop exercise, and receipt of category 4 training aids. In conjunction with the hands on training obtained through the train-the-trainer program, the city uses the category 4 training aids to train their first responders. Phase 2 consists of the planning, preparation, and execution of the chemical functional exercise and biological tabletop exercise, as well as the receipt of categories 1-3 equipment.

In 2001, $31 million and 23 positions are requested to provide resources sufficient for the OJP's OSLDPS to continue this multi-agency collaborative training effort with a commitment to complete the cities remaining from the original list of 120 NLD cities during

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2001. In addition, OJP will supply training equipment support to NLD cities through the Equipment Acquisition Program. Negotiations between DOD and DOJ have resulted in a detailed Memorandum of Understanding (MOU) outlining the tasks to be accomplished by both agencies by 2001 to ensure a seamless, efficient transition.

Current plans for 2001 require OSLDPS to complete Phase 2 (Chemical Functional Exercise and Biological Table Top Exercises) in approximately 20 cities (cities 69-88) that were initiated in 2000; initiate and complete Phase 2 training and provide training equipment grants to approximately 17 cities (cities 89-105); and initiate and complete Phase 1 (City Training) and Phase 2 and provide training equipment grants for approximately 15 cities (cities 106-120).

A total of 23 new positions are required to support the NLD train-the-trainer program in 2001. Contingent upon fund availability, OSLDPS plans to begin hiring in early FY 2000 in order to have all 23 staff members and on board by October 1, 2000, to support a seamless transfer from and continued, uninterrupted implementation of this program from DoD to DOJ/OJP. In addition, this request for $31 million includes $3 million for management and administration, which will support the 23 NLD positions.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Counterterrorism
PROGRAM/ORG UNIT: Nunn-Lugar-Domenici Program/Office for State and Local Domestic Preparedness Support Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Improve Domestic Preparedness
MISSION: Enhance the capabilities of the nation's first responder community to effectively and safely respond to nuclear, biological, and chemical (NBC) incidents of domestic terrorism through training in real-life situations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					*$31M
Output/ Activity	2. Number of cities completing Phase 2 training	OJP reports					20
	3. Number of cities initiating and completing Phase 2 training	OJP reports					17
	4. Number of cities initiating and completing Phase 1 and Phase 2 training	OJP reports					15
	5. Number of cities receiving equipment grants	OJP reports					32
End Outcome	5. Number of exercises conducted	OJP reports					TBD
	6. Number of jurisdictions enhanced	OJP reports					TBD
	7. Number of trainers receiving training	OJP reports					TBD
	8. Average number of first responders trained in one year by trainer receiving training in NLD program	OJP Reports					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TDB - To Be Determined. A training support management system will be set up to track trainers receiving training. Trainers trained will input first responder who they train. End outcomes will be available in early 2002.

B. Issues Affecting 1999 Program Performance: Prior to 2001, this program was administered by DOD.

C. Issues Affecting Selection of 2000 and 2001 Plans.
*This $31 million program is part of the total $185 million requested for FY 2001 Counterterrorism Programs. The NLD Program is proposed to be formally transferred from the Department of Defense to the Department of Justice on October 1, 2000 and will be administered by OJP. The NLD program was developed as a train-the-trainer initiative targeting the most populous 120 cities in the United States. Training the cities' trainers is seen as the most effective and efficient means of providing critical training and capacity building knowledge to the cities' first responders. The 2001 funds will be used to complete Phase 2 (Field and biological Table Top Exercises) in approximately 20 cities that were initiated in 2000; initiate and complete Phase 2 training and provide training equipment grants to approximately 17 cities; and initiate and complete Phase I (City Training) and Phase 2 and provide training equipment grants to approximately 15 cities.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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6. Counterterrorism Technology Program $17,000,000

Anticipating, evaluating, and combating domestic terrorist incidents continue to present some of the most daunting challenges law enforcement and first responder agencies must prepare to face. The nature of such incidents, their unpredictability and potentially far-reaching and disastrous effects, demands state-of-the-art readiness and a response that can be both immediate and seamless in terms of inter-agency coordination. The nation's counterterrorism planning efforts have focused on training in rapid situation assessment, coordination and response as well as the development of technology tools to fortify those who must protect and save the lives of citizens and other responding personnel when such tragedies occur. Increasing concerns over the potential use of Weapons of Mass Destruction in domestic counterterrorist incidents has generated intensely focused efforts on developing technology tools and training to arm first responders and law enforcement against a daunting array of nuclear/radiological, biological, and chemical weapons.

Since 1996, OJP and its technology partners have worked together to develop the nation's ability to deal with terrorism. The Counterterrorism Technology (CT) Program, managed by the National Institute of Justice (NIJ), addresses the unique technology needs of state and local law enforcement first responders and coordinates these needs with organizations such as OJP's OSLDPS, NDPO's Technical Support Working Group (TSWG), and the National Security Council's Inter-Agency Working Group on Weapons of Mass Destruction.

NIJ's Counterterrorism Research and Development Program has 3 major programmatic thrusts: the assessment of state and local law enforcement and first responder technology needs, the development of technological solutions to meet identified needs, and the implementation of technology standards to complement the technology development process and ensure that new technologies are user- and situationally-appropriate. In carrying out its programmatic mission, NIJ coordinates these efforts with those of other agencies involved in combating terrorism at both the federal and local levels to ensure the application of appropriated funds to best effect.

In 2000, Congress appropriated $30 million for two NIJ-managed institutes--the Oklahoma City Memorial Institute for the Prevention of Terrorism and the Dartmouth Institute for Security Studies. No funding was allocated for the continued funding of NIJ's core activities of the Counterterrorism Technology Research and Development Program. Through judicious leveraging of existing resources, NIJ expects to keep vital, core program activities moving forward at some minimal level. However, this can not be continued indefinitely. Without a dedicated funding source, technology and standards development with respect to key domestic terrorism countermeasures may be placed in jeopardy. Promising programs that have been initiated will not have sufficient funding to be seen through to completion. For example, the improvement of bomb robots, the personal alarm monitor, through-the-wall surveillance, and concealed weapons detection technology which guard the lives of law enforcement and first responder personnel as they protect the citizenry, will not be sustainable with the currently limited resources now available.

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In 2001, NIJ requests $17 million, of which $9.9 million will be used to continue the core technology and standards development activities of the Counterterrorism Research and Development program and facilitate the further development of targeted efforts addressing nuclear/radiological, biological, and chemical (NBC) weapons of mass destruction. The remaining $7.1 million will be used to address two specific proposals recommended by the National Security Council's Inter-Agency Working Group on Weapons of Mass Destruction–a chemical detection program and a personal collective protection program.

The $9.9 million requests for NIJ's core program activities will be used as follows:

- *$2.6 M for infrastructure protection technologies*, including continued development of portable and handheld devices to remotely detect concealed metallic and non-metallic weapons. Weapon detectors currently available require close proximity to function, placing the lives of their operators in jeopardy.

- *$1.6M for hostage rescue technologies*, including continued development of portable devices enabling law enforcement officials to "see" through exterior and interior building walls to provide for the safe resolution of hostage taking situations. Among the new technologies being developed are those that enable responding officers to "see" through metal walls.

- *$2M for explosive detection and remediation technologies*, including continued development of bomb robots; demonstration of a lightweight, portable container for explosive devices with law enforcement agencies; and continued funding for Operation Albuquerque–the NIJ funded "graduate school for bomb technicians."

- *$1.5M for information technologies*, including continued development, demonstration and assessment of interagency information sharing and communication systems.

- *$2.2M for chemical, biological, radiological and nuclear defense technologies*, including continued development and demonstration of a low-cost wearable device providing first responders early warning of exposure to chemical and biological agents and, as a companion piece development of a low cost, disposable protective mask to enable first responders to extricate themselves from hazardous areas.

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To address the recommendations of the National Security Councils' Interagency Working Group on Weapons of Mass Destruction, $7.1 million will provide for the following two projects:

- *$6 .1 M to develop equipment standards, equipment deployment guidelines, and testing methods for law enforcement and first responder personal protective equipment (PPE) and collective protection* - using the combined expertise of the Office of Law Enforcement Standards (OLES) at the National Institute of Science and Technology (NIST) and the National Institutes of Occupational Health and Safety (NIOSH) to implement standards, prepare guidelines and conduct safety testing of PPE such as respirators used in nuclear/radiological, biological, and chemical contexts.

- *$1 M to develop a more structured process for evaluating and responding to potential terrorist events involving toxic chemical agents* - developing an understanding of the characteristics of likely toxic agents, requirements for detectors that would identify those agents in harmful quantities, developing an architecture for how various detector systems may be used and an intelligent approach for making these systems available to law enforcement and first responders.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Counterterrorism Program
PROGRAM/ORG UNIT: Counterterrorism Research and Development/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: Enhance the safety of the public and of law enforcement officials by developing tools to better enable State and local law enforcement anticipate, prevent, and recover from terrorist acts.

PERFORMANCE INDICATOR INFORMATION			PERFORMANC REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$12M	$10M	$10M	$30M	$17M
	2. Funding (Other Sources)	NIJ files	0	0	$250K	0	0
	3. Solicitations	NIJ files	0	4	2	1	2
	4. Number of proposals received	NIJ files	22	80	75	20	40
Output/ Activity	5. Awards and Agreements (New and Supplemental)	NIJ files	21	33	32	34	34
Intermediate Outcome	6. Demonstrations of technologies	NIJ files	7	12	6	16	11
	7. Prototypes developed	NIJ files	4	7	4	3	7
End Outcome	8. Number of new technologies developed	NIJ files	2	4	4	3	6
	9. Number of new applications of old technologies	NIJ files	2	0/a	0/a	0/b	TBD/b
	10. Introduction of technologies to law enforcement/corrections officials	NIJ files	2	2	1	2	3

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance.
a/ - Military-use technologies are adapted for law enforcement/corrections applications as suitable opportunities arise. No such adaptable technologies could be identified in FY 1999.

4. Solicitations: Release of the Bomb Robots Solicitation through the Office of Special Technology was delayed till FY00. This was the result of the late start in definition of practitioner requirements due to the delay of enactment of 1998 appropriations. It was decided to combine the solicitations for weapons detection and through the wall surveillance technologies. 5. Awards and Agreements. Some 32 different technology projects were funded in FY99. During program development it was determined that a number of these projects, particularly in the areas of weapons detection, through the wall surveillance and chemical and biological defense, should be funded through two technical partners: the U.S. Air Force Research Laboratory and the Technical Support Working Group. 6. Demonstrations: Technical difficulties will prevent demonstration of: the Quantum Magnetics Body Cavi- -eening System (BCSS), the Jaycor weapons detector, the GTRI through-the-w rveillance radar flashlight, the Trex and Lockheed-Martin (L-M)weapons de tect :s and the Raytheon through-the-wall surveillance radar until FY00. 10. In on of Technologies: Prolonged negotiations with the developer on liability is ll delay ... introduction of the flying-plate explosive disrupter to law enforcement until FY...

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C. Issues Affecting Selection of 2000 and 2001 Plans.

b/ - As no funds were appropriated for the Counterterrorism Research and Development program in FY 2000, technology adaptation activities will not occur in this reporting year. Planning for technology adaptation in FY 2001 is subject to available appropriations and to the availability of suitably adaptable technology(ies) at that time.

Congress provided $30M for the establishment of two Counterterrorism Institutes in the FY00 Appropriations Bill. No funding was provided for NIJ's base counterterrorism technology development program account. The performance plan reflected in this chart assumes that funds for the technology program of at least $9.9M will be provided in FY01. $7.1M of the $17 million requested in FY01 will fund development of a common set of first responder equipment standards and guidelines by the NIJ funded Office of Law Enforcement Standards (OLES) at the National Institute of Standards and Technology (NIST), in accordance with the National Security Council's recommendations regarding Weapons of Mass Destruction.

D. Validation and Verification. *NIJ* validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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IV. BUILDING KNOWLEDGE

A. SUMMARY PERFORMANCE PLAN – *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

Law enforcement is the most visible of all the criminal justice system components in a community. For this reason, law enforcement has an enormous impact on how residents view the quality of life in their neighborhoods, the criminal justice system, and the law. This initiative includes research, evaluation, and statistical analysis to determine "strategies that work" to reduce and eliminate crime in our communities, and the national dissemination of this information. This initiative will provide statistical studies which will build our existing knowledge of the criminal justice system, conduct research to develop ways to improve the criminal justice system, and propose a program to better understand and improve the dependency court system's response to child abuse and neglect.

All program increases identified under this initiative support the Department of Justice (DOJ) priority of providing **Assistance to Tribal, State and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	Amount
Victimization of the Disabled (Justice Assistance)	–	–	**$300,000**
Hate Crime Reporting and Statistics (Justice Assistance)	–	–	**1,000,000**
Hate Crime Training and Technical Assistance (State and Local Assistance)	–	–	**[1,250,000]**
Tribal Criminal Justice Statistics (Justice Assistance)	–	–	**2,000,000**
Statistics on Disparities in the Justice System (Justice Assistance)	–	–	**500,000**
Traffic Stops by the Police (Justice Assistance)	–	–	**800,000**
Dependency Court System's Response to Child Abuse and Neglect			
($2 million from DCPO-State & Local Assistance and $3 million from Juvenile Justice)	**2**	**1**	**[5,000,000]**
Total, Building Knowledge Initiative	**2**	**1**	**$4,600,000**

The Office of Justice Programs (OJP) requests $4.6 million in resources for the following programs included in the Building Knowledge Initiative:

1. Victimization of the Disabled - $300,000 is requested for the Bureau of Justice Statistics (BJS) to develop an appropriate methodology and to initiate preliminary testing of potential questions to be used to enhance the National Crime Victimization Survey (NCVS) to measure victimization of the disabled population in the United States. This data collection effort is **required** under P.L. 105-301, the Crime Victims with Disabilities Awareness Act, which was signed by the President on October 27, 1998. Currently there are no ongoing programs that provide information on criminal victimization of persons with disabilities. The enhancement will be used to develop questions to determine whether persons in the NCVS sample have any of a specified list of disabilities as well as to identify the distinctive impacts that victimization might have upon people with disabilities.

See related base program information under the Justice Assistance Account, beginning on page 17.

2. Hate Crime Reporting and Statistics - $1 million is requested for BJS to develop and implement a program for producing consistent annual measures of the incidence of hate crime and to estimate the extent and nature of change from year to year. Activities to be conducted include enhancing the National Crime Victimization Survey (NCVS) to include items about any crimes respondents

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experienced to determine whether they attribute to the offender any bias motivation based on race, ethnicity, religion, sexual orientation, or gender.

See related base program information under the Justice Assistance Account, beginning on page 17.

3. Hate Crime Training and Technical Assistance - $1.25 million is requested for BJA to administer hate crime training and technical assistance. These funds will be made available from existing Byrne Discretionary funding and will enhance and build on the following two programs dealing with hate crimes: (1) Hate Crime Technical Assistance ($250,000) and (2) State and Local Police Hate Crime Policing ($1 million). Working with appropriate partners at the federal, state, and local level, a technical assistance and outreach program will assist jurisdictions to develop partnerships and highlight innovative hate crime strategies.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 17.

4. Tribal Criminal Justice Statistics - $2 million is requested for BJS to establish a tribal criminal justice data collection program which will include conducting a national census to identify all areas of criminal justice activities implemented by tribes and those provided by non-tribal entities. The U.S. Bureau of the Census will contact each tribe to document information on criminal justice agencies, the services they provide, and specific characteristics of these agencies. This information is critical to policy makers involved in the formulation and implementation of criminal justice related programs throughout Indian jurisdictions. Improved tribal criminal justice information will enhance tribal capacity to participate in federal funded programs, which frequently require the reporting of crime and crime related data.

See related base program information under the Justice Assistance Account, beginning on page 17.

5. Statistics on Disparities in the Justice System - $500,000 is requested for BJS to upgrade current statistical series which gather case-processing data from the 75 largest counties in the United States. These data will be collected and analyzed for the identifiable disparities in handling by the justice system in order to estimate the extent to which non-legally relevant factors may influence case outcomes.

See related base program information under the Justice Assistance Account, beginning on page 17.

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6. Traffic Stops by the Police - $800,000 is requested for BJS to design and field a statistical series that gathers data from law enforcement agencies and the public on the nature and consequences of routine traffic stops. Administrative data will be collected from law enforcement agencies on the content and consequences of traffic stops. In alternate years, OJP will conduct a supplement to the NCVS to learn about the public's experience relating to traffic stops. The primary goal of this effort will be to determine whether and to what extent such stops may be based upon legally inappropriate criteria such as "racial profiling."

See related base program information under the Justice Assistance Account, beginning on page 17.

7. Dependency Court System's Response to Child Abuse and Neglect - $5 million and 2 positions are requested to conduct a five-year research and evaluation program to better understand and improve the dependency court system's response to child abuse and neglect. This initiative will be carried out in cooperation with OJP's Office of Juvenile Justice and Delinquency Prevention and the Drug Courts Program Office. These funds will be made available from the base funds of the Juvenile Justice Formula Program ($3 million) and the Drug Courts Program Office ($2 million) . It will be administered by the National Institute of Justice.

See related base program information under the State and Local Law Enforcement Assistance Account (Drug Courts Program Office) beginning on page 84 and the Juvenile Justice Account.

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C. BUILDING KNOWLEDGE – PROGRAM INITIATIVES

1. Victimization of the Disabled $300,000

OJP requests $300,000 for BJS to develop a methodology and to initiate preliminary testing of potential questions to be used to enhance the National Crime Victimization Survey (NCVS) to measure victimization of the disabled population in the United States. In addition, BJS will design methods to be used for measuring victimization of disabled persons in institutional settings. This data collection effort is **required** under P.L. 105-301, the Crime Victims with Disabilities Awareness Act, which was signed by the President on October 27, 1998. There has been extensive Congressional interest in moving forward to collect and report such data back to the Congress.

Currently, there are no ongoing national programs that provide systematic and recurring information on criminal victimization of persons with disabilities. The proposed initiative will begin to address the requirements of the Crime Victims with Disabilities Awareness Act by providing initial funds for the design and pretest of questions and the formulation of sampling strategies to carry out the goals of this legislation. Because the Act requires the enhancement of the NCVS to collect these data on an ongoing basis, BJS anticipates that a recurring increase of at least $1.5 million annually will be required to actually conduct the survey with the new disability questions and prepare the analysis.

This initiative will be closely tied to and coordinated with other Federal agencies that have an interest in and responsibility to address various problems of the disabled. In this fashion, the Federal government, by the use of consistent definitions and measurement techniques among statistical agencies, will be in a position to provide a comprehensive statistical portrait of disabled citizens and the challenges which confront them. Collaborative activities already underway include:

- The task of developing a concise battery of questions that will identify persons with developmental disabilities is being addressed by the Interagency Subcommittee on Disability Statistics, an organization comprised of members from throughout the Federal government and sponsored by the Bureau of Labor Statistics. The subcommittee meets monthly to discuss issues related to identifying and measuring the characteristics of persons with disabilities as these issues pertain to the various federal agencies. The BJS staff member assigned to this subcommittee has compiled a master listing and calendar of studies now underway in other statistical agencies to address these measurement problems.

- The National Institute of Justice (NIJ) has solicited a proposal from the National Academy of Sciences (NAS) National Research Council to carry out the mandated study described in the statute. The research study mandated by the Act will be coordinated with the design and implementation of questions to be included in the NCVS.

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- BJS is consulting with the Committee on National Statistics (CNSTAT) of the NAS on possible areas of assistance they may provide in carrying out this study.

- BJS staff, with the assistance of the Office for Victims of Crime, have begun discussions, and plan to extend and enhance them, with members of interest groups that represent disabled persons, and especially disabled victims of crime, to assure that their concerns are addressed in the process of collecting data.

- The Bureau of the Census Cognitive Research Laboratory is initiating planning for pilot-testing of alternative questions and methods for the NCVS among samples of disabled persons.

Utilizing the knowledge acquired under these efforts, in subsequent years, given adequate funding, baseline and annual national data will be collected on the levels and rates of violent and property victimization of persons with specified disabilities, along with the characteristics of the victims, crimes and consequences of victimization.

Research in other countries suggest that persons with certain disabilities are at much higher risk, possibly 4 to 10 times higher, to become crime victims than those persons without disabilities. There have been, however, no significant studies on this subject conducted in the United States. It is not known, for example, how victimization risks may differ for people with physical, mental, or sight or hearing related disabilities. The survey will provide researchers with a rich database of risk factors on violent victimization among persons with varying types of disabilities and handicapping conditions.

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In order to produce measures of victimization of persons with disabilities, it is necessary to design questions that can identify a range of conditions, accurately and efficiently. Starting with the federally defined definition of developmental disability (Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)), current methodologies will be examined to determine the extent to which they might be applicable to extend to the victimization survey. The National Center for Health Statistics, the Center for Disease Control and Injury Prevention, and other relevant agencies associated with the measurement of disabled populations will be contacted to assist in the development of questions designed to identify and classify disabilities.

Careful study and planning, which BJS will carry out with this funding, will help determine how to word and implement questions that will elicit the desired information. To produce accurate measures of victimization of persons with disabilities, it is necessary to design and administer questions that:

- Identify those characteristics that define or delineate the presence of a wide variety of disabilities, accurately and efficiently;

- Obtain the desired victimization information; and,
- Collect data about persons with disabilities which does not excessively burden the more than 100,000 Americans interviewed in the crime victimization survey, thus affecting rates of participation.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Victimization of the Disabled/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments; and (2.4) Uphold the rights of, and improve the services to, America's crime victims.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop an appropriate methodology to enhance the National Crime Victimization Suvery (NCVS) to enable production of a measure of victimization of the disabled population in the United States. Currently, there are no ongoing programs that provide information on criminal victimization of persons with disabilities.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.				$.4 M	$.7 M
Output/ Activity	2. Design experimental data collection instruments	BJS Records				Yes	Yes
	3. Pretest experimental instruments	BJS Records				Yes	Yes
	4. Design finalized data collection instruments	BJS Records				N/A	Yes
	5. Pretest final instruments	BJS Records				N/A	Yes
	6. Formulate sampling strategies	BJS Records				N/A	Yes
	7. Conduct survey in full sample/No. of U.S. residents	BJS/Census Bureau				N/A	100,000
	8. Response rate	Census Bureau				N/A	90%
End Outcome	7. Build a dataset and make available for public use	BJS/Census Bureau				N/A	TBD
	8. Analyze and report the findings	BJS Records				N/A	TBD
	9. Utilization of data for policy and program developments	*				N/A	*

A. Definitions of Terms or Explanations for Indicators and Data Sources:
TBD - to be determined. Not available until 2002. Funds will be used to establish a data collection program. Additional funding in subsequent years will be necessary to collect, analyze, and publish data results.
* Information will be an integral part of the Bureau of Justice Statistics summary base GPRA chart and cannot be represented individually

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: This data collection is required under P.L. 105-301, the Crime Victims with Disabilities Awareness Act, signed October 27, 1998. The enhancement will be used to develop questions to determine whether persons in sample for the NCVS have any of a specified list of disabilities as well as to identify the distinctive impacts that victimization might have upon people with disabilities. Currently, there are no ongoing national programs that provide systematic and recurring information on criminal victimization of persons with disabilities. This new initiative will begin to address the requirements of the Crime Victims with Disabilities Awareness Act by providing initial funds to the design and pretest of questions and the formulation of sampling strategies to carry out the goals of this legislation and will be closely tied to and coordinated with other Federal agencies that have an interest in and responsibility to address various problems of the disabled. In this fashion, the Federal government, by the use of consistent definitions and measurement techniques among statistical agencies, will be in a position to provide a comprehensive statistical portrait of disabled citizens and the challenges which confront them.

D. Validation and Verification: These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agents.

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2. Hate Crime Reporting and Statistics **$1,000,000**

$1 million is requested for the Bureau of Justice Statistics (BJS) to develop and implement a program for producing consistent annual measures of the incidence of hate crimes and to estimate the extent and nature of change from year to year.

One component of the requested program will be to enhance the National Crime Victimization Survey (NCVS). The national sample of respondents will be asked detailed questions about any crimes they experienced to determine whether they attribute to the offender any bias motivation based on race, ethnicity, religion, sexual orientation, or gender.

BJS, in conjunction with the COPS Office, has developed Windows-based software that allows anyone to conduct a local version of the NCVS in their own community, city, county, or state. The CVS software has stimulated an incredible response since it was first released through the BJS website in Summer 1999. To date, BJS has received more than 600 requests for copies of the software from police departments, local agencies, and criminal justice researchers. BJS plans to include the hate crime questions in the CVS software and will update the wording of the questions to reflect experience with the quality of the hate-crime data received from the national sample.

This funding request will enable BJS to assemble the responses to hate crime questions obtained by jurisdictions using the CVS software, and to analyze them in conjunction with the nationally representative NCVS data on hate crime to produce a richer and more detailed understanding of hate crime and its correlates than can be obtained from national data alone.

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Aside from NCVS and potential CVS data about hate crime, the other primary source of data is the FBI's annual Hate Crime Statistics Program. The FBI effort to gather hate crime data from all law enforcement agencies in the U.S. provides a limited ability to estimate trends and annual change in the volume or rate of bias-motivated crime in part because of a low level of participation by local law enforcement agencies (as late as 1995 only 16 percent of police agencies reported hate crimes) and the deliberate pace at which law enforcement agencies are implementing the FBI's National Incident-Based Reporting System (NIBRS). Making the transition from filing aggregate monthly statistics on hate crime to incident-based reporting requires a major commitment from local law enforcement agencies but concomitantly improves hate-crime reporting.

The limitations of the Hate Crime Statistics program are well recognized by the FBI, and BJS has funded a study in cooperation with the FBI that is addressing these issues and making suggestions for improvements. The study, "Improving the Quality and Accuracy of Hate Crime Reporting," has the following eight objectives: (1) document the extent and character of hate crime training programs in place across the United States; (2) assess the effectiveness of existing hate crime training curricula or materials; (3) improve estimates of incidence, types and trends in hate crime; (4) evaluate the impact of incident-based crime reporting systems; (5) assess the status of

hate crime reporting nationally; (6) conduct a survey of special interest group members to ascertain methods of improving hate crime reporting; (7) examine the relationship between the characteristics of jurisdictions and agencies and the level of hate crime reporting; and (8) assess the circumstances that led agencies to develop hate crime reporting programs.

Based on study recommendations, funds requested will be used to develop procedures to improve collection by the FBI under the Hate Crime Statistics Act of 1990 with the goals of:

(1) assisting the FBI to improve the quality and accuracy of hate crime administrative statistics gathered from law enforcement agencies;

(2) expanding the geographic coverage of hate crime statistics recorded by local law enforcement agencies; and

(3) implementing approaches that will result in reliable administratively-recorded hate crime trend data.

Under this proposed enhancement, a variety of procedures will be examined for developing improved methods for consistently estimating both the volume and nature of hate crimes over time and across jurisdictions. This proposed effort has been closely coordinated with the Hate Crime Statistics Unit of the FBI as a complementary activity to the ongoing development of their Hate Crime Statistics Program.

This initiative directly supports the requirements of the *Hate Crime Statistics Act*, as amended, which states "...the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity..." and brings together the efforts of the FBI and BJS to attack in a concentrated and coherent way the problem of improving the recording and collection of administrative data on hate crime from local law enforcement agencies. Attention will be given to the expansion of participation in the NIBRS as the principal vehicle for the future for obtaining and analyzing hate-based crime incidents.

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Hate Crime Statistics/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop and implement a program for producing consistent annual measures of the incidence of hate crimes and to estimate the extent and nature of change from year to year.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Enacted Plan**	**2001 Plan**
Input	1. Appropriation (in millions)	P.L.					$1M
Output/ Activity	2. Design data collection instrument for supplement to NCVS	BJS/Census Bureau					Yes
	3. Collect data from approximately 50,000 households	BJS/Census Bureau					Yes
	4. Response rate	Census Bureau					90%
	5. Build a dataset and make available for public use	BJS/Census Bureau					*
	6. Analyze and report the findings	BJS Records					*
End Outcomes	Utilization of data for policy and program developments	**					**

A. Definitions of Terms or Explanations for Indicators and Data Sources:
* Results will be achieved in 2002
** Information is an integral part of the base GPRA chart, Criminal Justice Statistics, and cannot be represented individually.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plan: One component of the requested program will be to enhance the National Crime Victimization Survey (NCVS). The national sample of respondents will be asked detailed questions about any crimes they experienced to determine whether they attribute to the offender any bias motivation based on race, ethnicity, religion, sexual orientation, or gender. The FBI has an annual Hate Crime Statistics Program. BJS has funded a study in cooperation with the FBI to assist the FBI in expanding and improving its' Hate Crime Statistics Program. The BJS initiative directly supports the requirements of the Hate Crime Statistics Act of 1990.

D. Validation and Verification: These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agent.

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3. Hate Crimes Training and Technical Assistance ..... [$1,250,000]
$1.25 million is requested for BJA to enhance and build on two initiatives dealing with hate crimes: Hate Crime Technical Assistance ($250,000), and State and Local Police Hate Crime Training ($1 million). These funds will be made available from existing Byrne Discretionary funding. Working with appropriate partners at the federal, state and local level, a technical assistance and outreach program will assist jurisdictions to develop partnerships and highlight innovative hate crime strategies. State and Local Hate Crime Training will support a partnership with appropriate federal agencies, national constituent groups, and state, local law enforcement and community officials to: (1) promote the DOJ developed Hate Crime Curriculum for state and local law enforcement; (2) train trainers to deliver this curriculum at the state and local levels; and (3) in cooperation with local U.S. Attorney's Office's, provide core training to every U.S. District.

Reported incidents of hate crime, which encompass a multitude of violent threats and acts against total strangers based solely on racial or ethnic differences from the perpetrators, has risen dramatically. In part, this increase is a function of much greater awareness by law enforcement, social services, and the general public of the true nature of what has previously been dismissed as random violence, drug-induced incidents, juvenile pranks, and the like. The tremendous fear induced in victims, especially young or immigrant victims, by hate crime activities has also inhibited reports of such incidents, leading to the under reporting of this type of violence. BJA has been at the forefront of activities aimed at increasing awareness and prevention, enhancing investigation and prosecution, and promoting better responses to victims of these crimes. This new initiative will allow expansion and concentration of effort in this important area.

In June 1998, BJA in cooperation with other OJP and DOJ agencies, supported a Summit on Hate Crimes. Participants represented a diverse field of professionals who are involved in assisting victims of hate crimes, including law enforcement personnel, educators, medical and social workers, academia, and youth crime specialists. A training program directed at prosecutors has also been funded to enhance the ability of these local leaders to address hate crime not only through effective prosecutorial strategies, but coordinated community outreach and overall improvements in criminal justice system response to victims. Also supported was a multi-year effort by the Maine Attorney General's Office to prevent and respond effectively to incidents of school-related hate crimes and harassment. Here students and teachers are directly involved with guidance from law enforcement, in changing the environment within the schools such that hate crime is not tolerated or ignored. Approximately 100 schools in Maine have been reached by this effort.

Most germane to the 2001 plan is work begun by BJA in the spring of 1998, when funds made available for the editing of a comprehensive, four volume hate crime training curriculum. Working with the Federal Law Enforcement Training Center, state and local law enforcement officers were provided with training intended to allow these officers to train others at the local level. Three regional training sessions using this curriculum reached at least one statewide team of trainers within each state, for a total of over 400 officers, civil rights organization members, and legal community representatives. Plans are to expand this training in 2001, providing

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some limited travel and other support to ensure that each state could continue to participate. Special emphasis will be on states where organized hate group activities are known to be occurring. Some technical assistance and information dissemination to participant sites, based on this training, will be provided and a general education and public awareness campaign will be mounted. Key to all these activities is the active participation of United States Attorneys. In 2001, at least $500,000 will be expended on this effort.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ ORG UNIT: Hate Crimes Training and Technical Assistance (Byrne Discretionary Grant Program)/ Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) To emphasize both enforcement and prevention strategies to counter youth violence through targeted programs that provide funding and specialized assistance to states and localities.
MISSION: To develop and implement a program for producing consistent annual measures of the incidence of hate crime and to estimate the extent and nature of change from year to year.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					[$1.25M]*
	2. Applications received	BJA Records					TBD (a/)
Output/ Activity	3. Awards made	BJA Records					TBD
	4. Training-the-trainer sessions held	BJA Records					TBD
	5. Information disseminated	BJA Records					TBD
	6. Number of copies of publications distributed	BJA Records					TBD
Intermediate Outcome	7. Number of trainers trained	BJA Records					TBD
	8. Number of training sessions held for operational personnel	BJA Records					TBD
	9. Number of operational personnel trained in DOJ curriculum	BJA Records					TBD
	10. Number of jurisdictions receiving technical assistance following attendance at training sessions	TA Log					TBD
End Outcome	11. Number of Federal/state/local partnerships resulting from training and technical assistance efforts	Grantee reports/ site visit reports					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Source TBD - To be determined.

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B. Issues Affecting 1999 Program Performance. Not applicable - program was not funded during FY 1999.

C. Issues Affecting Selection of 2000 and 2001 Plans.
a/ This program includes two initiatives: Hate Crime Technical Assistance ($250,000) and State and Local Police Hate Crime Training ($1,000,000). Further development of this program is necessary to project data for FY 2001. * The $1.25 million for Hate Crimes Training and Technical Assistance are made available from the existing $52 million Byrne Discretionary funding.

D. Validation and Verification.
BJA uses four indicators to assess program performance. BJA files are used to verify the number of applications received and awarded, as well as numbers of training sessions and numbers of participants. Technical assistance logs are used to track the number of TA requests that are received and completed. Grantee progress reports and site visit monitoring reports are used to determine intermediate and end outcome measures, including the number of partnerships formed as a result of the program.

2402

4. Tribal Criminal Justice Statistics **$2,000,000**

$2 million is requested for BJS to conduct a national census of tribal criminal justice agencies and related statistical activities to improve the Nation's understanding of crime and the administration of justice among Native Americans---American Indians, Aleuts, and Alaska Natives. The implementation of several new national crime prevention grant programs has highlighted the lack of criminal justice information regarding Indian Country. Tribal law enforcement authorities have had great difficulty in fully participating in available programs because of the lack of high-quality and comparable law enforcement data. In addition, such lack of data places local tribal authorities in a disadvantaged position in seeking state pass-through funds such as the Byrne formula grant program administered by BJA.

BJS and the Office for Tribal Justice (OTJ) have not been able to fully respond to policy makers' information needs regarding the agencies which provide criminal justice functions to the more than 500 tribes across the Nation. In the delivery of law enforcement services alone, different tribes are served by the Bureau of Indian Affairs (BIA), local sheriffs, their own police departments, and various combinations. As a consequence, there is no coherent and uniform manner for defining criminal conduct or victimization, measuring its incidence and prevalence, examining the response to crime, assessing case processing, or systematically understanding how criminal matters are adjudicated and disposed. There is simply no basic tribal criminal statistics infrastructure.

There is reason for concern about the lack of high-quality data---BJS findings from the National Crime Victimization Survey (NCVS) indicate that native populations experience the highest rates of violent victimization of any race group. By contrast, the limited data on tribal crime from the BIA would suggest much lower than average rates of violence. This disparity in our understanding of the extent of crime among Native Americans is directly the result of poor data quality and the absence of uniform measurement indices in administrative record-keeping by tribal law enforcement authorities.

With funding from Corrections Program Office and BJA, BJS is currently conducting two tribal-related statistical projects that are relatively limited in scope:

- In order to meet the immediate needs of the OJP Corrections Program Office, BJS has undertaken a complete census of correctional facilities operated by tribal governments. Existing data on tribal correctional facilities were not available.

- Beginning in 1997, BJS, with funding from BJA, implemented a pilot project with two tribes to establish criminal justice information systems to better manage caseloads and produce statistics.

2403

Recent BJS attempts to identify tribal criminal justice statistics underscores the need to expand statistical activities related to American Indian crime and justice issues. To meet these needs, BJS proposes to use $2 million in requested funds to conduct the following range of activities:

- **Census of tribal criminal justice agencies and capacity.** Comprehensive information is needed in the area of tribal courts, law enforcement agencies, probation and parole functions, correctional institutions, information systems, and agency employment and expenditures. BJS proposes to conduct a complete census of the Indian tribes to gather information on each of the criminal justice agencies operating in these jurisdictions. The U.S. Bureau of the Census will contact each tribe to document information on criminal justice agencies, the services they provide, and specific characteristics of these agencies. Additional information will be collected on the capacity among tribes to collect and report information on crime in their jurisdictions. Specific attention will be given to evaluating personnel resources and training available to manage and operate statistical reporting programs. These survey results will be published by BJS and a public-use data set will be made available to the criminal justice community. In addition, BJS will make available a national directory of all tribal justice agencies. Information gleaned from this exhaustive data collection will allow BJS to respond quickly to information requests from the Office of Tribal Justice, Congress, and other policy makers.

- **Improving tribal crime measurement capabilities and information systems.** Many tribes are not in a position to report comprehensive uniform criminal justice statistics which hinders their efforts to meet the needs of tribal members and to make application for federal crime prevention programs. Funding would be used to develop a long-term plan for assessing and improving criminal justice capacity and infrastructure in Indian country. This would include capacity building for crime measurement, communications, training, information management, and records systems. Technical assistance could be provided.

  Associated with the crime measurement and management limitations of tribal law enforcement agencies is the need to devise improved methods to utilize information for law enforcement resource allocation or problem analysis. For example, about a third of all murders with Native American victims involve victims and offenders sharing an intimate or family relationship; there are no data available, however, on use or enforcement of protection orders. Victim surveys and homicide data indicate a relatively high involvement of alcohol in violence among Native populations but such data are not systematically collected by tribal criminal justice agencies.

- **Integrate tribal crime statistics into existing national reports.** National statistical programs do not routinely contain data on criminal justice activities in Indian country. This project component would integrate statistics on criminal justice about Indian

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country into existing national statistical reports. To date we are uncertain how criminal justice activities which take place among tribal jurisdictions compare to the rest of the Nation. This component would work to include tribal statistics with those from the Nation's law enforcement, corrections, and judicial agencies. For certain Indian tribes, this will entail providing training and technical assistance in setting up collection and reporting procedures. For example, BJS, with funding from the OJP Corrections Program Office, recently conducted the first survey of large detention facilities in Indian country which provided data on the age and physical capacity of these facilities, staffing, and program resources. Such information is not available for the range of other criminal justice services currently administered under tribal law and authority.

- **Understanding violent crime in Indian country.** To date little is known about the nature and extent of violent criminal victimizations among American Indians. Findings from the NCVS show that violent crimes committed against Indians may be the most interracial, together with Asians, when compared to crimes against whites and blacks. Studies are needed to examine more about the circumstances of such offenses.

Other findings from the NCVS indicate that victims reported a relatively high rate of alcohol use among offenders. Working with the National Center for Health Statistics, Indian Health Service and related agencies, BJS would design statistical studies to uncover the correlates of offending such as the role of alcohol in crime. A joint effort would be developed to systematically collect such data on consumption, illnesses, and violent crimes which are alcohol-related. This can include a supplement to the NCVS to expand the sample of American Indians as well as the range of questions asked. A better understanding of the American Indian crime experience will go a long way in developing effective crime prevention programs in Indian country.

2405

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Tribal Criminal Justice Statistics/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop a tribal data collection program which will include conducting a complete census of approximately 500 recognized Indian tribes to collect data on the types and characteristics of criminal justice agencies operating in these jurisdictions, services provided to these communities, and the tribes' capacity to collect and report information on crime in their jurisdictions; improvement of crime measurement capabilities and information systems; integration of tribal crime statistics into existing national reports; and conducting studies on violent crime in Indian country.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actual**	**2000 Enacted Plan**	**2001 Plan**
Input	1. Appropriation (in millions)	P.L.					$2M
Output/ Activity	2. Design data collection instrument for Census of Tribal Criminal Justice Agencies and supplement to NCVS to expand sample of American Indians	BJS/Census Bureau Records					2
	3. Collect census data from all recognized tribes	BJS/Census					*
	4. Response rate	Census Bureau					100%
	5. Build a data set and make available for public use	BJS/Census					*
	6. Analyze and report the findings/produce national directory	BJS Records					*
	7. Award grant to develop long-term plan to assess criminal justice capacity and infrastructure (needs assessment)	BJS Records BJS and OC					Yes
	8. Number of tribal jurisdictions receiving training and technical assistance to set up data collection and reporting procedures	Records BJS Records					TBD a/
	9. Number of grants and interagency agreements established to study violent crime in Indian country	OC PAL System					3
End Outcomes	10. Utilization of data for policy and program development	**					**

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A. Definitions of Terms or Explanations for Indicators and Data Sources:
* Results will be achieved in 2001
** Information is an integral part of the base GPRA chart, Criminal Justice Statistics, and cannot be represented individually.
a/ A determination of the number of jurisdictions to receive training and technical assistance will be based on the needs assessment noted in performance indicator #7.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 1999 and 2000 Plans: With this initiative BJS would like to conduct the following range of activities:
- Census of tribal criminal justice agencies and capacity
- Improving tribal crime measurement capabilities and information systems
- Integrate tribal crime statistics into exiting national reports
- Understanding violent crime in Indian country

D. Validation and Verification: These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agent.

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5. Statistics on Disparities in the Justice System $500,000

$500,000 is requested for BJS to upgrade current statistical series which gather case-processing data from the 75 largest counties in the U.S. These data will be used to support in-depth analyses of identifiable disparities in handling by the justice system in order to estimate the extent to which non-legally relevant factors may influence case outcomes.

This request, part of a larger government-wide initiative inspired by the Administration's *Initiative on Race*, demonstrates the Department of Justice's support for and commitment to the development and monitoring of statistical measures designed to examine concerns about racial discrimination in the administration of justice. The effort will enhance existing statistical series which collect felony case-processing information from representative samples of jurisdictions resulting in an improved ability to examine the effects of legally relevant factors, such as gravity of the instant offense and prior criminal record, on defendant outcomes at each stage in the processing of adult and juvenile felony cases at the local level, from filing to disposition. This approach will expand the capacity of the Department to estimate the impact of non-legally relevant factors, such as defendant race, at each stage of case-processing and to monitor changes in their proportional contribution to case outcome over time.

Disparity, by race, is often observed in the justice system in the rate or percentage of persons involved as defendants when compared to their relative share of the resident population. These disparities, frequently referred to as an over representation (or under representation by race) are occasionally described as evidence of discrimination. The National Academy of Sciences, however, has properly observed that such evidence is insufficient to establish discrimination. Rather, discrimination is the application of inappropriate racial factors to case-processing or management at decision points in the justice system. The study proposed here will examine the types of data necessary to establish the effects of legally irrelevant factors and will attempt to gather such data as a part of the regular collection of data on the movement of felony cases through the justice system.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Statistics on Disparities in the Justice System/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments; and (2.4) Uphold the rights of, and improve the services to, America's crime victims.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop and monitor statistical measures designed to examine concerns about racial discrimination in the administration of justice.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$.5M
Output/ Activity	2. Examine range of available data	BJS Records					Yes
	3. Enhance existing statistical series, where feasible	BJS Records					Yes
	4. Design data collection procedures and instruments for new efforts, as necessary	BJS Records					Yes
	5. Complete data collection activities	BJS Records					*
	6. Analyze and disseminate findings	BJS Records					*
End Outcome	7. Utilization of data for policy and program developments	**					*

A. Definitions of Terms or Explanations for Indicators and Data Source:
* Results to be achieved in 2002.
** Information is integral part of summary GPRA chart and cannot be represented individually.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: BJS would like to upgrade current statistical series which gather case processing data from the 75 largest counties in the U.S. This data will be used to support in-depth analyses of identifiable disparities in handling by the justice system in order to estimate the extent to which non-legally relevant factors may influence case outcomes.

D. Validation and Verification: These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agent.

6. Traffic Stops by the Police **$800,000**

The Office of Justice Programs (OJP) requests $800,000, on a recurring basis, for the Bureau of Justice Statistics (BJS) to support the development of a national statistical program to gather administrative data from law enforcement agencies on the content and consequences of police-initiated stops of motorists for routine traffic violations. In addition, during alternating years, BJS will utilize the Traffic Stops supplement to the National Crime Victimization Survey (NCVS), pilot-tested as a part of the Police-Public Contact Survey during 1999, to learn about the public's experience with such encounters with law enforcement officers. The two methods used will complement one another and help to identify gaps in agency-level information.

The primary goal of this effort will be to determine whether and to what extent such stops may be based upon legally inappropriate criteria such as "racial profiling." Recently, this issue has received much attention and has been the subject of repeated legislative proposals both at the Federal level (such as the proposed "Traffic Stops Statistics Study Act of 1999") and among the States. BJS has assisted DOJ in formulating a potential Executive Order or Directive, which will gather data from Federal agencies on the nature of Federal law enforcement contacts with the public in order to determine the presence of any bias-motivated conduct on the part of Federal officers. Of particular interest by the Administration and Congress, is the issue of possible bias in law enforcement-initiated traffic stops. Attorney General Reno has declared that increased data collection on traffic stops is "very important" because with such information, "we can see where the problems exist and how extensive they are" (Source: Washington Post, April 16, 1999).

This proposal will provide the vehicle for the collection of systematic information from law enforcement agencies and from the public on the content and consequences of these stops, which may include:

- the number of individuals stopped for routine traffic violations;
- characteristics of the individual stopped, including the race and ethnicity as well as the approximate age of that individual;
- reasons for the stop including the type of traffic infraction alleged to have been committed that led to the stop;
- searches of drivers and vehicles initiated as a result of the stop and what prompted the conduct of a search; and
- especially important, any provocative actions on the part of the person stopped, the rationale for the search, and whether any contraband was discovered in the course of the search.

Analyses will be conducted on the consequences of such stops including whether any warning or citation was issued as a result of the stop, any collateral non-traffic charges resulted, an arrest was made as a result of either the stop or the search, or any complaints about an officer's conduct in a traffic stop were filed and how they may have been adjudicated and disposed.

Utilizing the Law Enforcement Management and Administrative Statistics program as the platform for the collection of agency-level data in 2001, BJS anticipates carrying out initial data collection from among the Nation's 18,000 law enforcement agencies to learn more about the content of and limitations associated with any administrative data they currently compile on traffic stops. A substantial effort will be made to secure participation, but it is anticipated that this collection effort will be met with resistance from local agencies. Much of the first-year funds will be directed to a series of meetings with law enforcement executives around the Nation to obtain their input on data elements for collection. In addition, organizations with an interest in this topic will also be contacted to obtain their comments and suggestions for content of the data collection program.

Funding this project is likely to raise the visibility of the issue as law enforcement agencies are queried about the types of administrative data they maintain on such stops. This is likely to result in improved accountability for law enforcement employee conduct. In addition, these data will be helpful to local officials in managing data and citizen complaints to law enforcement agencies and complaint boards about officer conduct.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Traffic Stops by the Police/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments; and (2.4) Uphold the rights of, and improve the services to, America's crime victims.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop a national statistical program to gather data from law enforcement agencies and the public on the content and consequences of police-initiated stops of motorists for routine traffic violations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actual**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Enacted Plan**	**2001 Plan**
Input	1. Appropriation (in millions)	P.L.					$.8 M
Output/ Activity	Survey of Law Enforcement Agencies						
	2. a. Design data collection instrument	BJS and Census					Yes
	b. Conduct survey	Bureau Records					Yes
	# of law enforcement agencies						18,000
	Response rate						94%
	c. Build a dataset and make available for public use						*
	Traffic Stops Supplement to NCVS (Public's Response)	BJS and Census					
	3. a. Design data collection instrument	Bureau Records					Yes
	b. Cognitive laboratory testing of instrument						Yes
	c. Conduct survey in full NCVS sample						*
	# of U.S. residents interviewed						100,000
	Response rate						90%
	d. Build a dataset and make available for public use						*
End Outcomes	4. Analyze and report the findings of law enforcement and NCVS survey	BJS Records					*
	5. Utilization of data for policy and program developments	BJS Records					**

A. Definitions of Terms or Explanations for Indicators and Data Sources:
* Not available in 2001. Results to be achieved in 2002.
** Not available until 2002. Information will be an integral part of the Bureau of Justice Statistics summary GPRA chart and will not be represented individually.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. This initiative will support the development of a national statistical program to gather administrative data from law enforcement agencies on the content and consequences of police-initiated stops of motorist for routine traffic violations. In addition, during alternating years, BJS will utilize the Traffic Stops supplement to the National Crime Victimization Survey (NCVS), pilot-tested as part of the Police-Public Contact Survey during 1999, to learn about the public's experience with such encounters with law enforcement officers. The two methods used will complement one another and help to identify gaps in agency-level information. Availability of this data is likely to raise the visibility of the issue as law enforcement agencies are queried about the types of administrative data they maintain on traffic stops. Improved accountability for law enforcement conduct is likely to result. These data will also be helpful to local officials in managing data and citizen complaints to law enforcement agencies and complaint boards about officer conduct.

D. Validation and Verification. These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agent.

7. Dependency Court System's Response to Child Abuse and Neglect ..... [$5,000,000]
OJP requests that $5 million and 2 positions be made available to NIJ. $3 million from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and $2 million from the Drug Courts Program Office (DCPO), to conduct a five-year research and evaluation program to better understand and improve the dependency court system's response to child abuse and neglect. Specifically, the program will focus on the State Court Improvement Program (CIP) and the Adoption and Safe Families Act (ASFA), which are two pieces of legislation enacted to change the practices of juvenile dependency courts and prevent children from lingering in foster care. This program will provide much needed information regarding how jurisdictions and states use their U.S. Department of Health and Human Services-administered CIP funds to improve the handling of child abuse and neglect cases, whether these efforts have had the intended result of moving children to safe and permanent placements more quickly, and whether court process changes have been implemented in ways that have decreased harm to children.

This five-year research and evaluation program will accomplish the following:

- Develop and implement a national evaluation of the ASFA and its affect on the processes and outcomes of court practice.
- Develop and implement, in cooperation with the U.S. Department of Health and Human Services, a national evaluation that examines the processes and impact of the State CIP on court structure and practice.
- Develop and implement a series of process and impact evaluations that examines the development of local model dependency courts and the effectiveness of local model dependency courts on both the court system and the families and abused and neglected children it serves.
- Produce and distribute publications describing results and/or best practices.

Juvenile dependency courts face overwhelming pressure in the form of high judicial caseloads, more difficult and complex cases (e.g., drug-exposed children), and limited court and service resources that delay litigation. These pressures have resulted in numerous cases in which children in the foster care system linger for years, while the courts continue to review their cases with little progress or change. In some cases there is little hope of family reunification, yet courts fail to make decisions regarding the child's permanency.

Since 1993, two pieces of legislation have been enacted to change the practices of juvenile dependency courts and prevent children from lingering in foster care: (1) The State CIP, enacted as part of the Omnibus Budget Reconciliation Act of 1993, set aside a total of $35 million (over 4 years) for states to improve their court handling of abuse, neglect, foster care and adoption cases, and (2) the ASFA that, among other things, requires more timely permanency decisions and stronger safety guarantees for abused and neglected children. Under the CIP grants each state court system has conducted a detailed assessment of their current handling of these cases, and developed a plan to improve these practices. The passage of ASFA extended State CIP funding to states for an additional 3 years.

Nearly all U.S. states are currently enacting CIPs (48 plus the District of Columbia) and 18 local jurisdictions have implemented Model Dependency Courts (with an additional 3 to be added shortly).

Little is known to date on the impact of the ASFA legislation and the efficacy of subsequent changes in court structure and practice on children and families. Specifically, this proposed research will offer empirical research findings to inform future court improvement efforts. OJP will partner with the Department of Health and Human Services' Administration for Children, Youth and Families, which currently oversees the distribution of CIP funds to the states, and explore the possibility of joint funding, and will provide NIJ funds to carry out the evaluation of the ASFA and State CIP efforts. This initiative will be carried out in cooperation with OJP's OJJDP and the DCPO.

The major objectives of this program include:

- **Understand the Impact of the ASFA on Court Practice Nationally.** The ASFA, passed by Congress in 1997, is meant to clarify the intent and application of the existing federal Adoption Assistance and Child Welfare Act (P.L. 96-272) by requiring more timely decisions and stronger safety guarantees for abused and neglected children. Key elements include time limits on when courts must make permanency planning decisions for children in care (permanency hearings are required at 12 months); recognition that reasonable efforts toward family preservation are not always required (e.g., in cases with aggravated circumstances, such as torture, abandonment, chronic abuse, parental murder of a sibling); encouragement for state social service agencies to "concurrently" plan for adoption and reunification; and requirements that states petition for termination of parental rights in cases where a child has been in foster care for 15 of the last 22 months (with some exceptions). At this time, several states have either passed state laws or made administrative changes to conform to the principles of ASFA while others have received waivers to delay the implementation of ASFA in their jurisdiction. Evaluation, at the national level, will determine how the ASFA is impacting the process and outcomes of court practice: which states have implemented legislation and reformed state and local practice based on ASFA, how was this done, and who was involved?

- **Understand the Development and Impact of State CIP Efforts.** A report by the General Accounting Office published in January 1999, *Juvenile Courts: Reforms Aim to Better Serve Maltreated Children*, states that most court improvement efforts "have not been formally evaluated . . . [and] . . . without this kind of information, officials are unable to determine which interventions have improved their courts and which have not." The report also notes that most current state evaluation plans are limited. A national process evaluation will document the various ways courts have used CIP funding to change court structure and process to improve their handling of abuse, neglect, foster care and adoption cases. A national impact evaluation will document the affect of the State CIP on both the court system and the families and children it serves.

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- **Understand the Development and Impact of Model Dependency Courts.** Concurrent with State CIPs, a number of local courts have implemented innovative strategies and enacted administrative changes to improve the timeliness and decision making in dependency cases. These efforts have often been aided by the National Council of Juvenile and Family Court Judges (NCJFCJ). OJJDP, through NCJFCJ, funded the publication and release of *Resources Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, which provides step-by-step recommendations on how to improve court practice. These guidelines serve as blueprints for the development of Model Dependency Courts and NCJFCJ (with OJJDP funding) provides training and technical assistance to judges, court personnel, attorneys, agency representatives and child advocates on developing model dependency courts. Process evaluation will document the development of local model dependency courts, the degree to which they have various model elements, and to document barriers to implementation and how these were overcome. Impact evaluation will assess the effectiveness of local model dependency courts at the systems level (court and other agencies) and at the individual level (families and their children). Research will also consider the impact of Model Dependency Courts on other state improvement efforts.

  This research will document the impact of innovations in for example, **family drug courts[2], management information systems, methods to link delinquency and dependency cases that involve the same children, and family group conferencing.** Research is needed on the number of courts that are implementing innovative practices, and to document immediate outcomes of these practices. As a result of these innovations, are hearings occurring in a more timely manner? Are permanency plans for children occurring more frequently, quickly, or both? Are courts actually implementing the reforms as planned?

To fulfill the mission of this initiative, OJP requests 2 additional positions. One Ph.D. level social science analyst is required to manage this research agenda. It is preferred that this person have expertise in violence against children and court system research, understand the need for a multi-disciplinary perspective, and have experience conducting field research in this area. In 2001, this person will be responsible for coordinating this effort with OJJDP, DCPO and other DOJ and Federal agencies, writing research solicitations, and managing the award of the research grants. A masters-level social science analyst is also required to assist the Ph.D. level analyst in accomplishing the tasks outlined above and in subsequent years, to help manage the existing research portfolio.

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[2]Family drug courts are designed to help abused and neglected children by addressing parental substance abuse within the context of family court child-protection cases. Functionally, these courts screen cases for eligibility, arraign clients (who enter a plea and agree to accept the program's rules), prepare a treatment plan for the substance abuser and a child welfare plan, monitor compliance with the plans, and either graduate the client upon successful completion of the plans or terminate the client's participation and transfer them back into traditional judicial procedures.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Building Knowledge
PROGRAM/ORG UNIT: Dependency Court System's Response to Child Abuse and Neglect/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To conduct a five year research and evaluation program to better understand and improve the dependency court system's response to child abuse and neglect.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					[$5M]
Output/ Activity	2. Number of proposals received	NIJ Report					60
	3. Number of grants awarded	OJP Report					16
End Outcome	4. Number of effective law enforcement models identified	NIJ Report					4
	5. Number of effective court models identified	NIJ Report					4
	6. Number of publications on all research findings, including the Internet	NCJRS Report					10

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. The funds for this initiative will be made available through the Office of Juvenile Justice and Delinquency Prevention (OJJDP's) Formula grant program ($3 million) and the Violent Crime Reduction Trust Fund Drug Courts Program Office (DCPO) ($2 million). NIJ will implement this initiative in cooperation with OJP's OJJDP and the DCPO. Specifically, the program will focus on the State Court Improvement Program (CIP) and the Adoption and Safe Families Act (ASFA), which are two pieces of legislation enacted to change the practices of juvenile dependency courts and prevent children from lingering in foster care.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

V. ENHANCING TECHNOLOGY

A. SUMMARY PERFORMANCE PLAN - *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

The amazing speed of technology development today is outstripping the criminal justice system's ability to keep up with, much less stay ahead of, the technology curve. Use of technology and information integration and sharing in addressing crime are among the most urgent issues facing the criminal justice field today. The Office of Justice Programs (OJP) is committed to working with tribal, state, and local criminal justice agencies to encourage and facilitate development of electronic crime data and online information exchange; utilize the full potential of the Internet; provide training on cybercrime; develop, test, and commercialize new law enforcement and criminal justice technologies; and develop a statistical program to measure the magnitude and consequences of computer crime.

All program increases identified under this initiative support the Department of Justice (DOJ) priority of providing **Assistance to Tribal, State and Local Governments**.

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B. NEW INITIATIVES

	Pos	FTEs	Amount
Gun Safety Research and Development (Justice Assistance)	**0**	**0**	**$10,000,000**
Electronic Crime Data: On-Line Data Collection/Analysis (Justice Assistance)	**0**	**0**	**500,000**
National White Collar Crime Center (NWCCC) (Justice Assistance)	**1**	**1**	**8,750,000**
Justice Online Information Exchange (JOIE) (Justice Assistance)	**2**	**1**	**1,000,000**
Computer Crime/ Cyber-Fraud Fraud Statistics (Justice Assistance)	**0**	**0**	**1,000,000**
Total, Enhancing Technology	**3**	**2**	**$21,250,000**

The Office of Justice Programs (OJP) requests $21.25 million in resources for the following programs included in the Enhancing Technology Initiative:

1. Gun Safety Research and Development - $10 million is requested for NIJ to expand development, testing, and replication of "Smart Gun" technologies that will reduce the cost to human life resulting from the use of weapons taken intentionally or accidentally from their proper owner. NIJ's technology mission is to identify and provide access to promising technologies for use by law enforcement agencies to enable them to perform their jobs more efficiently and effectively and to provide the necessary tools to enhance protection of public and law enforcement officers. Currently there are four different and promising techniques for "Smart Gun" development – radio frequency, biometric, ultrasonic, and touch memory. Once fully developed and tested, these "Smart Gun" technologies will allow law enforcement officers' weapons to be more safely and reliably secured, and will help prevent accidental deaths to children who have access to a firearm.

See related base program information under the Justice Assistance, Research, Evaluation, and Demonstration Account beginning on page 11.

2. Electronic Crime Data: On-Line Data Collection/Analysis - $500,000 is requested for BJS to begin converting existing paper-based collections of administrative data from state and local units of government to Internet-based, paperless collection programs. In addition, this enhancement will provide for a substantial upgrade to current BJS web-based data dissemination efforts by making

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available to users of the BJS website the most current technologies for accessing BJS datasets and conducting analyses online, particularly for those with disabilities and those users participating in college-level distance learning programs.

See related base program information under the Justice Assistance Account, Criminal Justice Statistical Program, beginning on page 17.

3. National White Collar Crime Center (NWCCC) - $8.75 million is requested for BJA to support the work of the National CyberCrime Training Partnership (NCTP) in concert with DOJ's Criminal Division. The NCTP is a national partnership comprised of federal, state, and local level law enforcement, investigative and prosecutorial agencies. Its mission is to provide guidance and assistance to local, state, and federal law enforcement and prosecutorial agencies in an effort to ensure that these communities are properly trained to address computer-related crime. The foundation of BJA's request for $8.75 million is a five-year budget plan for NCTP training activities.

See related base program information under the Justice Assistance Account beginning on page 31.

4. Justice Online Information Exchange (JOIE) - $1 million is requested to create the Justice Online Information Exchange (JOIE). As the new century begins, the expanding justice challenges and the potential of powerful new technology demand a shift from reactive, one-way, paper-based dissemination to an electronic knowledge exchange and network linking communities and justice professionals together to maximize crime prevention, crime control, public safety, and community justice efforts. Utilizing the full potential of the Internet--perhaps the most profound socio-technological development of the late 20th century--OJP proposes to create an interactive information exchange and communications network to provide answers to pressing questions, share hard-to-find information, and foster linkages between communities to share best practices on crime and justice.

See related base program information under the Justice Assistance Account beginning on page 11.

5. Computer Crime and Cyber-Fraud Statistics - $1 million is requested for BJS to initiate the operation of the National Computer Crime Statistics Program (NCCS) to gather information on changes over time in the incidence and prevalence of computer crime offenses, statistical data on the costs and consequences to victims of computer crime, and data on prosecutions, convictions, and sentencing of persons convicted of computer crime.

See related base program information under the Justice Assistance Account, Criminal Justice Statistical Program, beginning on page 17.

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C. ENHANCING TECHNOLOGY - PROGRAM INITIATIVES

1. Gun Safety Research and Development $10,000,000
$10 million is requested for NIJ to expand development, testing, and replication of "Smart Gun" technologies that will reduce the cost to human life resulting from the use of weapons taken intentionally or accidentally from their proper owner. Currently, there are four different and promising techniques for "Smart Gun" development – radio frequency, biometric, ultrasonic, and touch memory. Once fully developed and tested, these "Smart Gun" technologies will allow law enforcement officers' weapons to be more safely and reliably secured, and will help prevent accidental deaths to children who have access to a firearm.

According to the recent FBI report *Officers Killed and Assaulted*, one in six officers are killed annually with their own firearm after being disarmed by a suspect. To address the growing concern for the safety of our nation's police officers, NIJ, in 1994, awarded funds to Sandia National Laboratories (SNL) in Albuquerque, NM, for the following purposes:

- study the problem of police firearm take-aways,
- identify the extent to which officers are assaulted and killed with their own firearms, and
- identify the requirements officers would want in a "Smart Gun."

SNL was also charged with identifying existing technologies that could be used to disable a weapon so that it would only fire for a recognized user.

Law enforcement officials have the following needs and requirements:

- the programmable code that operates the gun has to be accessible to a varied number of law enforcement personnel (i.e., entire shifts, specialized units or to the entire agency);
- a way to confirm visually that the weapon recognized the registered user;
- the weapon does not require extensive training or in-depth modification to existing equipment; and, most importantly;
- the weapon must be foolproof so that if the "smart" system failed, the weapon would revert back to manual operation.

Based on these and other requirements, Sandia assessed the technical and practical feasibility of 14 technology concepts ranging from simple mechanical devices to sophisticated electromagnetic concepts. Subsequently, five models of proof-of-principal "Smart Gun" devices were built to illustrate the strengths and limitations of each technology under consideration. They included (1) passive radio frequency, (2) radio frequency (you enable the weapon to read the frequency), (3) touch memory, (4) voice recognition, and (5) fingerprint identification. A final report detailing Sandia's findings was published by NIJ in 1996.

Of all the promising techniques for "Smart Gun," the radio frequency technology is the only one to be developed into an operational prototype. A partnership was formed with Colt Manufacturing to further develop the radio frequency "Smart Gun" technology. The radio frequency "Smart Gun" works by an energized weapon emitting a radio signal that is received by a small transponder worn by the authorized user. The transponder returns a coded radio signal to the firearm. When the weapon hears the signal, the trigger automatically unlocks and the weapon can be fired. Colt will deliver two "Smart Gun" working prototypes that use radio frequency technology by mid-2000.

Colt's research initiative for bringing its law enforcement version of a "Smart Gun" to fruition has not been without several mechanical and technical difficulties. For example, Colt had to position critical components in the frame of the pistol. The communications package, power source (batteries), and actuator (motor) are currently located in a customized grip panel. In addition to extreme environmental conditions (dirt, water, temperature, impact, etc.), the shock and vibration on the "Smart Gun" components while firing the pistol pose a significant design challenge. Developing and incorporating components that operate reliably under extreme conditions is difficult, expensive, and time consuming. Colt's projects have demonstrated that commercial off-the-shelf technology to support the "Smart Gun" has been difficult to locate and once found, difficult to incorporate.

In response to NIJ's 1999 technology solicitation, and as a result of the heightened interest in developing a "Smart Gun", NIJ received four proposals from both firearms manufacturers and the technology industry to develop additional versions of "Smart Guns." The projects range from a fingerprint-authorized, fully electronic firing weapon to magnetic and material recognition. The proposals, currently undergoing independent peer review, are in various stages of product development, from proof-of-concept to a fully integrated, operational prototype (a 28 month project). Of all the proposals received to date, none meets all the pertinent requirements identified in the Sandia report, such as being able to fire the weapon while wearing gloves, no introduction of specialized equipment (i.e., specific holsters or ammunition), manual or automatic override in case of system failure, and the need for separate identification devices to be carried by the officer. One of the primary requirements unique to law enforcement is that if the "smart" aspects of the weapon fail, the weapon is still operational. For example, if batteries go dead or the communications package jams the weapon will still fire so the officer can use it to protect himself or a citizen. Of course, this requirement would be the reverse for civilians.

Of the $10 million requested, $2.5 million will support refinements to Colt's radio frequency prototype; $1.5 million will be used to replicate and distribute the radio frequency technology prototype (if this becomes the first fully functional law enforcement model) to law enforcement agencies for actual field testing in police academies, as well as provide training and testing for officers in the field. The remaining $6 million would be used to fund the four new proposals for "Smart Gun" technology development including biometric, magnetic, ultrasonic, and material recognition. The cost for these proposals ranges from $300,000 to more than $3 million.

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The availability of a "Smart Gun" would be of great benefit to citizens as well, but that does not take the place of responsible use, storage and ownership of a firearm. The "Smart Gun" is merely the next evolution in firearms technology, much as the introduction of the semiautomatic pistol was after the revolver. While radio frequency technology may appear to be readily adaptable and accessible to the novice, we have not had an opportunity to fully evaluate how successful it will operate in the field and whether other frequencies will interfere with its consistent performance. Extensive research, development and testing will be required to bring any "Smart Gun" concept to an operations status.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: Smart Gun Technology Development/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To improve law enforcement and corrections officer safety through the development and proliferation of new firearms technologies which prevent the unauthorized use of service weapons.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$10M
Output/ Activity	2. Number of grant applications	NIJ Files					4
	3. Number of grant awards	NIJ Files					4
	4. New technologies/prototypes developed	Progress Reports					TBD/a
	5. Number of State, local and federal law enforcement agencies participating in field testing	Progress Reports					100
Intermediate Outcome	6. Number of technology capability testing simulations initiated	Progress Reports					2
	7. Percentage of successful trials	Progress Reports					100%
End Outcome	8. Percent of law enforcement officers adopting radio frequency for Smart Guns	Program Review					35%
	9. Successful development of working prototype of 2 alternative Smart Gun technologies	NIJ Files					TBD/b

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To be determined.

B. Issues Affecting 1999 Program Performance. N/A

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C. Issues Affecting Selection of 2000 and 2001 Plans.

a/ - Subject to the availability of technologies suitable for federal technology development funding in this technology area, between 2 and 4 technologies/prototypes will receive development funding in FY 2001.

b/ - The Smart Gun technology development process is expected to span 3 to 5 years for each technology developed from the concept to the working prototype stage, as such no reportable activity will occur during FY 2001.

NIJ's technology mission is to identify and provide access to promising technologies for use by law enforcement agencies to enable them to perform their jobs more efficiently and effectively and to provide the necessary tools to enhance protection of public and law enforcement officers. Currently there are four different and promising techniques for "Smart Gun" development – radio frequency, biometric, ultrasonic, and touch memory. Once fully developed and tested, these "Smart Gun" technologies will allow law enforcement officers' weapons to be more safely and reliably secured, and will help prevent accidental deaths to children who have access to a firearm. Of the $10 million requested, $2.5 million will support refinements to Colt's radio frequency prototype; $1.5 million will be used to replicate and distribute the radio frequency technology prototype (if this becomes the first fully functional law enforcement model) to law enforcement agencies for actual field testing in police academies, as well as provide training and testing for officers in the field. The remaining $6 million would be used to fund the four new proposals for "Smart Gun" technology development including biometric, magnetic, ultrasonic, and material recognition. The cost for these proposals ranges from $300,000 to more than $3 million.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

2. Electronic Crime Data: On-Line Collection/Analysis $500,000

OJP requests an enhancement of $500,000 for BJS to begin converting existing paper-based collections of administrative data from state and local units of government to Internet-based, paperless collection programs. In addition, this enhancement will provide for a substantial upgrade to current BJS web-based data dissemination efforts by making available to users of the BJS website the most current technologies for accessing BJS datasets and conducting analyses online, particularly for those with disabilities and those users participating in college-level distance learning programs.

Current web technology is changing rapidly and BJS has led the way in OJP and much of DOJ in utilizing these emerging tools. New capabilities, emerging technologies, more efficient languages, and improved standards (such as eXtensible Markup Language (XML), JAVA, and Cascading Style Sheets) offer promising improvements for the way BJS both collects and disseminates justice statistics.

Reducing Burden to Criminal Justice Agencies

BJS currently maintains nearly two dozen different data collection programs that obtain data describing the workload of the approximately 50,000 federal, state and local agencies, offices, and institutions, which compose the criminal justice system nationwide. At the present time, all BJS collection activities involving criminal justice agencies utilize traditional paper-based methods for obtaining the requested data from law enforcement agencies, prosecutor's offices, probation offices, local jails, courts, pretrial release agencies, offices providing public defense services, prison authorities, and parole authorities. This proposed **enhancement will permit BJS to acquire the most up-to-date software for expanding the potential opportunities to collect data on-line from agencies---it will require no new software for BJS respondents.** In many government and private sector data management activities, paper-based data collection methods are rapidly being replaced by methods utilizing the Internet for direct submission of information to a database. With appropriate safeguards and protections, such as client-sided validation of data on electronic forms, electronic authentication and identification of respondent agencies, automatic e-mail notification, and automatic updating of directories and databases, collection of statistical information will be easier for the contributors, will provide more accurate data, will cost less than the current process, and will take far less time to prepare the data and produce findings than is required using the current methods. This upgrade to the BJS website will provide an electronic option for Internet-capable respondents so that they merely need to complete requested forms directly without any need to enhance their own operating systems or Internet environment.

Improving Access and Usability

Aside from the hundreds of BJS reports and the numerous links to other sites available to users, the BJS website provides a number of significant features to enhance user access including regularly updated **Key Facts at a Glance**; a *keyword search* capacity; access to simple spreadsheets covering a wide variety of crime and justice issues; and online tabulations, datasets, and codebooks to access and analyze NCVS data, Supplementary Homicide Report data, and BJS data on prison admissions and releases.

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Use of the BJS website has been growing dramatically; the website is now experiencing over 20,000 user sessions per week with thousands of publications and datafiles downloaded each day. This BJS user community is growing rapidly, increasing by two-thirds during 1998.

The current website provides a series of static pages in which the user must find the desired information. This proposal will improve BJS' software to interact with users. In addition, some customized information will be delivered automatically. This capability is particularly important for providing content to persons with disabilities who may need the information presented in a particular form which is usable by their assistive software. For example, a sight-impaired user coming to the BJS website will automatically be served the information in a format that can be read by text-readers designed to assure access for the blind to web materials.

Similarly, the ability to disseminate information dynamically would be valuable for those participating in online course work which would permit both finding data on a specific question of interest and manipulating the data for presentation. Our analysis of our web use statistics shows that usage corresponds closely to the educational calendar. Furthermore, we are continuously asked questions online by students and teachers which require the response of a BJS staffer -- a dynamic website would help users to craft answers to questions themselves. Finally, a dynamic website would allow a student looking for a particular number to gather information on a wider array of topics related to the subject of his/her initial inquiry.

With this enhancement, users will be able to find the information most relevant to them --information on people like them, people who live near them, or people with whom they share a common concern. An upgraded BJS website will permit web users to obtain the greatest utility from the data most pertinent to their needs and will insure that BJS dissemination strategies are operating at a level consistent with the new technologies increasingly available to academic and physically challenged user communities.

Utilizing seed money from NIJ, BJS is adding some dynamic content, which will allow users to obtain statistics about specific jurisdictions. This new feature was initiated in response to the numerous requests for data describing individual jurisdictions and will serve as a prototype for the types of improvements to be obtained under this 2001 enhancement. Furthermore, BJS will need to explore additional enhancements including expanding the statistics in the database and providing new capabilities, such as graphics and client sided data manipulation. BJS is also coordinating this effort with other Federal Statistical agencies' efforts to provide users a seamless interface to statistics produced by the federal government. Already, BJS has introduced software, accessible through the BJS website, at the National Archive of Criminal Justice Data at the University of Michigan to provide for immediate on-line analyses of homicides, criminal victimization, State prison admissions and releases, and international surveys of crime. In addition, data collected from the Administrative Office of the U.S. Courts and the Federal Bureau of Prisons under the Federal Justice Statistics Program for 1994-97 can now be analyzed by non-technical users as a result of major upgrades to make the BJS website more user-friendly. This enhancement request will permit BJS to increase these efforts to improve and expand the utility of the BJS website and the range of options available to those users who are seeking greater control over the content of the information they receive.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: Electronic Crime Data: On-line Data Collection and Analysis/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To begin converting existing paper-based collections of administrative data from state and local units of government to Internet-based, paperless collection programs and upgrade current BJS web-based data dissemination efforts by making available to users of the BJS website the most current technologies for accessing BJS datasets and conducting analyses online.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$.5M
Output/ Activity	2. Number of data collection instruments electronically designed and fielded	BJS Records					2
End Outcome	3. Percentage of respondent agencies using Internet-version of survey instrument	BJS Records					5%
	4. Percent of users accessing on-line customized analysis feature	BJS Records					10%

A. Definitions of Terms or Explanations for Indicators and Data Sources: N/A

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: This proposed enhancement will permit BJS to acquire the most up-to-date software for expanding the potential opportunities to collect data on-line from agencies—it will require no new software for BJS respondents. This upgrade to the BJS website will provide an electronic option for Internet-capable respondents so that they merely need to complete requested forms directly without any need to enhance their own operating systems or Internet environment.

D. Validation and Verification: These measures will be validated and verified through a review of various reports, including BJS management status reports and progress reports from the data collection agent.

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3. National White Collar Crime Center (NWCCC) **$8,750,000**

The NWCCC, through funding from BJA, provides a nationwide support service for federal, state and local agencies in conducting multi-state investigations of white collar crime, including investment, telemarketing and securities fraud, advanced fee loan scams, health care fraud, financial crimes against the elderly, and computer crime. The NWCCC serves as the operations center for the National CyberCrime Training Partnership (NCTP) activities, due to its position as a fully functioning support service group. It provides logistic, administrative and communication support for NCTP activities, and serves as the state and local liaison and training arm of the Partnership. It also acts as a clearinghouse, providing information on all federal computer crime training available to state and locals, as well as a "yellow pages" of resources available in forensic computer science, computer and network investigations.

In 2001, NWCCC is requesting an $8.75 million enhancement to support the work of NCTP. The request would bring total funding for NWCCC for all purposes to $18 million. The NCTP is a national partnership comprised of federal, state and local level law enforcement, investigative and prosecutorial agencies. Its mission is to provide guidance and assistance to local, state and federal law enforcement and prosecutorial agencies in an effort to ensure that these communities are properly trained to address computer-related crime. In this capacity, the NCTP serves as a centralized, operational focal point for assessment, design and delivery of federal, state and local training and technical assistance regarding computer crime investigation and prosecution. The Computer Crime and Intellectual Property Section of the Criminal Division (CCIPS) initiated the NCTP approximately two years ago, and serves in a leadership capacity, providing policy and oversight of NCTP functional activities.

The rapid growth of the Internet and other computer technologies are promoting advances in virtually every aspect of society and every corner of the globe. The Internet, which allows people to interact electronically for both personal and commercial reasons, has generated justifiable excitement over the past few years. But as with other innovations, crime has quickly followed. While new computer technologies allow us to do things that were previously impossible, they can also be misused in ways that threaten public safety and security. Although it is difficult to quantify the scope of the computer crime problem, public reports have estimated that computer crime costs us between $500 million and $10 billion annually. Law enforcement must keep pace with advances in all areas of computer-related crime. This request will enable the NCTP to deliver a basic level training program as well as design and deliver more advanced level training by expanding and enhancing the NCTP Operations Center as identified in their 5-year plan.

The foundation of BJA's request for $8.75 million is a 5-year budget plan for NCTP training activities. This plan was drafted based on program development objectives determined by the NCTP and 2 focus groups conducted by CCIPS on behalf of the NCTP. These focus groups provided state and local law enforcement the opportunity to detail their needs in the area of cybercrime training. Results from this assessment confirmed predictions that **nearly all law enforcement officers require at least a basic level of cybercrime training and investigators require several levels of training.** This input was incorporated in the NCTP's design for the scope of its training program, and in the development of its 5-year budget plan.

The NCTP's 5-year budget plan recognizes that program start-up costs will involve a significant investment in computer hardware and software that will require continuous upgrading. Facility and equipment sharing between NWCCC and the FBI has been initiated, as well as cross-utilization of instructors. NCTP's 5-year budget plan recommended funding levels of approximately $6.2 million in the first year (1999), $5 million in the second year (2000), $5.5 million in the third year (2001), $5.8 million in the fourth year (2002), and nearly $6 million in the fifth year (2003). BJA set aside $4 million at the end of 1998 from its Local Law Enforcement Block Grant (LLEBG) program to be used in 1999 as funding for the first year of this budget plan. In 2000, NCTP was appropriated $1.9 million. The 2001 enhancement would bring the total funding level for NCTP to $10.55 million.

Specifically, the $8.75 million enhancement will support the following NCTP activities:

- $2 million for the expansion and enhancement of the NCTP Operations Center -- Current facilities at the NCTP Operations Center in Fairmont, West Virginia consist of offices and two state-of-the-art computer training rooms (leased space). Expansion will include additional leased office space ($135,000 for first year lease of approximately 5,000 square feet); a forensic training lab ($300,000); work stations and other technical support ($65,000); upgrades for existing computer systems and training labs ($250,000); and general administrative and telecommunications support ($50,000).

  Included in this request is an additional 15 core staff for the operations center ($1.2 million), bringing total staffing to 32 positions. Additional staff are as follows: 1 deputy assistant director, 1 supervisory computer crime specialist; 6 computer crime specialist; 2 forensic specialists, 1 section clerk, 2 curriculum developers, 1 research assistant; and 1 administrative assistant.

- $1.7 million for development and delivery of basic, intermediate, advanced, and specialized level training -- NCTP has identified and prioritized approximately 15 training programs needed beyond the basic level courses for law enforcement. This will allow for the delivery of 70 hands-on basic level training reaching approximately 2,100 law enforcement officers. In addition, 10 intermediate, advanced, and specialized training courses now under development will be completed and presented. These 10 courses will reach an estimated 600 law enforcement officers, administrators, and forensic examiners.

- $500,000 for forensic "tools" production, distribution, and training -- NCTP needs an internal capability to pursue the development of specific types of technology software "tools" required by its partners. NIJ has agreed to lead the research and development efforts, which they are currently doing through base funding streams, the LLEBG research and development set-aside, and the development of counterterrorism technologies. NCTP Operations Center will provide training on the use of these tools. **This request relates only to the training expenses and production/distribution costs for the "tools."** An example of a forensic "tool" used in the cybercrime area would include software designed to retrieve data from the "crime scene" or criminal's computer in order to avoid destroying this data or evidence. Approximately 300 forensic examiners will be provided these "tools" and trained on their use.

- $400,000 for forensic "tools" validation and standardization capability -- There is a critical need for a third party independent evaluation of new forensic software developed and to provide standardization of software tools used by law enforcement. This verification of newly developed software for forensic purposes will be done through a partnership with the National Institute of Standards and Technology (NIST). NIST will use this funding for development and first year implementation costs to establish the capability to assess newly developed software for forensic examinations to determine if the software actually works as expected. NIST would then validate the performance of the "tool" or refute its claim based upon independent evaluation. Law enforcement can then rely upon the NIST validation before buying, or otherwise acquiring these "tools." The NIST validation will become the accepted "standard" for law enforcement use.

- $900,000 for continuation and enhancement of the "guidelines" project -- The "guidelines" project is a series of 7 "best practices" manuals covering all major aspects of law enforcement management of electronic crimes. The first has been completed, and the remaining 6 in the series can be produced in a time effective manner with this funding. Each manual costs approximately $150,000 to develop. Production and distribution will continue beyond the initial year.

- $1.45 million for enhancement of the Secure Collaborative Communications System (SCCS) – The SCCS requires constant modification and upgrading to maintain its maximum value to the partners of NCTP. This system provides a totally secure, real time capability to work on training and technical assistance programs and products. Additionally, it provides high level security for distance learning and development of exercises, while also protecting the sensitive information in programs and other communications. This request will allow for the continued development and addition of a critical multi-media component, as well as secure online collaboration, training, and research.

- $500,000 for establishment of a "virtual" software library -- As law enforcement encounters a wider variety of software and hardware in criminal cases, it is necessary to establish a "clearinghouse" or library of technologies available. This "virtual" software library will enable law enforcement officials to locate technologies and will establish proper protocols for gaining access and assistance for investigative purposes. Actual purchases of software will be rare, but necessary. NCTP plans on establishing a partnership with several academic institutions to offset staff, space, administrative support, and technical assistance expenses.

$800,000 for short-term high level technical assistance -- The NCTP requires short-term high level technical assistance for portions of various projects. This assistance is generally obtained through agreements with uniquely qualified experts and is an effective and cost efficient method for managing this need.

- $500,000 for a student-based evaluation of training -- The NCTP serves as a centralized, operational focal point for assessment, design and delivery of federal, state and local training on computer crime investigation and prosecution. In this capacity,

additional funding is required to perform a follow-up student evaluation of training. This evaluation would look at the effectiveness of the available courses given at the NCTP to enable them to revise and enhance the program to better meet state, local and federal law enforcement needs.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: National White Collar Crime Center (NWCC)/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: The NWCC, through funding from BJA, provides a nationwide support service fro federal, state, and local agencies in conducting multi-state investigations of white collar crimes, including investment, telemarketing and securities fraud, advanced fee loan scams, health care fraud, financial crimes against the elderly, and computer crimes.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$5.23M	$5.35M	$7.35M	$9.25M	$18M
	2. Number of applications received (Program and T&A)	BJA files	2	2	2	2	2
Output/ Activity	3. Number of applications reviewed	BJA files*	1	2	2	2	2
	4. Number of awards made	BJA files*	1	2	2	2	2
Intermediate Outcome	5. Number of monitoring site visits made	BJA files*	3	5	6	7	8
End Outcome	6. Number of multi-state investigations funded by Center	Grantee Reports*	19	22	24	28	32
	7. Number of arrests as a result of services provided by projects	Grantee Reports*	25	70 (a)	35	35	35
	8. Number of enforcement personnel trained in computer crime	Grantee Reports*	710	1,200	1,301	2,000	3,000

A. Definitions of Terms or Explanations for Indicators and Data Source:
*BJA files= Bureau of Justice Assistance's files and National White Collar Crime Center Annual Program Performance Report.

B. Issues Affecting 1999 Program Performance. (a) The original estimate of 70 arrests was projected incorrectly.

C. Issues Affecting Selection of 2000 and 2001 Targets. In 2001, BJA requests an increase of $8.750 million to support the National Cybercrime Training Partnership (NCTP). Specifically, a portion of those funds will be devoted to training law enforcement officers in cybercrime. The balance of the funds will be used for expansion and enhancement of the NCTP Operations Center, for development of training materials, for independent evaluation of new forensic software, for development of best practices manuals, for establishment of a software library, and for short-term, high-level technical assistance - all of which cannot be quantified in the GPRA.

D. Validation and Verification.
The Program Development Division relies on BJA files and grantee reports to verify GPRA numbers. BJA files track information for indicators 2 - 5. Information provided on indicators 6 - 8 are obtained from quarterly reports submitted by individual projects. BJA requires that grantees track figures for these performance indicators and report them quarterly. To further validate the numbers, the projects maintain the original documents that support the numbers.

4. Justice Online Information Exchange (JOIE) $1,000,000

The Office of Justice Programs (OJP) requests $1 million to begin to create the Justice Online Information Exchange (JOIE). As the new century begins, the expanding justice challenges and the potential of powerful new technology demand a shift from reactive, one-way, paper-based dissemination to an electronic knowledge exchange and network linking communities and justice professionals together to maximize crime prevention, crime control, public safety, and community justice efforts. Utilizing the full potential of the Internet--perhaps the most profound socio-technological development of the late 20th century--OJP proposes to create an interactive information exchange and communications network to provide answers to pressing questions, share hard-to-find information, and foster linkages between communities to share best practices on crime and justice.

For more than a quarter century, OJP has fulfilled its Congressional mandate to serve as a national and international clearinghouse for criminal justice information. Through the National Criminal Justice Reference Service (NCJRS), OJP has built the largest clearinghouse for criminal justice information in the world, with a traditional library of 150,000 document abstracts and a virtual library of over 1,500 documents that the public can request via an 800 telephone number or the Internet. In 1999, NCJRS distributed over 1.5 million documents and over 750,000 people requested information and/or publications from OJP. The success of the reference service is undeniable.

Current information and communications technology, and the public's appreciation and widespread use of them, has highlighted the limitations of NCJRS' one-way dissemination model. The traditional delivery systems–publications, journals and 800 numbers–are no longer sufficient because they lack interaction and knowledge transfer capabilities. In addition, the current system is too antiquated to offer the "one stop shopping" capacity that OJP envisioned in its March 1999 *Report to Congress*. Therefore, OJP proposes a five-year plan to increase productivity and customer services by transitioning from a primarily paper-based reference service to an interactive 21st century information sharing and communications network for justice professionals and those interested in justice.

The technology is here to make this a reality. Information technology advances of the last decade have moved the imaginable to the attainable. Today, technology allows us to link researchers and practitioners from around the world to discuss important issues of crime and justice; today we can convene a panel of experts in school violence prevention and bring their discussion directly to thousands of classrooms around the country--*and* the kids can ask questions and interact with the panel; today we can build "knowledge-bases," which can be easily accessed *by customers* to quickly find "what works" and "what doesn't" in any crime prevention area. These knowledge-bases can also include rosters of experts in specific jurisdictions that have tried interventions to address these crime problems. This linked system will permit continuous growth—from the top down and from the bottom up—as the frontiers of knowledge are expanded and as researchers and practitioners working together in the field apply that research and learn valuable lessons in implementation. Today, information technology will allow us to put a police chief who has implemented a program to deal with managing sex offenders in the community directly in touch with a community faced with this problem. This is

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particularly important because OJP has learned (and recent research supports this) that practitioners are far more likely to adopt a proven best practice if it is communicated by a respected peer than it if were presented in a journal or at a conference.

5-Year Plan

In order to develop an appropriate 5-year funding plan for JOIE, OJP commissioned an independent feasibility and cost analysis of the JOIE system. This report shows that JOIE is not only a better way to interact with our expanding customer base, but that it is cost effective as well.

In the first year, 2001, $1 million is requested to (1) begin analysis and design for the system and (2) upgrade and/or modify existing computer hardware, software and search technologies to ensure that they are compatible with the plans for the new system. Finally, new technologies, including hardware and software, will be assessed, field tested by potential customers, purchased, and installed.

In 2002, OJP will engage in the first of two major development years. Systems analysis and design will continue. The upgrading of relevant hardware and software to state of the industry standards will progress, and the start of designing, developing, and loading the knowledge-base will begin. This comprehensive database will actually consist of multiple, compatible, connected databases whose information can be cross-analyzed when queried by customers. This knowledge-base will contain electronic versions of all criminal justice related publications, journals, newsletters, news stories, etc., produced around the world, as well as video and audio justice information as it becomes available. To achieve this comprehensive, virtual library, OJP will forge partnerships with publishers, news services, and academic and criminal justice institutions. Eventually, JOIE, with an audience in the hundred thousands, will be seen as a major distribution "channel" for these organizations. In addition, other linked databases that will become part of the knowledge-base will include "best practices" on crime and justice; criminal justice subject experts, practitioners and policy makers working on crime prevention and criminal justice; training, technical assistance, and funding opportunities available from the Department of Justice; archived data-sets, on-line training curricula, etc.

Through design and development of an easy-to-use, customer-friendly search engine, which will also be completed during year two, communities, criminal justice professionals, researchers and students alike will be able to access the knowledge-base and get the help that they need without waiting for hardcopy materials or dealing with intermediaries. In fact, through the satellite telecommunications services, list-servers, and on-line discussion areas offered, JOIE will be capable of *virtually* linking communities together–in real time–to discuss issues of crime and justice. OJP will require grantees and others who access our services to add their research findings, data sets, program's successes and failures, innovations, etc., to feed OJP's continuous updating and refining of the databases with current news stories, publications, on-line training curricula, an on-line feedback mechanism to provide customer input, etc. Thus, the knowledge-base will be continuously growing and expanding to improve its own capacity and usefulness over time.

Summary Funding Chart ($ in millions)

	2001	2002	2003	2004	2005
System Development	$1.00	$2.75			
Implementation		$1.63	$2.75		
Operations and Maintenance			$2.06	$1.96	$2.05
Totals	**$1.00**	**$4.38**	**$4.81**	**$1.96**	**$2.05**

As the chart above illustrates, after an initial investment in capital, including hardware and software, reductions in cost resulting from this more efficient networked communication system will begin to offset the initial capital investments. By 2004, a real savings of $1.2 million will be realized in printing, mailing and warehousing costs as searchable electronic versions of justice information are expedited to target areas and made available in an electronic data warehouse. In 2005, a savings of $3.9 million will be realized and by 2006, the JOIE system will have paid for itself.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: Justice Online Information Exchange (JOIE)/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To utilize the full potential of the Internet to create an interactive information exchange and communications network to provide answers to pressing questions, share hard-to-find information, and foster linkages between communities to share best practices on crime and justice.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$1M
Output/ Activity	2. Develop systems requirement document and design of the JOIE system	NIJ Records					Yes
	3. Upgrade relevant hardware and software	NIJ Records					Yes
	4. Develop and load knowledge bases	NIJ Records					*
	5. Develop and implement search engine	NIJ Records					*
	6. Develop and implement online customer feedback mechanism	NIJ Records					*
End Outcome	7. Full implementation of the JOIE	NIJ Files					*

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. * This work will not be completed in 2001, but rather, in program out-years. The design and development phase of the project should be complete by the end of FY 2001. Then the system will be put on line over the next few out years in incremental stages, with full implementation occurring by 2003. The current NCJRS system is too antiquated to offer the "one stop shopping" capacity that OJP envisions in the March 1999 Report to Congress. Therefore, OJP proposes a 5-year plan to increase productivity and customer services by transitioning from a primarily paper-based reference service to an interactive 21st century information sharing and communications network for justice professionals and those interested in justice. By 2004, a real savings of $1.2 million will be realized in printing, mailing and warehousing costs as searchable electronic versions of justice information are expedited to target areas and made available in an electronic data warehouse. In 2005, a savings of $3.9 million will be realized and by 2006, the JOIE system will have paid for itself.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports, onsite monitoring of grantee performance by program managers and phone contact.

5. Computer Crime and Cyber-Fraud Statistics $1,000,000

OJP requests $1 million for BJS to initiate the operation of the National Computer Crime Statistics Program (NCCS) to gather information on changes over time in the incidence and prevalence of computer crime offenses, statistical data on the costs and consequences to victims of computer crime, and data on prosecutions, convictions, and sentencing of persons convicted of computer crime. There is currently no national data available to characterize the nature or extent of computer crime nationwide, or to serve as a baseline against which future data could be compared. Estimates relating to the volume and amount of computer crime have been prepared by a variety of organizations and advocacy groups using different methodologies and definitions, thereby leading to multiple views of the nature and scope of this problem, often limited to a particular type of computer crime. The NCCS will provide **for the first time** a consistent and comprehensive nationwide view of the volume and cost of computer crime and will serve as a baseline against which future measurements can be compared.

At present, 49 states and the federal government have enacted specific computer crime statutes which provide penalties ranging from civil remedies to incarceration. The NCCS statistical series is designed to gather information on the enforcement of these statutes and changes over time to the incidence and prevalence of offenses.

Computer crime may affect a wide array of victims, drawn from both the public and private sectors, and may reflect a diversity of criminal behaviors. The general categories of computer crime for which data would be collected include:

- *unauthorized access or use for illegal purposes,* such as unauthorized penetrations of financial networks, use of network to facilitate future crime such as child abduction;
- *causing damage to systems or records,* such as incidents involving vandalism to financial records or destruction of networks, costs to repair damage or reconstruct financial records;
- *theft of intellectual property,* such as theft of computer programs or software, illegal transfer of proprietary computer code; and
- *economic fraud or gain,* such as illegal credit card transactions over the Internet or creation of false identities for purposes of theft from financial networks.

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The sources of data will vary and the data collection procedures will need strong coordination with and endorsement from other federal agencies (such as the Federal Deposit Insurance Corporation (FDIC), the Securities and Exchange Commission (SEC), and DOJ's FBI and Criminal Division's Computer Fraud Unit). In 1984, using data obtained from credit card companies over a four year period, BJS reported that losses from credit card fraud were increasing:

Year	Loss per $1000 volume	Loss per transaction
1979	$1.126	$.042
1980	$1.321	$.053
1981	$1.499	$.065
1982	$1.673	$.079

In 1985, in an in-depth study of 16 U.S. banks, BJS examined fraudulent transactions involving automated teller machines (ATM) and electronic funds transfers (EFT). Based upon the sample transaction data collected, BJS estimated that fraud losses may have been running as high as $.07 per transaction and $1.12 per $1000 transacted electronically.

In the 15 years since such data was last collected by BJS, the range and volume of economically significant types of electronic transactions have grown exponentially, and there continues to be no current national data series measuring the extent of fraud associated with such transactions. There is no single source of national data to inform policy-makers and the public on the magnitude of such losses, the types of transactions most vulnerable to fraud, and the extent to which the incidence and prevalence of loss vary over time and across geographic areas. While we know that bank robbery accounts for about two percent of the robberies in the U.S. with an average loss of $4,207 per incident, there are no equivalent measures of the distribution by victim or the size of loss associated with ATM, EFT, or other types of financial transactions.

In addition to economic fraud, there are other types of thefts and illegal acts that need to be counted and described: unauthorized access to or use of computer networks, causing damage to systems of records, and theft of intellectual property. There is no current source for information on these kinds of crimes and their consequences.

BJS has not collected or published any data on this emerging crime problem in 15 years. The initiation of the NCCS maintained by the Department of Justice will be a critical step in determining whether enforcement measures are having an effect on the magnitude of the problem.

In 2000, $250,000 will be used for developing the methods, definitions, and protocols to obtain uniform nationally-representative data on the four general categories of computer crime previously mentioned. A major effort is being devoted to identifying the data collection objectives, preparing agreements with respondent data sources, and examining the range of data available on a recurring

basis. In addition, BJS is developing agreements with other federal agencies, such as the FDIC, the SEC, the FBI, and the Computer Fraud Unit of DOJ, on the types of data available for use as measures of computer crime. Finally, for each of the data collection activities designed, a schedule for recurring measurements is being devised as a foundation for a long-term plan for and commitment to national statistics on this topic. Throughout this phase, BJS is seeking the assistance of the American Statistical Association and a variety of organizations which have an interest in this subject such as the public and private members of the President's Information Infrastructure Working Group. BJS is closely coordinating these efforts with relevant DOJ components and is maintaining a close working relationship with the Computer Crime Unit in the Criminal Division.

In 2001, OJP requests $1 million to initiate the operation of the NCCS. The NCCS will measure the annual change in the volume and impact of the wide variety of computer-based crimes and will provide for a consistent annual estimate of the extent of such crime and its consequences by examining key areas of illegal access, damage to record systems, thefts of intellectual property, and frauds perpetrated through computer systems or networks. The NCCS will collect data from a cross section of commercial, governmental, and individuals to estimate the incidence, prevalence, and costs associated with computer-based crimes.

The development of a consistent set of measures, jointly with other federal agencies, represents a coordinated strategy to address a growing problem. As with other crime data, data on computer crime will provide a coherent basis for the development of public policy and for evaluation of public initiatives designed to affect the incidence, prevalence, or costs associated with these types of offenses.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: Computer Crime and Cyber-Fraud/Bureau of Justice Statistics
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: Establish a data collection program on computer crime to, for the first time, collect national data on various types of computer crimes and cyber-fraud to estimate the incidence and prevalence of such crimes, as well as provide data on the victims and offenders involved.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$1 M
Output/ Activity	Develop Model for Statistical Program on Computer Crime and Cyber Fraud						
	2. Design data collection protocols	BJS Report					Yes
	a. Unauthorized access to networks protocols						
	b. Damage to system of records protocols						
	c. Theft of intellectual property protocols						
	d. Electronic fraud or crimes for gain protocols						
	3. Select public/private samples of respondents for testing protocols	BJS Report					2 of each type: 1 public and 1 private
End Outcomes	4. Collect data from respondent samples	BJS Report					Yes
	5. Analyze and report findings	BJS Report					Yes
	6. Plan for full-sample market-basket study	BJS Report					Yes
	7. Report future plans and funding requirements	BJS Report					Yes
	8. Utilization of sample findings and tested methods for design of national series	*					*

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
* Information will be an integral part of the Bureau of Justice Statistics base summary GPRA chart and cannot be represented individually.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: The proposed enhancement would obtain uniform data on criminal activities involving illegal access or use of networks, causing damage to systems of records, theft of intellectual property, and crimes involving economic fraud or gain. Forty-nine states and the federal government have enacted specific computer crime statutes, which provide penalties ranging from civil remedies to incarceration. The proposed statistical series would gather information on the enforcement of these statutes and changes over time in the incidence and prevalence of offending. At present, there are no national data available to characterize the nature or extent of computer crime nationwide or to serve as a baseline against which future data could be compared.

D. ...tion and Verification: These measures will be validated and verified through a revie... ...ious reports, including BJS management status reports and progress reports from the ... ...ection ...agel.

VI. JUVENILE JUSTICE INITIATIVE

A. SUMMARY PERFORMANCE PLAN – *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

With so many risk factors for delinquency and violent behavior for young people today, we know that there is no magic formula that will cure the problem of juvenile crime. But experience and research are pointing to a number of effective responses to reduce youth crime, starting with the earliest stages of life. The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders helps pull together all resources in a community to address juvenile crime. The recent outbreak of school shootings reminds us that much remains to be done to prevent young people from resorting to violence and to ensure that violent juveniles receive appropriate interventions. The initiatives that follow respond to this tremendous challenge.

All program increases identified under this initiative support the DOJ priority of providing **Assistance to Tribal, State, and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	Amount
Evaluation of OJJDP Comprehensive Strategy (Juvenile Justice)	–	–	**$4,403,000**
Local Gun Violence Reduction Media Campaign (State & Local Assistance)	–	–	**[10,000,000]**
Reduction of Youth Gun Violence (Juvenile Justice)	–	–	**[10,000,000]**
Total, Juvenile Justice Initiative	–	–	**$4,403,000**

The Office of Justice Programs (OJP) requests $4.403 million in resources for the following programs included in the Juvenile Justice Initiative:

1. **Evaluation of OJJDP Comprehensive Strategy** - $4.403 million is requested for OJJDP for evaluation of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, which provides communities with a framework for developing sound prevention and graduated sanction strategies for reducing juvenile crime and victimization. OJJDP will measure this program's success by tracking the number of sites completing integration of the Comprehensive Strategy Initiative into their performance review process; the establishment of both process and outcome evaluation frameworks by sites; and completion of a national process and outcome evaluation.

   See related base program information under the Juvenile Justice Account.

2. **Local GunViolence Reduction Media Campaign** - $10 million is requested to be made available from existing Byrne Discretionary funding for the Local Gun Violence Reduction Media Campaign initiative to support local media campaigns to reduce gun violence among youth. The campaign will focus on local gun violence strategies to ensure proper storage of guns as well as other messages to prevent child access to guns, gun accidents, and other forms of gun violence. The Bureau of Justice Assistance (BJA) will work in close partnership with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to administer this campaign.

   See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 17.

3. **Reduction of Youth Gun Violence** - $10 million is requested for OJJDP to be made available from existing Title V funding to expand the current OJJDP "Partnerships to Reduce Juvenile Gun Violence Initiative." Of this amount, $7.5 million is requested to

provide $300,000 to 20-25 new communities; $1 million to provide technical assistance and training to assist the sites in implementing their programs; and $1.5 million to support evaluation of this effort.

See related base program information under the Juvenile Justice Account.

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C. JUVENILE JUSTICE - PROGRAM INITIATIVES

1. Evaluation of Comprehensive Strategy $4,403,000

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is charged with leading the fight against juvenile violence and victimization by promoting practical solutions to the problems challenging our Nation's juveniles. The key to addressing these problems is a comprehensive strategy for communities. OJJDP has developed a framework for such a comprehensive approach – The Comprehensive Strategy. The Comprehensive Strategy is a research based, data driven and outcome focused strategic planning and implementation framework for the juvenile justice system. The Strategy incorporates the following two principal components: 1) preventing youth from becoming delinquent by focusing prevention programs on at-risk youth, and 2) improving the juvenile justice system response to delinquent offenders through a system of graduated sanctions and a continuum of treatment activities. The Strategy is best represented as providing a comprehensive and seamless continuum of programs and services, from prenatal care to correctional aftercare (0-18 years of age), with the emphasis on juvenile delinquency prevention, early intervention and graduated sanctions. The program complements the National Institute of Justice's (NIJ) Community Safety Initiative in that information gathered by NIJ may be used to help target communities and assist in gathering data to design and implement a local Comprehensive Strategy.

The Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders has been the foundation of OJJDP's programming since 1993. OJJDP has synthesized decades of research and practice from practitioners and established a framework for implementing an effective juvenile justice system. Through support of research, demonstration programs, and training and technical assistance, OJJDP encourages states, local governments, and communities to use the Comprehensive Strategy to develop coordinated, community wide approaches to intervene and prevent juvenile delinquency and victimization. This comprehensive, systematic approach will help turn the tide of rising juvenile crime by implementing a continuum of juvenile delinquency prevention, early intervention, and graduated sanctions that are responsive to community risk factors. OJJDP focuses its support on programs and initiatives that further one or more of the six key principles of the Comprehensive Strategy:

(1) Strengthen families in their role of guiding, disciplining, and instilling sound values in their children;
(2) Support core social institutions and their role in supporting families and helping children develop their maximum potential;
(3) Promote delinquency prevention strategies and activities that reduce the impact of negative (risk) factors and enhance the influence of positive (protective) factors in the lives of youth at greatest risk of delinquency;
(4) Immediate, effective, and appropriate interventions at the first signs of trouble in a child's life;
(5) Establishment of a system of graduated sanctions and a continuum of services to respond appropriately to the needs of each juvenile offender; and
(6) Identify and control the small group of serious, violent, and chronic juvenile offenders who account for the majority of juvenile crime by providing their incapacitation while at the same time addressing their treatment needs.

The Comprehensive Strategy planning process consists of three distinct phases. First, a local Comprehensive Strategy plan is developed through intensive training and technical assistance, provided by OJJDP, which is based on a Comprehensive Strategy curricula. The development of local Comprehensive Strategy plans is achieved by local teams who assess risk factors that put youth at risk of delinquency and develop and establish effective programs that reduce those identified risk factors and strengthen protective factors to prevent juvenile delinquency. The second phase is implementation of the local and State Comprehensive Strategy plans. Implementation requires the provision of technical assistance in developing management information systems, effective program evaluation, and other needs as identified by state and local officials that are developing Comprehensive Strategy plans. The third phase is for outcome and process evaluation. Evaluation results will assist OJJDP in developing the ability to replicate effective Comprehensive Strategies in other communities.

OJJDP is currently providing intensive training and technical assistance to eight states -- Florida, Iowa, Maryland, Rhode Island, Texas, Ohio, Oregon, and Wisconsin -- for each of the eight states to implement the Comprehensive Strategy in up to six local jurisdictions for a total of 44 participating communities. In addition, OJJDP is providing technical assistance support to San Diego County, California, one of the first sites in the country to develop and pilot a local Comprehensive Strategy. The Comprehensive Strategy is currently supported with technical assistance and training funds through grants to Developmental Research and Programs, Inc. and the National Council on Crime and Delinquency (NCCD) in the amount of $1.1 million for FY 1999. These grantees have assisted in establishing the research foundation and development of Comprehensive Strategy publications, including a training curriculum, and have provided intensive strategic planning training and technical assistance in each of the local sites in the states.

In 2000, OJJDP will begin a multi-year, multi-site process evaluation of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. The evaluation will first look at the lessons learned from the Comprehensive Strategy training and technical assistance process that was provided in three pilot communities: Fort Myers and Jacksonville, Florida; and San Diego, California. The evaluation will then look at the effect of the 2-year training and technical assistance process that is currently being provided in 8 states and 44 local jurisdictions. The training and technical assistance process is designed to transfer the knowledge, skills, tools, and practices necessary to develop a comprehensive strategic plan in each community. The evaluation will document the effectiveness of the training and technical assistance process in a sample of communities. The evaluation will also look at the level of services being provided in each of the jurisdictions that have successfully completed the training and technical assistance process and are implementing their Comprehensive Strategy plan. In the first year, the process evaluation will also document baseline data in the Comprehensive Strategy states and participating local communities.

The $4.403 million requested would be used to support a full outcome evaluation from selected local jurisdictions within the 8 states (5 of which are in the process of implementing locally developed Comprehensive Strategies and 3 of which are in the planning phase and scheduled to begin implementation efforts in the fall of 2000). Additionally, at least one other state (Kansas) that has developed Comprehensive Strategy plans throughout the state and based on the work in the 8 states that received training and technical assistance

from OJJDP will be included in this evaluation. Although OJJDP is currently working on conducting a process evaluation, without the provision of additional resources it will not be possible to conduct a full outcome evaluation. The implementation of the Comprehensive Strategy in the 44 jurisdictions will be primed for an outcome evaluation in 2001. Such an evaluation is essential to provide the richest possible information on the program's successes and failures and the reasons for these outcomes.

In order to determine the effectiveness of the Comprehensive Strategy in helping communities combat juvenile delinquency, an evaluation must go beyond a process evaluation stage. While the process evaluation can identify what the community did to comprehensively respond to and prevent delinquency, it cannot identify how effective these changes were in reducing actual rates of delinquency and achieving other measures of success. To measure the value of the Strategy, data must be collected regarding the juveniles served to determine both how the Strategy affected risk factors and protective factors and whether these changes caused less recidivism or initiation of delinquent behavior. The intended evaluation design will keep costs as low as possible. Evaluation experts warn of the difficulty and the expense of measuring final impacts like reductions in crime and delinquency in evaluations of comprehensive community-based initiatives. However, intermediate outcomes such as decreased risk factors, increased protective factors, and reduced recidivism will be available earlier. Even being careful with costs in this way, the evaluation will have to sample from the 44 participating communities. With a sample of adequate size, however, an outcome evaluation should communicate the effectiveness of the the Comprehensive Strategy planning approach in reducing risk factors and strengthening protective factors and, ultimately, in reducing juvenile crime and delinquency.

PROGRAM/ORG UNIT: Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders/Office of Juvenile Justice and Delinquency Prevention (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) - Continue to emphasize both enforcement and prevention strategies to counter youth violence through targeted program that provide funding and specialized assistance to states and localities.
MISSION: The Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders provides the framework for developing sound prevention and graduated sanctions strategies for reducing juvenile crime and victimization.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$1.6Ma/	$2.6Ma/	$2.6Ma/	$2Ma/	$6.403M ***
	2. Number of state applications received	Program Mgr	8	0*	0*	20	20
Output/ Activity	3. Number of states selected	Application Process	3	0	0	2	2
	4. Number of sites selected within state**	State Reports	18	0	0	12	12
	5. Number of technical assistance requests (states and sites)	Progr Mgrs and TA Providers	54	54	66	64	64
Intermediate Outcome	6. Number of on-site monitoring visits to states and sites	Prog Mgr	30	46	46	36	36
	7. Technical assistance provided (states and sites)	TA Providers	54	54	66	TBD	TBD
	8. Number of on-site data gathering visits (states and sites)	Prog Mgr & Eval Providers	3	8	8	15	15
End Outcome	9. Number of site strategic plans developed	Site Reports	1	27	22	18	TBDb/
	10. Number of strategic plans implemented	Program Manager & Site Report	1	27	22	18	TBDb/
	11. National Evaluation on the Effectiveness of the Comprehensive Strategy for Replication	States, Sites, and OJJDP	0	0	0	0	1

A. Definitions of Terms or Explanations for Indicators and Data Sources:
* During 1999, no new states were solicited by OJJDP to allow for capacity development and outreach to states and sites on Comprehensive Strategy Technical Assistance needs. Based on these outreach efforts, including increased information dissemination and training, an increase in requests for technical assistance and applications for technical assistance will increase.

** States select up to 6 sites.

a/ Funds are for technical assistance and training.
b/ The Strategic Plans, requiring a two year process, are not expected until 2002.

*** The 2001 total ($6.403 million) includes a $2 million for technical assistance and training.

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B. Issues Affecting 1999 Program Performance. N/A
C. Issues Affecting Selection of 2000 and 2001 Targets. In 2001, the $4.403 million requested increase would be used to support a full outcome evaluation from selected local jurisdictions within the eight states (5 of which are in the process of implementing locally developed Comprehensive Strategies and 3 of which are in the planning phase and scheduled to begin implementation efforts in the fall of 2000). The implementation of the Comprehensive Strategy in the 44 jurisdictions will be primed for an outcome evaluation in 2001.
D. Validation and Verification: Individual semi-annual and final project reports keep staff abreast of grantee progress.

2448

2. Local Gun Violence Reduction Media Campaign $10,000,000
$10 million is requested to be made available from existing Byrne Discretionary Grant funds support local media campaigns linked to local gun violence strategies to highlight proper storage of guns, as well as other messages to prevent child access, accidents, and other forms of gun violence. Localities can also use these media campaigns to publicize gun penalties to maximize deterrence against gun crimes. The Bureau of Justice Assistance (BJA) will work closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to administer this campaign.

Although overall crime rates have declined nationwide in recent years, concerns associated with gun-related violence are far from over. These concerns resurfaced graphically on both the national and local levels this past year as a result of several tragic shootings in our nation's public schools. These violent episodes galvanized the American public and alerted everyone of the immediate need to address our country's gun violence problem, particularly the issue of youth access to firearms. The unfortunate recent spate of school shootings left an indelible mark on the country, serving as an abrupt reminder that gun violence can happen anywhere, at any time, and in any place.

Recent studies have shown that American children are more at risk from firearms than any other children in the world. According to the Centers for Disease Control, the rate of firearm death of children 0-14 years old is nearly twelve times higher in the U.S. than in 25 other industrialized nations combined. From 1984 to 1994, the firearm death rate for 15-19 year olds increased 222% while the non-firearm homicide death rate decreased only 13%. For every child killed with a gun in America, four are wounded. Within five years, firearms are expected to overtake motor vehicle accidents as the leading cause of death among American children.

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In many cases, research has shown that children in America often die or are badly injured because their parents and other gun owners do not store their firearms properly. As a result, children find loaded guns and use them unintentionally on themselves or other children. Older children are more at risk from horseplay with available guns, while teenagers use guns for impulse suicides and for crime. All are vulnerable to getting caught in the crossfire from guns used in domestic violence and in crime.

Perhaps the greatest tragedy of gun violence is the increasing number of children and youth killed or injured each year by firearms. On average, more than 14 youths each day are killed by gunshots. In 1985, the number of firearm homicides for youth 19 years and younger was 1,339. In 1995, that number was 2,754, and, in that same year, guns accounted for 84% of homicides of persons 13 to 19 years of age. Youth suicides from firearms have also significantly increased since 1985. In that year, there were 1,256 firearm suicides for youths one to 19 years of age. In 1993, this number increased to 1,460. Additionally, unintentional firearm deaths among youths 19 years of age and under totaled 551 in 1991. In that same year, a total of 5,737 youths 19 years of age and younger died from firearm homicide, suicide, and unintentional shootings.

Another disturbing indicator is the increasing number of young people in possession of firearms. A 1990 survey conducted by the Centers for Disease Control found that one in 20 high school students carried a gun to school in the past month. In 1995, 43,211 juveniles were arrested for weapons violations. In 1976, 59% of murders committed by juveniles involved a gun. In 1991, that number had increased to 78%.

Contrary to conventional wisdom, people who keep guns in their homes for self-protection often place themselves and their families at tremendous risk, particularly when the firearm is kept loaded and in an unsecured location. According to a 1998 study conducted by the New England Journal of Medicine, guns kept in the home for self-protection are 22 times more likely used to kill somebody a person knows than to kill an intruder in self-defense. Thus, a gun in the home actually **increases** the likelihood of an unintentional shooting, particularly among children. Unintentional youth shootings commonly occur when children find an adult's loaded gun in a drawer or closet, and while playing with it shoot themselves, a sibling, or a friend. In 1996, 1,134 people – many of them children – were killed accidentally or unintentionally by firearms. In 1995, there were 1,225 unintentional shooting fatalities. Of these fatalities, 181 were children 14 years of age and younger. Perhaps more troubling is research that shows that as many as one-fourth of all gun owners do not even take the most basic of safety precautions - for example, leaving a gun unloaded and activating the safety mechanism. Many popular semi-automatic weapons lack magazine safety disconnects or load indicators, meaning that children have no way of knowing that a gun that appears unloaded actually has a bullet in the chamber. A 1995 survey found that 59% of parents who admitted to having a gun in the home did not lock the gun away from their children. The Chicago-based Joyce Foundation commissioned Louis Harris Research, Inc. to conduct a poll which found that only 43% of parents with children under 18 years of age who own a gun keep that gun safely locked. An estimated 1.2 million elementary-aged, latchkey children have access to guns in their homes. Because handguns and other firearms are so easily accessible to many children, adolescents and other family members in their homes, the risks of gun violence in the home increase dramatically. Indeed, the risk of homicide in the home is three times greater in households with guns than those without guns.

The $10 million request will be used as follows:

- $7 million for grants to support local media campaigns designed to increase youth awareness of gun-related violence and reduce the number of youth gun-related incidents. The grants will emphasize a multi-media approach to ensure broad access to a wide range of audiences. Methods of disseminating this information will include various distribution channels, including electronic print media, billboards, public service announcements (PSAs), point-of-purchase information for new gun owners, and community outreach to publicly available gun safety programs;

- $1.25 million in product reproduction to promote the dissemination of documents aimed at reducing gun violence, including, but not limited to, brochures, leaflets, pamphlets, camera ready print, radio commercials, etc.;
- $1 million for technical assistance to local agencies to assist in developing and implementing strategies to emphasize gun safety and prevent gun violence; and,
- $750,000 for an impact evaluation to assess the effectiveness of the program.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Juvenile Justice
PROGRAM/ORG UNIT: Kids and Guns Local Media Campaign/ Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) To counter youth violence through targeted programs that provide funding and specialized assistance to states and localities.
MISSION: To support local media campaigns designed to increase youth awareness of gun-related violence and reduce the number of youth gun-related incidents.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					[$10M]*
Output/ Activity	2. Number of applications received 3. Number of grant awards	BJA files BJA files					TBD (a/) TBD
Intermediate Outcome	4. Number of on-site monitoring visits 5. Percentage of jurisdictions implementing media campaigns within 6 months of project start-up date	BJA files Grantee reports/site visit reports					TBD 50% (b/)
End Outcome	6. Number of jurisdictions receiving technical assistance 7. Number of media campaigns launched 8. Percentage of grantees who, at time of close-out, have implemented programs that met the majority of their goals and objectives as stated in their approved applications for funding.	BJA files Grantee reports Grantee reports/site visit reports					TBD TBD 100%

A. Definitions of Terms or Explanations for Indicators and Other Data Sources. N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.
a/ This program is new in FY 2001. It requires further development in order to project data for FY 2001. Additional performance indicators will likely be added as a result.
b/ It is anticipated that only half of the jurisdictions that receive funding will be able to implement media campaigns within six months of the start date of their project because development of a media campaign requires more planning and development in the initial months of operation.
* $10 million is requested to be made available from existing Byrne Discretionary funding for this initiative to support local media campaigns to reduce gun violence among youth.

D. ion and Verification. The Program Development Division (PDD) validate: rifies performance measures throughout progress reports submitted by grant D inter.. .ies, site visits, and Technical Assistance Logs. The end outcome of this progi. ill be verified by site visit reports and semi-annual progress reports submitted . ..antees. Grantees will be required to report on progress made toward each of their goals and objectives.

2452

3. Reduction of Youth Gun Violence ..... **[$10,000,000]**

The Office of Justice Programs requests $10 million to expand the current Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded "Partnerships to Reduce Juvenile Gun Violence Initiative" being implemented and evaluated in Oakland, California; Syracuse, New York; Baton Rouge, Louisiana; and Shreveport, Louisiana. Although this program is relatively new, there have been several lessons learned from the evaluation.

These funds will be made available through existing OJJDP Title V resources and will fund 20-25 additional demonstration sites. These sites are needed to test the various prevention and intervention components of this comprehensive model in diverse communities and to maximize what we learn from the demonstration effort. Of this amount, $7.5 million is requested to provide $300,000 to 20-25 new communities; $1 million to provide technical assistance and training to assist the sites in implementing their programs; and $1.5 million to support evaluation of this effort.

The goal of this program is to reduce juveniles' illegal access to guns and address the reasons they carry and use guns in violent exchanges. The success of this program will be determined by addressing the following measures: (1) reduction of illegal gun availability to juveniles; (2) reduction of the incidence of juveniles illegally carrying guns; (3) reduction of juvenile gun-related crimes; (4) increase in youth awareness of the personal and legal consequences of gun violence; (5) increase in participation of community residents and organizations in public safety efforts; (6) improvement in community attitude toward law enforcement/ more confidence in public safety; and (7) increase in services and resources for at-risk juveniles, especially juveniles involved in the juvenile justice system.

OJJDP expects this program will promote and increase the effectiveness of new and existing youth gun violence reduction programs by enhancing and coordinating prevention, intervention, and suppression strategies, and strengthening linkages between community residents, law enforcement, and the juvenile justice system.

The requested program increase would expand demonstration of an approach supported both by three decades of research on prevention delinquency and reducing juvenile crime, and preliminary research on reducing gun violence. As recently as July 30, 1998, at a Department of Justice focus group, the nation's top public health and criminology researchers, city mayors, community representatives and law enforcement practitioners, reaffirmed the components of the Partnerships to Reduce Juvenile Gun Violence Initiative, from the elements of gun tracing, strong law enforcement activity, and innovative police/probation partnerships to community-based efforts involving schools, mental health, social service providers and parents and public information efforts to educate youth and communities as a whole on the dangers of firearms. They also voiced their support for more demonstrations of comprehensive approaches to reduce juvenile gun violence, along with essential elements of training and evaluation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Juvenile Justice
PROGRAM/ORG UNIT: Prevention and Reduction of Youth Gun Violence/Office of Juvenile Justice and Delinquency Prevention
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) Continue to encourage community-based approaches to crime and justice at the tribal, state and local level.
MISSION: Reduce juveniles' illegal access to guns and address the reasons they carry and use guns in violent exchanges.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted	1999 Actuals	2000 Enacted	2001
Input	1. Appropriation (in millions))	P.L.	$.8M	$1.2M	$1.2M	$.9M	[$10.9M]
	2. Number of applications received	Program Manager	72	3a/	3	3	125
Output/	3. Number of applications reviewed	OJJDP reports	72	3	3	3	125
Intermediate Outcome	6. Number of monitoring site visits	Program Manager, Site Visit Reports	4	3	3	3	11
End Outcome	7. Number of gun prevention programs implemented.	Program Manager, Final Grant Reports	4	3	3	3	28
	8. Reduction of illegal gun availability to juveniles.	OJJDP reports	*	*	*	TBD	TBD
	9. Reduction of incidence of juveniles illegally carrying guns	OJJDP reports	*	*	*	TBD	TBD
	10. Reduction of juvenile gun-related crimes	OJJDP reports	*	*	*	TBD	TBD
	11. Increased youth awareness of personal and legal consequences of gun violence	OJJDP reports	*	*	*	TBD	TBD
	12. Increased participation in public safety efforts	OJJDP reports	*	*	*	TBD	TBD
	13. Improvement in community attitude toward law enforcement/increased confidence in public safety	OJJDP reports	*	*	*	TBD	TBD
	14. Increased services /resources for at-risk juveniles	OJJDP reports	*	*	*	TBD	TBD

A. Definit. .f Terms or Explanations for Indicators and Data Sources: a/ One of the fo. .s (Shreveport, LA) withdrew after the first budget year due to poor performanc. .ir local evaluator noted a lack of support from key local public officials. In order to correct their problems, the grantee needed to start over. Confronted with this choice, the grantee decided to withdraw.
B. Issues Affecting 1999 Program Performance. N/A
C. Issues Affecting Selection of 2000 and 2001 Plans. The $10 million program increase is requested for OJJDP to be made available from existing Title V funding to expand the current OJJDP "Partnership to reduce Juvenile Gun Violence Initiative." * These new performance indicators did not exist for 1998 and 1999.
D. Validation and Verification: Implementation of performance measures will be validated and verified through a review of progress reports submitted by grantees, telephone contact, and onsite monitoring of grantees' performance by grant program managers.

2455

A. SUMMARY PERFORMANCE PLAN – *Component Mission and Goals, and Relationship to DOJ Strategic Plan*

The criminal justice needs of tribal, state and local jurisdictions are exploding -- prosecution rates are up, prisons are crowded, forensic labs are overworked and the court systems are overloaded. As a result, OJP is reaching out into some previously under-addressed areas. Such as international crime, investigative and forensic sciences, and treatment of the ever growing number of serious mentally ill offenders within the criminal justice system. Additionally, OJP is focusing on Indian Country needs as they relate to alcohol and substance abuse, tribal courts, sexual abuse, and juvenile mental health. Presently, prisons and jails face unique problems due to this growing trend and they are ill equipped to manage or serve the deinstitutionalized mentally ill.

All program increases identified under this initiative support the DOJ priority of providing **Assistance to Tribal, State and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	AMOUNT
Mental Health of Offenders (State & Local Assistance)	**1.0**	**1.0**	**[$6,000,000]**
Investigative and Forensic Sciences Improvement (Justice Assistance)	**1.0**	**1.0**	**2,000,000**
International Crime Research Program (Justice Assistance)	**1.0**	**1.0**	**1,400,000**
Tribal Criminal and Civil Legal Assistance (State & Local Assistance)	**4.0**	**2.0**	**6,000,000**
Indian Country Grants (State & Local Assistance)	**8.0**	**4.0**	**21,000,000**
Tribal Youth Mental Health and Behavioral Problems	**[3.0]**	**[1.5]**	**[8,000,000]**
Indian Alcohol and Substance Abuse Diversion Program	**[3.0]**	**[1.5]**	**[8,000,000]**
Sexual Assault Nurse Examiner Units	**[2.0]**	**[1.0]**	**[5,000,000]**
Indian Tribal Courts (State & Local Assistance)	**0.0**	**0.0**	**10,000,000**
Total, Meeting New Challenges Initiative	**15.0**	**9.0**	**$40,400,000**

The Office of Justice Programs (OJP) requests $40.4 million in resources for the following programs included in the Meeting New Challenges Initiative:

1. Mental Health of Offenders - $6 million and 1 position are requested for this program. Of the amount requested, $5.169 million is requested for the Mental Health of Offenders Discretionary Grant Program to be administered by the Corrections Program Office and $831,000 and 1 position is requested to establish a Mental Health Court Program to be administered by BJA. The entire $6 million will be made available from the base funds of the Prison Grant Program.

See related base program information under the State and Local Law Enforcement Assistance Account's Prison Grant Program beginning on page 30.

2. Investigative and Forensic Sciences Improvement - $2 million and 1 position are requested for NIJ to initiate, develop, and support several Technical Working Groups (TWGs) dedicated to creating guidelines for investigative and forensic sciences. NIJ will create new protocols and establish national guidelines and standards, based on a broad-based consensus from criminal justice

professionals, to ensure the sound identification, collection, and preservation of forensic evidence and its presentation in the courtroom as well as develop criteria for training investigators.

See related base program information under the Justice Assistance Account beginning on page 11.

3. International Crime Research Program - $1.4 million and 1 position are requested for NIJ's International Center to implement an International Crime Research Program. Crime in the twenty-first century will occur in a global framework and because multi-national business creates global economies, no country is more vulnerable to transnational crime than the United States. While we can occasionally collaborate across state and county lines, our capacity to track offenders across international borders is virtually non-existent. Developing countries and emerging democracies, with weak enforcement capabilities and justice systems, serve as natural origins for illicit goods and destinations for stolen properties and laundered money. In the absence of a firm and broad-based understanding of the nature and extent of transnational crime threats operational agencies cannot develop effective programming to combat this type of crime. This program would help NIJ to develop and share knowledge in support of federal law enforcement efforts to assist justice agencies in emerging democracies, and to share knowledge developed through a variety of research, evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad.

See related base program information under the Justice Assistance Account beginning on page 11.

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4. Tribal Criminal and Civil Legal Assistance - $6 million and 4 positions are requested by OJP to be funded under the Byrne Discretionary Grants Program for the Tribal Criminal and Civil Legal Assistance program, which will develop and enhance the legal services provided to Indian tribes through a mix of program funds, training and technical assistance, and program research and evaluation. This program is crucial to furthering the President's Indian Country Law Enforcement Initiative begun in 1999.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 17.

5. Indian Country Grants - A total of $21 million and 8 positions are requested to implement a three-part initiative in Indian Country. The primary purpose of the Initiative is to promote Indian youth mental health, education, alcohol and substance abuse related services, and provide certified medical staff to assist in the forensic examination of sexual assault victims. Specifically, $8 million and 3 positions are requested for Tribal Youth Mental Health and Behavior Problems Initiative; $8 million and 3 positions are requested to establish an Indian Alcohol and Substance Abuse Diversion Program; and $5 million and 2 positions are requested to form a pilot project for establishing Sexual Assault Nurse Examiner Units to be administered by the Violence Against Women's Office.

6. Indian Tribal Courts - $10 million is requested for BJA to expand the current Tribal Courts Initiative, bringing total funding to $15 million. This initiative will provide additional resources to focus on juvenile and family issues, non-traditional approaches to justice, enhancing the administration of civil and criminal justice on Indian lands, and encouraging the implementation of the Indian Civil Rights Act by tribal governments. While promoting greater cooperation among tribal, state, and federal justice systems, this initiative assists tribal justice systems to coordinate programs and services within its tribal structure with law enforcement, victims services, treatment providers and others. The initiative also assists with technology development to ensure that tribal justice systems can communicate within the tribal and non-tribal justice community.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 34.

C. MEETING NEW CHALLENGES INITIATIVE - PROGRAM INITIATIVES

1. Mental Health of Offenders ..... **[$6,000,000]**

$6 million and 1 position are requested for this two-part program: $5.169 million is requested for the Mental Health of Offenders Discretionary Grant Program to be administered by the Corrections Program Office (CPO) and $831,000 and 1 position is requested to establish a Mental Health Court Program to be administered by BJA. The entire $6 million will be made available from the existing Prison Grant Program.

The Mental Health of Offenders Discretionary Grant Program will address problems related to the growing number of serious adult and juvenile mentally ill in the criminal justice system--a primary concern of the Attorney General. This issue, which has been given little attention in the past, is emerging as a national crisis as the magnitude of the problem is now being recognized. According to CPO data, one in every 14 inmates in local jails suffer from serious mental illness according to a nationwide survey of 1,391 jails conducted in 1992 by the Public Citizen's Health Research Group and the National Alliance for the Mentally Ill. Among persons in the criminal justice system who are diagnosed with schizophrenia, major affective disorders, or antisocial personality disorder, 90 percent also have a co-occurring substance abuse disorder. Almost one in three (29 percent) jails detain seriously mentally ill persons who do not have criminal charges against them. The most common offenses cited by jails for arresting the mentally ill were assault and/or battery, disorderly conduct, and drug and alcohol-related crimes. Seriously mentally ill persons face substantial problems in jails, including abuse from other inmates, and jail officials report that the seriously mentally ill must be closely monitored for possible suicide, require more attention from jail staff, disrupt normal jail activities, and increase the potential for outbreaks of violence. In many jails, psychiatric resources are limited or non-existent--over 20 percent of the jails report having no access to such specialized services. Corrections officers in 84 percent of jails receive either no training or less than three hours of training in the special problems of the mentally ill. More than two-thirds of the jails report seeing more or far more inmates with serious mental illnesses now than 10 years ago.

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It is estimated that at least 10 percent of prison inmates have a serious brain disorder such as schizophrenia or manic-depressive illness (bipolar disorder). Inmates with schizophrenia or manic depressive illness are at higher risk for suicide. Too often, inmates with these disorders exhibit behaviors that result in disruption for the correctional system and disciplinary problems for the offender. They frequently "get lost" in the correctional system preventing them from receiving adequate treatment and causing them to suffer in silence. Many mentally ill offenders are unable to adjust to the myriad of rules and the stresses of prison life and accrue disciplinary records that lead to their placement in isolation or in super-maximum security facilities.

In July 1999, BJS released a report entitled, "Mental Health and Treatment of Inmates and Probationers." The report found an estimated 283,800 mentally ill offenders were incarcerated in the Nation's prisons and jails. BJS estimates that 16 percent of state prison inmates, 7 percent of federal inmates, and 16 percent of those in local jails reported either a mental condition or an overnight

stay in a mental hospital. About 16 percent, or an estimated 547,800 probationers, said they had a mental condition or stayed overnight in a mental hospital at some point in their lifetime.

It is widely recognized that, as public mental health facilities deinstitutionalize many of these individuals find their way into alternative institutions (i.e., prisons and jails), which are ill equipped to manage or serve them. This poses particular problems for law enforcement, the community, jails and prisons, and the mentally ill/persons with mental retardation. In a correctional environment, they are frequently humiliated, degraded or abused by other prisoners, and sometimes, staff who are often neither trained or inclined to recognize or serve their special needs.

In addition to the adult mentally ill offenders, an increasing number of juveniles with emotional disorders are also entering the juvenile justice system. This growing trend is the result of multiple systemic problems including inadequate local mental health services for children and more punitive state laws related to juvenile crime. The National Mental Health Association estimates that up to 60 percent of youth involved in the juvenile justice system suffer from emotional disorders. Special treatment should be available to children who are sexually abused, who have substance abuse problems, health problems, educational problems, histories of family abuse or violence, and who are sex offenders. Programming in facilities should be appropriate to the child's age, gender and culture. Linguistically and culturally appropriate therapy with the child's family should be encouraged. Facilities should train staff to use behavior management techniques that minimize the use of intrusive, restrictive, and punitive control measures. Facilities should have written guidelines for the use of seclusion, room confinement, and restraints.

The White House recently held a conference on mental health that included a breakout session to look at solutions to the problems of mentally ill offenders who repeatedly cycle through the criminal justice system without appropriate intervention. As a follow-up to the conference, DOJ and the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) are hosting a conference this summer to focus on how the criminal justice system can prevent crime by mentally ill people, and address the needs of offenders with mental illness. Following this conference, DOJ plans to launch an outreach effort to educate the criminal justice community on how better to serve people with mental health needs. This initiative will include a new partnership with the National GAINS Center for People with Co-occurring Disorders in the Justice System so that communities interested in pursuing these approaches can get technical assistance and ideas about how to implement successful strategies.

The GAINS Center for People with Co-occurring Disorders in the Justice System was established in 1995 and is jointly funded by the Center for Mental Health Services, the Center for Substance Abuse Treatment, and the National Institute of Corrections. The National GAINS Center is the locus for the collection and dissemination of information about effective mental health and substance abuse services for people with co-occurring disorders who come into contact with criminal justice systems. GAINS Center staff and consultants collect information designed to influence the range and scope of mental health and substance abuse services provided in

jails, prisons, and community corrections; tailor these materials to the specific needs of localities; and help localities plan, implement, and operate appropriate, cost-effective programs.

In 2001, $6 million and 1 position are requested for the Mental Health of Offenders Program. Of this amount, $5.169 million is requested to provide discretionary grants to 20-30 state adult and juvenile corrections agencies and local jails for the assessment, diversion, and treatment of mentally ill inmates. Grants will help correctional agencies develop and implement a system to screen incoming inmates to identify those with mental illness, and provide needed treatment and adequate aftercare service in the community following release. The program will support the development and implementation of innovative and effective approaches which result in partnerships between corrections, the courts, mental health and substance abuse treatment agencies, and other community support services to effectively treat and monitor mentally ill offenders while incarcerated and when released back into the community. Of the funds requested, 10 percent of funding would be used for research and 10 percent for training and technical assistance. Programs that are implemented by local jails and juvenile detention centers would be expected to establish mechanisms and protocols to screen individuals for possible mental health and co-occurring (mental health and substance abuse) problems and to divert those whose disorder is more related to mental illness or retardation than criminality to an appropriate mental health provider. Programs that are implemented by adult and juvenile corrections agencies would be expected to establish mechanisms and protocols to evaluate and treat individuals with serious mental illness.

The remaining $831,000 and 1 position is requested for BJA to develop a mental health court program that will provide a single point of contact for mentally ill defendants charged with misdemeanor offenses. Such courts would provide, in large part, screening and placement decisions for mentally ill offenders at the "pre-institutionalization" stage. They would also serve to divert a portion of these offenders from the correctional institutions into other residential settings and community care situations. A mental health court would apply the treatment court concept demonstrated initially by drug courts, and later, domestic violence courts. This strategy would use the authority and oversight capabilities of the court to link mentally ill defendants with mental health services; such linkage does not presently exist except in a few jurisdictions. BJA is already working with three existing mental health courts (Broward County, Florida; King County, Washington; and Anchorage, Alaska) that deal with mentally ill or impaired individuals arrested for misdemeanor offenses. One of these courts was set up in response to a study that found that mentally ill offenders in the county jail had an average of six prior bookings into the jail in the three years prior to their current offense. The study also demonstrated that the average length of stay in the jail for inmates with mental illnesses was three times longer than for the average inmate. BJA anticipates that the three existing courts would be invited to become host sites for providing technical assistance and outreach to up to five other jurisdictions which will be selected within the first year. Of the amount requested, $600,023 will be used to support the demonstration projects, and $230,977 will support the planning and documentation that occurs before site work begins and the ongoing technical assistance required to ensure successful implementation of the court model or models. In the second year of the program, an evaluation component will be added to the continued support of the site work and technical assistance components.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Mental Health of Offenders/Corrections Program Office
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To provide screening, management and treatment of the mentally ill within jails and prisons and to develop a mental health court component.

PERFORMANCE INDICATOR INFORMATION							
				Performance Report		Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Plan**	**2001 Plan**
Input	1. Appropriation (in millions) 2. Number of applications	P.L. CPO Records					[$6M] 30
Output/ Activity	3. Number of grant awards 4. Number of technical assistance events 5. Number of monitoring visits made	CPO Records CPO Records CPO Records					15 5 5
End Outcome	6. Number of final reports completed as a result of the planning grant 7. Number of offenders given treatment and aftercare	CPO Records CPO Records					TBD TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined. This is a new program and indicators will not be available until mid 2002.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. $6 million is requested for this new initiative which will be carved out of the $75 million Violent Offender Incarceration budget request. $5.169 million is requested for the Corrections Program Office to provide discretionary grants to assist 15 state adult and juvenile corrections agencies and local jails with the assessment, diversion and treatment of mentally ill inmates. Grants will help correctional agencies develop and implement a system to screen incoming inmates to identify those with mental illness, provide needed treatment and provide adequate aftercare service in the community following release. This request also includes $831 million for the Bureau of Justice Assistance to develop a Mental Health Court Program that will provide a single point of contact for mentally ill defendants charged with misdemeanor offenses.

D. Validation and Verification. CPO validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone cont

2. Investigative and Forensic Sciences Improvement **$2,000,000**

$2 million and 1 position are requested by NIJ to continue the development of guides for the investigative and forensic science communities. In the NIJ research report *Convicted by Juries, Exonerated by Science* , the Attorney general enumerated several tasks for the scientific and justice communities, including "ensuring proficiency and credibility of forensic scientists so that their results and testimony are of the highest caliber and are capable of withstanding exacting scrutiny". Support for the development of basic minimum protocols, the development of appropriate validation studies to support traditional forensic sciences newly challenged as inadmissible in the courtroom, and the evaluation of fundamental information about the activities of the greater than 300 public crime laboratories currently conducting some form of forensic analyses is needed to effectively support the criminal justice system in its use for reliable, accurate analysis of crime scene evidence. This initiative will (1) assess the baseline capacity and capability state and local forensic laboratories; (2) continue to develop guides on the effective identification, collection, preservation, and preparation of forensic evidence target to specific areas of investigation as requested by the investigative and forensic science communities; and (3) support appropriate validation studies to support, and in some cases, establish the scientific foundation of traditional investigative and forensic sciences currently or potentially facing admissibility challenges in court.

There are currently no nationally recognized investigative and forensic science protocols to guide state and local law enforcement. Police departments currently operate under a broad array of state and local investigative and procedural guidelines and standards. NIJ has already responded to requests from the investigative and forensic science communities by developing and supporting several Technical Working Groups (TWGs) dedicated to creating practical guides for Death Investigation, Eyewitness Evidence, and Crime Scene Investigation based on broad-based consensus from criminal justice professionals. For example, in developing the Death Investigation Guide, NIJ selected an independent review panel whose members represented international and national organizations. The multi-disciplinary technical group that was formed allowed the experts to develop consensus guidelines about the 29 essential points that must be addressed during a death investigation in order to safeguard important evidence that may be of forensic value.

Response to the *Guide* series has been uniformly positive and the demand for the pamphlets has superceded previous records for NIJ publications. For example there have been more than 30,000 *Guides* for Death Investigation distributed since its publication in December of 1997 with thousands more downloaded off the web. Additionally, the Eyewitness *Guide* has yielded more than 6500 downloads and been distributed to almost 3000 recipients in less than a month since publication. Clearly, this *Guide* series is filling a need in the criminal justice system.

The funds requested for 2001 will be used to develop several *Guides* and their training criteria as requested by the investigative and forensic science communities. Due to the overwhelming response to the first publications, there is obviously a need for these tools within the law enforcement community. The specific request for 2001 includes guides and training criteria for digital evidence from computers, cell phones and other sources which will contain seven volumes, a guide for teleforensics using remote sensing devices at the crime scene, and a law enforcement guide and training criteria for the identification, collection and safe presentation of DNA

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evidence. In addition, NIJ will conduct an overall assessment of investigative and forensic sciences training criteria. Validation studies will complement the existing and planned series in fingerprinting and document evidence.

Recognizing that many of the nation's approximately 9000 people responsible for signing Death Certificates across the country are, in many cases, not required to have any medical background whatsoever, the national death investigator guide researchers also identified training criteria for each of the 29 points in the national guide. This research was completed and the guide published in February 1998.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Investigative and Forensic Sciences/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To initiate, develop, and support several Technical Working Groups (TWGs) dedicated to create new protocols and establish national guidelines and standards, based on a broad-based consensus from criminal justice professionals, to ensure the sound identification, collection, and preservation of forensic evidence and its presentation in the courtroom as well as develop criteria for training investigators.

PERFORMANCE INDICATOR INFORMATION			PEFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$2M
	2. Number of proposals recieved	NIJ files					3
	3. Solicitations	NIJ files					1
	4. Convening of Objective Investigations Planning Panel	NIJ files					TBD
Output/ Activity	5. TWGs Formed	NIJ files					2
	6. TWG meetings	NIJ files					16
	7. Awards and Interagency Agreements	OC/OBMS Files					10
	8. Conference presentations	NIJ files					35
	9. Establish and test curriculum	NIJ files					2
	10. Develop training criteria, tools and materials	NIJ files					4
Intermediate Outcome	11. Reports from TWG meetings to be distilled forensic area specific guidelines for criminal justice practitioner	NIJ files					16
End Outcome	12. Prototypes developed	NIJ Files					1
	13. Publications including information on the Internet	NIJ files					15
	14. Training and technical assistance available	BJA files					yes
	15. Protocols established and disseminated	NIJ files					15
	16. Training curricula established	NIJ files					4

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To be determined.
B. Issues Affecting 1999 Program Performance. N/A
C. Issues Affecting Selection of 2000 and 2001 Plans. There are no nationally recognized investigative and forensic science protocols to guide State and local law enforcement. Police departments currently operate under a broad array of investigative and procedural guidelines based on state and local standards, which range from sophisticated to seat-of-the-pants. In 2001, NIJ proposes to initiate, develop, and support several TWGs dedicated to creating guidelines for investigative and forensic sciences. NIJ will create new protocols and establish national guidelines and standards, based on a broad-based consensus from criminal justice professionals, to ensure the sound identification, collection, and preservation of forensic evidence and its presentation in the courtroom as well as develop criteria for training investigators.
D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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3. International Crime Research Program $1,400,000

$1.4 million and 1 position are requested for NIJ's International Center to implement an International Crime Research Program. Crime in the twenty-first century will occur in a global framework. Because multi-national business creates global economies, no country is more vulnerable to transnational crime than the United States. As the world's wealthiest nation, it offers the most customers for illicit goods like drugs, stolen art, and forged financial instruments, and the most wealthy targets for thefts and swindles. A fragmented criminal justice system of 17,000 police forces, 3,000 courts systems, and 50 sets of statutes further enables criminal entrepreneurs. While we can occasionally collaborate across State and county lines, our capacity to track offenders across international borders is virtually non-existent. Developing countries and emerging democracies, with weak enforcement capabilities and justice systems, serve as natural origins for illicit goods and destinations for stolen properties and laundered money. In 1996 alone, the United Nations (UN) estimated that profits from illegal drug trafficking markets and trade exceeded $400 billion worldwide, and $50 billion in the United States alone. In the absence of a firm and broad-based understanding of the nature and extent of transnational crime threats, operational agencies cannot develop effective programming to combat this type of crime. Additionally, the creation of proactive policies requires a solid grasp of emerging trends and future threats so that practitioners can take the offensive in the fight against transnational crime.

Over the last few years, the United Nations Crime Prevention and Criminal Justice Branch has executed a Memorandum of Understanding with NIJ. Since that time, NIJ has been one of 12 UN affiliated criminal justice research institutes around the world. As a member of this network, NIJ participates in a global dialogue on the problems of crime and crime prevention, and efforts to improve the administration of justice. NIJ has also created the International Document Exchange (IDE) program, an information network with more than 100 members from more than 50 countries and has partnered with international ADAM research sites around the world. These affiliations have improved U.S. access to internationally available criminal justice information that can assist policy makers and practitioners in this country and around the world.

The $1.4 million will be used for the following two activities:

- NIJ's International Center proposes to implement an International Crime Research Program to support the goals and objectives of the President's International Crime Control Strategy. NIJ's International Center currently coordinates OJP's international activities and serves as an international research, dissemination and networking resource for the Department. The requested enhancement would allow the International Center to support other Department components' international activities, and to share criminal justice information with an international audience of practitioners and researchers. This program would help NIJ to develop and share knowledge in support of federal law enforcement efforts to assist justice agencies in emerging

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democracies. Additionally, it will allow NIJ to share knowledge developed through a variety of research, evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad. NIJ estimates the cost of this activity will be $500,000.

- NIJ proposes to establish an "International Research Support Contract" to fill any research/information gaps, and to form the Department's policy relevant questions. For example, agencies have expressed needs for reliable information on subjects such as (1) the extent of trafficking in women and children from China; (2) the nature of transnational organized crime across regions; (3) the number of countries that test arrestees for drug use; (4) the extent of research on global computer crime; and (5) human trafficking into the U.S. The kind of research envisioned under this initiative would determine how human trafficking is conducted by organized crime and would facilitate examination of the network structures that make up various transnational criminal organizations.

  NIJ is establishing a Department of Justice International Consortium, which will include all Department components with international activities, and whose members will share information and propose to NIJ research and information gaps that need to be addressed. The International Research Support Contract will allow NIJ access to the resources and expertise necessary to draft background reports, conduct quick response/tactical support studies, produce policy briefs, translate research findings, examine international policies and practices, determine the nature and extent of transnational crime problems, etc. This will be done through a contract with the pool of experts to be called upon as the need arises. NIJ estimates the costs of this activity will be $900,000 and believes it can be implemented no later than 3 months from the receipt of the appropriation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: International Crime Research/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop an awareness of transnational crime problems and a DOJ capability to act against them.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$1.4M
Output/ Activity	2. Award International Research Support Contract	NIJ Files					1
	3. Number of solicitations released	NIJ Files					2
Intermediate Outcome	4. Number of tasks assigned to the International Research Support Contract	NIJ Files					10
	5. Number of proposals received	NIJ Files					25
End Outcome	6. Number of projects completed through the International Research Support Contract	NIJ Files					2
	7. Number of awards made	NIJ Files					8
	8. World Justice Information Network established	NIJ Files					yes
	9. Number of International Internet Studios established	NIJ Files					3

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: NA

B. Issues Affecting 1999 Program Performance. NA

C. Issues Affecting Selection of 2000 and 2001 Plans. The $1.4 million will be used for NIJ's International Center to implement an International Crime Research Program to support the goals and objectives of the President's International Crime Control Strategy. NIJ's International Center currently coordinates OJP's international activities and serves as an international research, dissemination and networking resource for the Department. The requested enhancement would allow the International Center to support other Department components' international activities, and to share criminal justice information with an international audience of practitioners and researchers. This program would help NIJ to develop and share knowledge in support of federal law enforcement efforts to assist justice agencies in emerging democracies. Additionally, it will allow NIJ to share knowledge developed through a variety of research, evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad.

D. Verification/Validation. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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4. Tribal Criminal and Civil Legal Assistance $6,000,000

$6 million and 4 positions are requested by OJP to be funded from the Byrne Discretionary Grants Program for the Tribal Criminal and Civil Legal Assistance program, which will develop and enhance the legal services provided to Indian tribes through a mix of program funds, training and technical assistance, and program research and evaluation. These resources will provide for: (1) the Tribal Criminal and Civil Legal Assistance Program, (2) a Tribal Colleges Program, (3) training and technical assistance, and (4) program research and evaluation.

The Indian Country Law Enforcement Initiative is intended to reduce crime in American Indian and Alaska Native communities by improving tribal law enforcement and justice systems. Funding has been provided for more tribal police officers, detention facilities, and tribal courts, so complementary funding for tribal **criminal legal assistance** is critically important to ensure due process for indigent defendants in tribal justice systems. In addition, indigent tribal members are often left without assistance in child custody and other cases critical to their civil rights because tribal courts lack funding to provide assistance to such indigents, so funding for tribal **civil legal assistance** is also critical.

While there are over 200 tribal court systems, OJP has identified only 30 public defender offices. These offices are both tribally-sponsored and contracted practitioners. Additionally, there are 30 Indian Legal Service offices throughout Indian Country primarily providing civil legal assistance. Tribal justice systems and legal services offices need resources to meet the burgeoning demands of tribal criminal and civil justice systems. OJP has identified the following 5 areas to help meet these needs:

- $4.5 million, to be administered by the Violence Against Women's Office, for the Tribal Criminal and Civil Legal Assistance Program will provide Indian tribes, tribal consortia, and private/non-profits legal services organizations serving a reservation-based constituency resources to develop or enhance their capacity to provide criminal and civil assistance. Grants ranging from $50,000 to $200,000 will be awarded to develop and enhance both adult and juvenile public defender services. In addition, grants will provide for necessary resources, equipment, case management, police and procedure development, personnel and training to operate these areas to better serve the criminal and civil needs of Native Americans.

  Consistent with principles of government-to-government relations, Indian tribes should have the first opportunity to provide governmental and community services to Indian communities under their jurisdiction. To avoid duplication in the provision of services, legal aid agencies and non-profit legal services organizations (such as Indian Legal Services) will be required to submit a statement of support from the tribal government with jurisdiction.

- $1 million, to be administered by the Violence Against Women's Office, for discretionary grants to the 31 existing Tribal Colleges to create, develop and enhance a two-year curriculum on paralegal studies, law advocate studies, indigenous justice systems or other areas directly related to criminal and civil legal assistance. Tribal Colleges are proving to be effective avenues

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for increasing access to justice by educating the public about their legal rights in tribal justice systems. Moreover, some Tribal Courts permit paralegal advocates to defend cases in tribal courts, and Tribal Colleges are training cost-effective paralegal advocates to defend tribal members in misdemeanor cases and small claims court cases. For example, the Crownpoint Institute of Technology provides a law advocate course. These advocates are then able to make application to the Navajo Nation Bar Association to represent indigent defendants in misdemeanor cases. Additionally, Tribal Colleges will be able to focus on justice systems integration and technology development. Grantees will work closely with public defender offices and legal aid agencies in tribal communities on training and technical assistance activities. Furthermore, Tribal grantees will be able to use resources to ensure that their respective public defender office is involved in an intergovernmental justice information architecture which would permit information sharing between all components of the criminal justice system. The overall goal is to improve the effectiveness of the criminal justice enterprise through better information sharing.

- $250,000 will support training and technical assistance activities to develop the tribe's capacity in criminal and civil legal assistance and technology. A competent provider must have working knowledge and experience in working with indigent defense and tribal justice systems. The training provider will be encouraged to coordinate training activities with relevant organizations such as National American Indian Judges Courts Association, the National Institute for Trial Advocacy and others to maximize resources and depth of knowledge.

- $150,000 will be provided to NIJ for the following research and evaluation activities: (1) developing adult and juvenile innovative indigent defense strategies in Indian Country, (2) studying the impact of civil and legal assistance in Indian Country and (3) evaluating the program. A promising practices document will be coordinated and disseminated by OJP to share information on innovative strategies and practices in the field.

- $100,000 will support data collection activities in the Bureau of Justice Statistics (BJS) to work with Indian tribes and other legal aid offices on indigent defense. The goal of this effort is to develop a survey instrument and gather information from Indian tribes to supplement the National Survey of Indigent Defense Systems to develop data collection capacity at the tribal level in order for participation in national information systems.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Tribal Criminal and Civil Legal Assistance/Office of Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.4) To focus on criminal and juvenile justice system improvements in Indian Country.
MISSION: To provide funding to Indian tribes for the general purposes of reducing crime and improving criminal justice programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$6M
Output/ Activity	2. Number of Applications received 3. Number of grants awarded	OAAG files OAAG files					TBD TBD
Intermediate Outcome	4. Number of on-site monitoring visits	OAAG files					TBD
End Outcome	5. Number of tribal courts being implemented	Grantee records					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
N/A

B. Issues Affecting 1999 Program Performance.
N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.
Six million is requested by OJP for the Tribal Criminal and Civil Legal Assistance program, which will develop and enhance the legal services provided to Indian tribes through a mix of program funds, training and technical assistance, and program research and evaluation. This program is crucial to furthering the President's Indian Country Law Enforcement Initiative begun in 1999.

D. Validation and verification:

The Office of the Assistant Attorney General validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and tel contact.

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5. Indian Country Grants **$21,000,000**

The Office of Justice Programs (OJP) requests $21 million and 8 positions to implement the following three-part initiative in Indian Country:

- **Tribal Youth Mental Health and Behavior Problems Initiative** - $8 million and 3 positions are requested for a Tribal Youth Mental Health and Behavior Problems Initiative, which will support tribal justice systems in helping to prevent juvenile and gang-related violent crime. This initiative provides resources for a range of youth support services and programs to address the needs of native youth with mental health, behavioral, or alcohol and substance abuse problems in various settings as in the home, school, community, and juvenile justice systems. It will also support training and technical assistance, evaluation, and research on mental health issue of native youth to help build our knowledge and continue to develop effective strategies and services to better assist Indian youth.

  American Indian youth face serious mental health, behavioral, and alcohol and substance abuse problems that often later lead to involvement in the justice system. For example, the Health and Human Services National Child Abuse and Neglect Data System reports that the rate of child abuse and neglect among American Indian children was the highest in the nation in 1995,[3] and abused and neglected children are likely to become involved in the justice system as they become teens. The FBI, the Bureau of Indian Affairs (BIA) Division of Law Enforcement Services, and tribal law enforcement agencies report that violent crime by juvenile offenders and Indian youth gangs is on the rise in many Indian communities. The *Final Report to the Attorney General and the Secretary of the Interior of the Executive Committee on Indian Law Enforcement Improvement,* published in 1997, sited data estimating that there are 375 gangs on or near Indian reservations. The Bureau of Prisons (BOP) reports that the number of American Indian youth in custody has increased by more than 50% since 1994. The Indian Health Service (IHS) report *Key Facts About American Indian and Alaska Native Youth* 1997, states that "[h]omicide is the second leading cause of death among Indians from 1–14 years of age and third for 15-24 year-olds.".

  Indian juveniles entering the criminal justice system are more likely than others to have a mental health or emotional problem. In 1998, BJS reported in their *Survey of Jails in Indian Country* that detained Indian youth "were significantly

[3] Rates were calculated on the number of children age 14 or younger because they account for at least 80% of the victims of child abuse and neglect. 1995 was the most recent year for which statistics were available and 1995 statistics indicated an alarming increase in child abuse and neglect among American Indians from prior years.

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more likely than their non-detained Indian counterparts to have a diagnosable substance abuse/dependence, alcohol abuse/dependence, and/or conduct disorder."

In response to this issue, the U.S. Departments of Justice, Health and Human Services, Education and Interior are currently working on a Memorandum Of Understanding on the Mental Health and Community Safety Initiative for Native American Youth to utilize existing resources to address the mental health, behavioral, substance abuse, and community safety needs of tribal youth in the home, school, community and justice system. The $8 million requested for OJP's Tribal Youth Mental Health and Behavior Problems Initiative would build upon existing efforts and be used as follows:

- $3.5 million is requested to provide 45 Indian tribes, which operate tribal juvenile detention facilities, with resources to support tribal efforts in developing or enhancing programs to address tribal youth with mental health, behavioral, or alcohol and substance abuse problems

- $3 million is requested for continuation grants for up to12 Indian tribes participating in the federal interagency Mental Health and Community Safety Initiative for Native American Youth.

- $700,000 is requested to support training and technical assistance for grantees to develop or enhance youth mental health, behavioral, and substance abuse programs. Technical assistance providers will have a working knowledge and expertise on tribal justice systems as well as experience in the area of mental health, behavioral, and substance abuse issues among American Indians and Alaska Natives, which will enable them to promote the development of effective tribal strategies that are capable of replication in other American Indian communities.

- $550,000 is requested for research and evaluation efforts by NIJ. Of this amount, $300,000 will be needed to evaluate tribal juvenile detention facilities and the effectiveness of the federal interagency's Mental Health and Community Safety Initiative for Native American Youth. Information collected through this evaluation on effective tribal strategies for dealing with tribal youth mental health, behavioral, and substance abuse problems will be developed, published and circulated to grant participants and throughout Indian country. The remaining $250,000 is requested for research into problem areas such as child sexual abuse and dual diagnosis treatment modules. OJP will coordinate these activities with the Department's Office of Tribal Justice.

- $250,000 is requested to expand the BJS *Survey of Jails in Indian Country,* to include data collection on tribal juvenile corrections and services.

- **Indian Alcohol and Substance Abuse Diversion Program** - $8 million and 3 positions are requested for an alcohol and substance abuse diversion program. Alcohol is the most pervasive substance abuse problem in Indian Country, however drug abuse is a growing problem in some Indian communities. Alcohol and drug abuse are often involved in violent crime, ranging from homicides to child abuse. The violent crime rate among American Indians generally (124 per 1,000 persons age 12 or older) is almost 2 ½ times the national rate. Among federal and tribal law enforcement officials, there is broad consensus that a large majority of violent crime in Indian country, involves alcohol and/or drug abuse. American Indian victims of crime report that alcohol and drug use was a factor in more than half of the violent crimes committed against them, the highest rate of any group in the Nation. It appears that when the violent crime is committed by an American Indian against an American Indian, roughly two-thirds of the crimes are alcohol and/or drug related. The 1997 arrest rates among American Indians for alcohol-related offenses (driving under the influence, liquor violations, and public drunkenness) was more than double the national rate. Arrests of American Indians under the age of 18 for alcohol-related violations are also twice the national average. About half of convicted American Indian inmates in local jails had been consuming alcoholic beverages at the time of the offense for which they had been convicted. An estimated 7 in 10 American Indians in local jails convicted of a violent crime had been drinking when they committed the offense. In an effort to more effectively deal with this problem, OJP is requesting $8 million to be used as follows:

  - $6.5 million will be available to Indian tribes for grants ranging from $100,000 to $500,000 to support tribal detention or probation-based demonstration projects. Currently, many tribal criminal justice systems have minimal referral services available for court-mandates activities. These demonstration projects will target alcohol-related offenders, including non-violent recidivist adult offenders, Indian youth, Indian parents with child abuse or neglect problems, and pregnant Indian women with recurring involvement in the justice system. Innovative court-mandated services will be provided; especially those that place offenders in detoxification centers, halfway homes, in-patient treatment, and home detention. Other services will include court-program coordination (e.g., probation, social services). Resources will include support services, equipment, training and personnel necessary to effectively develop these projects. Additionally, demonstration sites will coordinate service delivery with the DHHS' Indian Health Service, BIA and other federal agencies targeting tribal alcohol and substance abuse programs.

  - $700,000 is requested to support training and technical assistance to assist participating Indian tribes in developing or enhancing their projects. Technical assistance providers will be knowledgeable and have expertise on tribal justice systems as well as expertise in the area of alcohol and substance abuse in American Indian communities. Training will

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be for multi-disciplinary teams consisting of tribal leaders, chemical dependency counselors, and criminal justice personnel.

- $550,000 will be available for NIJ to evaluate the demonstration projects and to research effective strategies to break the link between alcohol abuse and crime in Indian country. Input from the Strategic Planning Meeting on Crime and Justice Research in Indian Country will help guide the development of a body of knowledge on alcohol and crime in Indian country. NIJ will work with other federal agencies such as DHHS' Indian Health Service, National Institute on Alcohol Abuse and Alcoholism, National Institute of Health and/or Administrative Office, U.S. Courts on a coordinated, comprehensive research and evaluation. NIJ will also coordinate the development and dissemination of promising strategies and practices information based on an evaluation of demonstration projects.

- $250,000 will be available for BJS to collect Indian-specific information about alcohol related crime as part of the National Crime Victims Survey. This work will be coordinated with the Department's Office of Tribal Justice and OJP's American Indian and Alaska Native Affairs Office.

- **Sexual Assault Nurse Examiner Units** - $5 million and 2 positions are requested for the Violence Against Women's Office to form approximately 16 Sexual Assault Nurse Examiner Units (SANE) in Indian Country. This request includes equipment, personnel, training and technical assistance, and research and evaluation of these units. A Sexual Assault Nurse Examiner is a registered nurse, R.N., who has advanced education in forensic examination of sexual assault victims. In some areas, the SANE is referred to by other names, including Sexual Assault Nurse Clinician (SANC), and Sexual Assault Forensic Examiner (SAFE). Across the country, state and local governments operate special sexual assault exam units with funding from the Department of Justice and other sources. These units are critically important for gathering evidence for use in prosecuting sexual offenders, but very few such units exist in Indian Country.

  The impetus to develop SANE programs began with nurses, other medical professionals, counselors, and advocates working with rape victims in hospitals, clinics, and other settings. These individuals recognized that services to sexual assault victims were inadequate and not at the same high standard of care as for other emergency room clients. When rape victims came to the emergency room for care, they often had to wait as long as four to twelve hours in a busy, public area; their wounds were seen as less serious than the other trauma victims; and rape victims competed unsuccessfully for staff time alongside the critically ill. They were often not allowed to eat, drink, or urinate while they waited, for fear of destroying evidence. Doctors and nurses were often not sufficiently trained to do medical-legal exams, and many were also lacking in their ability to provide expert witness testimony. Even when they had been trained, staff often did not complete a sufficient number of exams to maintain their level of proficiency. Even when the victim's medical needs were met, their emotional needs all too often were overlooked, or even worse, the victim was blamed for the rape by the emergency room staff.

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Typically, the rape victim faced a time-consuming, cumbersome succession of examiners for one exam, some with only a few hours of orientation and little experience. Emergency room services were inconsistent and problematic. Often the only physician available to do the vaginal exam after the rape was male. While approximately half of rape victims in one study were unconcerned with the gender of the examiner, for the other half this was extremely problematic. Even male victims often prefer to be examined by a woman, as they too are most often raped by a man and experience the same generalized fear and anger towards men that female victims experience. There are also many anecdotal and published reports of physicians being reluctant to do the exam. This was due to many factors including their lack of experience and training in forensic evidence collection, the time-consuming nature of the evidentiary exam in a busy emergency room with many other medically urgent patients, and the potential that if they completed the exam they were then vulnerable to being subpoenaed and taken away from their work in the emergency room to testify in court and be questioned by a sometimes hostile defense attorney. This often resulted in documentation of evidence that was rushed, inadequate, or incomplete. Many physicians even refused to do the exam. In one case, it was reported that a rape victim was sent home from a hospital without having an evidentiary exam completed because no physician could be found to do the exam. As research became more readily available on the complex needs and appropriate follow-up of rape victims, nurses and other professionals realized the importance of providing the best emergency room care possible. For 75 percent of these victims the initial emergency room contact was the only known contact they had with medical or professional support staff. Nurses also were very aware that while they were credited with only "assisting the physician with the exam," in reality they were already doing everything except the pelvic exam. It was clear to these nurses that it was time to re-evaluate the system and consider a new approach that would better meet the needs of sexual assault victims.

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Sexual assault, including rape and child sexual abuse, are extremely serious problems in Indian communities, and occur at much higher rates than the national rates. American Indians have higher per capita rates of violent criminal victimization than whites, blacks, or Asians in the United States, according to data from the National Crime Victimization Survey (NCVS). The NCVS provides estimates of the violent crimes of rape, sexual assault, robbery, and assault for persons age 12 or older. During 1992-96 the NCVS found that American Indians experienced an average of almost 150,000 violent crimes per year from among the estimated 10.8 million violent crimes occurring on average per year among all racial groups. The Nation's population of American Indians age 12 or older experienced an annual average of 126,400 simple and aggravated assaults, 14,800 robberies, and 8,400 rapes or sexual assaults during 1992-96. American Indians are over represented among victims of violence compared to their share of the general population age 12 or older. The average annual per capita rate of violent victimization translates into about 1 violent crime for every 20 residents age 12 or older. Substantial variation, however, was evident by race. American Indians experienced about 1 violent crime for every 8 residents age 12 or older compared to 1 violent victimization for every 16 black residents, 1 for every 20 white residents, and 1 for every 34 Asian residents. The violent crime rate for American Indian females during this period was 98 per 1,000 females, a rate higher than that found

among white females (40 per 1,000) or black females (56 per 1,000). American Indian victims of rape/sexual assault most often reported that the victimization involved an offender of a different race.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

INITIATIVE: New Challenge
PROGRAM/ORG UNIT: Carve-Out Programs/Indian Country Initiative/Office of Assistance Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.4) To focus on criminal and juvenile justice system improvements in Indian country.
MISSION: To provide funding to Indian tribes for the general purposes of reducing crime and improving criminal programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	Appropriation (in millions) 1. Tribal Youth Mental Health and Behavioral Problems 2. Indian Country Alcohol and Substance Abuse Diversion Program 3. Sexual Abuse Nurse Examination Units (SANE)	P.L.					$21M [$8M] [$8M] [$5M]
Output/ Activity	Tribal Youth and Mental Health and Behavioral Prob. 4. Number of grants awarded to tribal communities Indian Country Alcohol and Substance Abuse Diversion Prg. 5. Number of alcohol related arrests Sexual Abuse Nurse Examination Units (SANE) 6. Number of grants awarded	OJP files OJP files OJP files					TBD TBD TBD

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Intermediate Outcome	Tribal Youth Mental Health and Behavioral Prob. 7. Number of technical assistance support and expertise given to grantees.	OJP files					TBD
End Outcome	Tribal Youth Mental Health and Behavioral Problems 8. Number of Child Assessment Centers established	OJP files					TBD
	Indian Country Alcohol and Substance Abuse Diversion Prog. 9. Number of drug treatment centers established in Indian Country	OJP files					TBD
	Sexual Abuse Nurse Examination Units (SANE) 10. Number of sexual abuse nurse examiner units established in Indian country.	OJP files					TBD

A. Definitions of Terms or Explanation of Indicators and Data Sources: TBD - To be determined.

B. Factors Affecting 1999 Program Performance. N/A

C. Factors Affecting Selection of 2000 and 2001 Targets.
The Office of Justice Programs requests a total of $21 million to implement a three part initiative in Indian Country. The primary purpose of the Initiative is to promote Indian youth mental health, education, alcohol and substance abuse related services, and provide certified medical staff to assist in the forensic examination of sexual assault victims. Specifically, $8 million is requested for Tribal Youth Mental Health and Behavior Problems Initiative; $8 million are requested to establish an Indian Alcohol and Substance Abuse Diversion Program; and $5 million is requested to form a pilot project for establishing Sexual Assualt Nurse Examiner Units.

D. Validation and Verification. OJP validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Tribal Youth Mental Health and Behavioral Problems/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.4) DOJ will focus on criminal and juvenile justice system improvements in Indian country.
MISSION: This initiative will address the growing number of serious problems in the area of youth mental health and behavior problems, such as suicide, depression, alcohol and substance abuse, gang activity, domestic violence, and violent crime. Through this initiative, tribes will be able to consult with participating federal agencies, and will be able to receive guidance in assessing mental health and related program needs, through technical assistance and in developing early mental health assessment and intervention programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					*8M
Output/ Activity	2. Number of grants awarded to tribal communities	OJP Records					**
Intermediate Outcome	3. Number of technical assistance support and expertise given to grantees	OJP Records					**
End Outcome	4. Number of Child Assessment Centers established	OJP Records					**

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: **Results will be achieved in 2002.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: * This $8 M initiative is a carve out of the proposed $21 M Indian Country initiative.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Sexual Abuse Nurse Examination (SANE)/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women.
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family violence, including Domestic Violence and Child Victimization
MISSION: To provide certified medical staff to assist in the forensic examination of sexual assault victims

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	N/A	N/A	N/A	N/A	[$5M]
Output/ Activity	2. Number of grants awarded	VAWO Records	N/A	N/A	N/A	N/A	16
End Outcome	3. Number of sexual abuse nurse examiner units established in Indian country	VAWO Records	N/A	N/A	N/A	N/A	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To be determined.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. This request includes equipment, personnel, training and technical assistance, and research and evaluation of these units.

#3 - The grants to establish the sexual abuse nurse examiner units will run for 18 months. Therefore, the units will be established in 2002.

Funds for this initiative will be made available through the Indian Country Grants Program ($21M) and will be administered by the Violence Against Women's Office (VAWO).

D. Validation and Verification. VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, on-site monitoring and telephone contact. Through these tracking mechanism, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

6. Tribal Courts $10,000,000

$10 million is requested for BJA to expand the current Tribal Courts Initiative, bringing total funding to $15 million. This initiative will provide additional resources for the necessary tools to sustain safer and more peaceful tribal communities by focusing on juvenile and family issues as well as non-traditional approaches to justice, enhancing the administration of civil and criminal justice on Indian lands, and encouraging the implementation of the Indian Civil Rights Act by tribal governments. While promoting greater cooperation among tribal, state, and federal justice systems, this initiative assists tribal justice systems to coordinate programs and services within its tribal structure with law enforcement, victims services, treatment providers and others. The initiative also assists with technology development to ensure that tribal justice systems can communicate within the tribal and non-tribal justice community.

Funding for law enforcement for Indian tribes is an important DOJ priority because crime rates are rising in Indian Country and tribal law enforcement has historically been under funded and undermanned. Just as in other parts of the country, crime has spread on reservations at a rapid rate, thereby increasing the need for criminal adjudication in tribal courts.

Tribal courts have existed in one form or another for several hundred years. The last 11 years, however, have witnessed an unparalleled growth in their vitality, importance, and workload. This is due to a number of factors, in particular economic growth and development on many reservations. This growth has increased the need for a reliable means of settling disputes that arise in the ordinary course of business. This is especially true when business responds to the changing needs of the communities that they serve raising issues, such as how to appropriately regulate complex affairs like the gaming industry, environmental pollution control, mining, banking, and toxic waste disposal. Because of these challenges and a lack of funds, tribal court judges and court personnel handle astounding caseloads.

In 1999 and 2000, OJP was appropriated $5 million for this program. Congress did not approve a funding plan for the tribal courts until May, 1999. Therefore the grant solicitation process did not begin until June, 1999 and grants will not be awarded until March, 2000. In 2001, OJP requests an enhancement of $10 million, bringing total funding to $15 million. The proposed funding increase will provide for:

Discretionary grants for enhancement and continued operations of existing tribal courts.

Implementation of tribal courts for those tribes that were awarded planning grants in 2000.

Development and awarding of tribal court planning grants.

Developing and implementing training seminars for sites awarded tribal court planning grants.

On-site technical assistance to tribal court enhancement and implementation projects.

Education and training for tribal court personnel.

Promotion of cooperation and coordination among tribal justice systems and the federal and state judiciary systems.

Outreach to tribal judicial systems not previously funded in 1999 or 2000.

Projects may include, but are not limited to, improving case management, training court personnel, acquiring equipment, enhancing prosecution, improving indigent defense services, establishing diversion programs, and accessing services.

The impact of strengthening tribal justice systems is far reaching. It benefits Native Americans in Indian Country and raises the level of respect for their adjudicatory role with Indians, non-Indians, and state and federal judges. Tribal justice systems are essential mechanisms for resolving civil and criminal disputes and family problems arising on Indian lands. Strong tribal justice systems also encourage the development of and investment in Indian lands by Indians and non-Indians. Moreover, interaction with federal and state judges on Indian issues will improve communication and coordination between jurisdictions, which are intimately connected, but know very little about each other. Informed decisions by tribal, federal and state judges are essential in the delivery of justice for Indian people and others residing on Indian lands.

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Indian Tribal Courts/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.4) Indian Country
MISSION: To promote coordination and cooperation among tribal justice systems and the federal and state judiciary systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.		$5M	$5M	$5M	*$15M
Output/ Activity	2. Number of planning grants awarded	BJA Reports		45	45	15	TBD
	3. Number of enhancement grants awarded	BJA Reports		30	30	15	TBD
	4. Number of implementation grants awarded	BJA Reports		0	0	45	TBD
Intermediate Outcome	5. Number of tribal courts implemented with planning grant funds	BJA Reports		TBD	TBD	TBD	TBD
	6. Number of training seminars held for sites awarded planning grants	BJA Reports		TBD	TBD	TBD	TBD
	7. Number of on-site technical assistance visits to tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	8. Number of court personnel trained and educated in tribal court procedure	BJA Reports		TBD	TBD	TBD	TBD
End Outcome	9. Number of cases handled by tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	10. Ratio of cases heard to cases closed by tribal courts	BJA Reports		TBD	TBD	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To Be Determined (See Section B for explanation).

B. Issues Affecting 1999 Program Performance: Congress did not approve a funding plan for tribal courts until May 1999 and therefore the grant solicitation process did not begin until June 1999. Grants will not be awarded until March, 2000 and therefore actual intermediate and end outcomes will not be available until 2001.

C. Issues Affecting Selection of 2000 and 2001 Plans: * In 1999 and 2000, OJP was appropriated $5 million for this program. In 2001, OJP requests an enhancement of $10 million, bringing total funding to $15 million. In 2000, additional planning grants will be made, as well as implementation grants to those tribes who received planning grants in 1999. Enhancement grants will be made to those tribes who already have courts. Tribal courts have existed in one form or another for several hundred years. The last 11 years, however, have witnessed an unparalleled growth in their vitality, importance, and workload. This is due to a number of factors such as economic growth and development on reservations. This growth has increased the need for a reliable means of settling disputes that arise in the ordinary course of business. This enhancement will allow for enhancement and continued operations of existing tribal courts and for development and awarding of planning grants to tribes who wish to start a tribal court.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent

A. SUMMARY PERFORMANCE PLAN - *Component Mission and Goals, Relationship to DOJ Strategic Plan*

OJP's fundamental mission is to provide assistance to state and local law enforcement. As such, OJP remains dedicated to providing the criminal justice community with resources to address their criminal justice problems. The 2001 proposal includes increases for three grant programs -- the State Criminal Alien Assistance Program (SCAAP), the Public Safety Officers' Educational Assistance (PSOEA) program, and the Violence Against Women Office (VAWO) Law Enforcement and Prosecution Grant Program. The SCAAP program provides federal assistance to states and localities for a portion of the costs of incarcerating criminal aliens who are being held as a result of state and/or local charges or convictions. The PSOEA program allows eligible dependents of public safety officers whoa are killed or disabled in the line of duty to apply for funding to defray the costs of higher education. The VAWO Law Enforcement and Prosecution Grants are designed to protect, detect, and stop violence against women.

All program increases identified under this initiative support the Department of Justice (DOJ) priority of providing **Assistance to Tribal, State and Local Governments.**

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B. NEW INITIATIVES

	Pos	FTE	Amount
State Criminal Alien Assistance Program (SCAAP) (State & Local Assistance)	**0**	**0**	**$180,000,000**
Public Safety Officers' Education Assistance Program (PSOEA)	**0**	**0**	**4,800,000**
Violence Against Women Office (VAWO) Law Enforcement and Prosecution Grant Program (State & Local Assistance)	**5**	**2.5**	**13,250,000**
Total, Current Investments Initiative	**5**	**2.5**	**$198,050,000**

The Office of Justice Programs (OJP) requests $198.05 million in resources for the following programs included in the Current Investments Initiative:

1. State Criminal Alien Assistance Program (SCAAP) - $180 million is requested in direct funding for the State Criminal Alien Assistance Program (SCAAP), which will bring the total funding award for SCAAP to $600 million in 2001. SCAAP is administered by BJA and provides federal assistance to states and local units of government incurring costs of incarcerating illegal aliens convicted of one felony or two misdemeanor offenses and to expedite the transfer of custody for certain deportable aliens. This enhancement will be used to maintain the current level of awards and to provide additional financial assistance to state and local corrections agencies for the incarceration of criminal aliens.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 27.

2. Public Safety Officers' Educational Assistance Program (PSOEA) - $4.8 million is requested for the Public Safety Officers' Educational Assistance Program (PSOEA), which is administered by the Bureau of Justice Assistance (BJA). PSOEA was formerly known as the Federal Law Enforcement Dependents Assistance Program (FLEDA). These funds will provide education benefits to the dependents of our nation's public safety officers who are killed or disabled in the line of duty.

See related base program information under the Public Safety Officers' Benefits Account.

3. Violence Against Women Office (VAWO) Law Enforcement and Prosecution Grant Program - $13.25 million and 5 positions are requested for the S•T•O•P formula grants program, which is administered by the Violence Against Women Office

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(VAWO). Of this amount, $7.25 million is requested to expand efforts to strengthen Civil Legal Assistance to domestic violence victims; $1 million will be used for the Bureau of Justice Statistics (BJS) to collect data on the justice system's processing of domestic violence cases, and the remaining $5 million is requested for the National Institute of Justice's (NIJ) Family Violence Research Program.

See related base program information under the State and Local Law Enforcement Assistance Account beginning on page 46.

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C. CURRENT INVESTMENTS - PROGRAM INITIATIVES

1. State Criminal Alien Assistance Program (SCAAP) $180,000,000
The SCAAP program provides federal assistance to states and localities for a portion of the costs of incarcerating criminal aliens who are being held as a result of state and/or local charges or convictions. Aliens claimed must be convicted of either a felony or two misdemeanors that occurred prior to or resulted in the current custody. BJA administers this program with the assistance of DOJ's Immigration and Naturalization Service (INS).

Congress authorized SCAAP, and appropriated substantial funds to the program, because it recognized that the Federal government is ultimately responsible for controlling this nation's borders and the criminal acts of those who illegally breach those borders. SCAAP funding, which began in 1995, has clearly provided relief for a pressing need in state and local correctional systems. On average, 6 to 8 percent of state and local offenders now incarcerated are deportable aliens.

The program was initially intended to serve as an interim and alternative means of providing states with some relief from the burden of incarcerating illegal aliens while the INS moved to more vigorously monitor the national borders and deport aliens already incarcerated. However, the number of qualifying illegal aliens has continued to increase, thus the need for the program is still apparent. Since its inception, SCAAP has expanded in coverage and impact. Statutory changes have allowed the number of entities receiving SCAAP funds to increase from 44 states in 1995 to all 50 states and 286 local and territorial jurisdictions in 1999. The number of days of incarceration reimbursed, which is the key measure for this program, has likewise risen from 13,387,835 in 1995 to 25,430,696 in 1999.

BJA requests an $180 million enhancement in **direct funding** for this program, bringing the total SCAAP request to $600 million. This enhancement will be used to maintain the current level of awards and to provide additional financial assistance to state and local corrections agencies for the incarceration of criminal aliens. The need for additional funds is evident in that, although there have been increases in total funds over the years, the reimbursement rate for qualified claims has remained at about 40 cents per dollar in the last several years, down from a high of 60 cents per dollar in 1996. The additional funding will only raise this reimbursement rate to 41 cents per dollar. Thus, while SCAAP program funds are helping these state governments in defraying costs of incarcerating illegal aliens, their proportionate share of these costs has not decreased.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Current Investment
PROGRAM/ORG UNIT: State Criminal Alien Assistance Program (SCAAP)/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Support improved criminal capabilities at the state level by providing direct operational support for resolving unusual crime problems.
MISSION: To provide federal assistance to states and localities for the costs of incarcerating certain criminal aliens who are being held as a result of state or local convictions.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$585M a/	$500M	$585M a/	$585M a/	$600M
	2. Number of applications received	b/	297	320	336	320	350
Output/ Activity	3. Number of applications reviewed	b/	297	320	336	320	350
	4. Number of awards made	b/	297	300	336	300	350
End Outcome	5. Number of inmate days for which payment is made	b/	66,690	70,000	69,673 c/	70,000	75,000
	6. Average payout per dollar of claim for qualifying alien inmates	b/	40 cents	35 cents	39 cents	35 cents	41 cents

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ Reflects $420M in direct SCAAP appropriations plus $165M earmark from Correctional/State Prison Grants.
b/ Information is obtained from grantee applications, BJA automated SCAAP systems, and INS databases.
c/ Artificial calculation based on the total number of days divided by 365.

B. Issues Affecting 1999 Program Performance.
Congress mandated that funds be awarded in the same year as appropriated. An abbreviated process was used whereby 1998 data was the basis for determining 1999 awards.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In FY 2000, the normal application/award process will resume with subsequent awards in the spring of the year appropriated.

D. Validation and Verification.
Data is generated and verified from SCAAP applications, BJA automated SCAAP systems, and INS databases.

2. Public Safety Officers' Education Assistance Program (PSOEA) $4,800,000
The PSOEA program provides educational benefits to dependents of federal, state, and local public safety officers (including law enforcement, fire, and emergency) who are killed or totally disabled in the line of duty. In addition to providing assistance to dependents currently attending institutions of higher education, the program provides retroactive benefits to dependents of federal law enforcement officers killed since May 1, 1992, and state and local public safety officers killed since October 1, 1997. The $4.8 million request ensures that all eligible dependents will receive benefits in 2001.

The Police, Fire, and Emergency Officers' Educational Assistance Act of 1998, P.L. 104-238 (110 Stat 3495), signed November 13, 1998, amended the Education Assistance to Dependents Program and established the Public Safety Officers' Educational Assistance (PSOEA) program. The new educational assistance program, PSOEA, amended the Federal Law Enforcement Dependents Assistance (FLEDA) program to include state and local public safety officers as well as Federal public safety officers. PSOEA provides payments for educational purposes to children and/or spouses of Federal, state, and local public safety officers killed or disabled in the line of duty. Based on the availability of appropriations, financial assistance is provided by direct payments to an eligible dependent and are computed on the basis set forth in section 3532 of title 38, United States Code. A dependent cannot receive assistance for longer than 45 months of full-time education or training (or a proportional period of time for a part-time program), and is not eligible for assistance beyond the child's 27th birthday (unless there are extraordinary circumstances that precluded the child from pursuing a program of education before reaching 27). A person seeking assistance under this program submits an application to the Attorney General, and is notified of approval or disapproval in writing. Educational assistance can be discontinued if it is found that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965. Legislation is pending in Congress that would provide retroactive educational assistance to eligible dependents of federal law enforcement officers killed in the line of duty on or after May 1, 1978, instead of the previously enacted May 1, 1992, and state and local officers killed in the line of duty on or after October 1, 1978, instead of the previously enacted October 1, 1997.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ ORG UNIT: Public Safety Officers' Benefits Programs (Base Program) / Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.4) Uphold rights of, and improve services to America's victims
ANNUAL PERFORMANCE GOAL: (2.4.1) Initiative designed to ensure assistance to all victims and dependents
MISSION: To provide a death benefit to eligible survivors of federal, state and local public safety officers who have died as a result of personal injury sustained in the line of duty or a disability benefit payment to federal, state, and local safety officers who are permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty and to provide educational assistance to the dependents of federal law enforcement officials who are killed or disabled in the performance of their duties.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1 Appropriation (in millions)	P.L.	$32.3M	$34M	$34M	$32.541M	$38.024M (a)
	2. Number of claims initiated	BJA files					
	Death		262	265	236	265	265
	Disability		25	30	42	42	42
	3. Number of agency appeals requested	BJA files					
	Death		20	20	31	31	31
	Disability		5	5	5	10	10
	4. Number of court appeals initiated	BJA files					
	Death		1	2	4	4	4
	Disability		0	1	1	8	8
	5. Number of applications for educational assistance received	BJA files	6	TBD	6	6	TBD (a/)
Output/Activity	6. Number of claims reviewed after all documents are received	BJA files					
	Death		262	250	236	250	250
	Disability		73	30	21	75	75
	7. Number of agency appeals reviewed	BJA files					
	Death		20	20	20	25	25
	Disability		5	5	8	10	10
	8. Number of court appeals reviewed	BJA files					
	Death		1	2	2	4	4
	Disability		0	1	1	2	2
	9. Number of applications for educational assistance reviewed	BJA files	6	TBD	6	TBD (a/)	TBD (a/)

Intermediate Outcome	10. Annually process eligible death claims within two weeks of being filed and fully documented	BJA files	200	200	200	200	225
	11. Annually process ineligible death claims within four weeks of being filed and fully documented	BJA files	62	62	62	62	70
	12. Annually process disability claims within 6 weeks of being filed and fully documented	BJA files	2	15	15	20	25
	13. % of appeals heard within 60 days of claimant's request	BJA files	80%	80%	80%	80%	80%
	14. % of applications for educational assistance processed within 120 days	BJA files	100%	TBD	TBD	TBD	TBD
End Outcome	15. Number of claims closed (eligible or ineligible)						
	Death	BJA files	240	250	250	250	250
	Disability	BJA files	25	30	27	30	40
	16. Number of agency appeals closed						
	Death	BJA files	10	15	15	15	15
	Disability	BJA files	0	5	5	5	5
	17. Number of court appeals closed						
	Death	BJA files	1	2	2	2	2
	Disability	BJA files	0	1	1	1	1
	18. Number of dependents receiving educational assistance	BJA files	7	TBD	TBD	TBD (a/)	TBD (a/)
Productivity/ Efficiency	19. Number of death and disability claims paid per year						
	Death	BJA files	227	230	230	230	250
	Disability		25	20	27	30	35

A. Definitions of Terms or Explanations for Indicators and Data Sources:
BJA Files = Public Safety Officer's Benefits Program Annual Report

B. Issues Affecting 1999 Program Performance.
- o Number of death and disability claims received varies from year to year.
- o Claims received in a given fiscal year may not be paid until the following fiscal year due to delays in receiving necessary documentation from claimant.
- o The responsibility of a court appeal no longer resides with the PSOB office until adjudicated. Once adjudicated, the PSOB office is involved for closure of the claim.
- o The handling of appeals within 60 days depends on the availability of administrative hearing officers and, more often, time constraints on the part of claimants' legal representatives.
- o It is important to note that the number of appeal requests are increasing commensurate with increases in the amount of the benefit payment.
- o Data for number (9) 1999 enacted is not available.
- o Data for number (18) 1999 enacted and actuals is not available.

C. Issues Affecting Selection of 2000 and 2001 Targets.

a/Funds include a $4.8 million increase for the Public Safety Officer's Educational Assistance (PSOEA) Program in FY 2001. The 2000 enacted total includes an overall DOJ reduction of 3.8% to meet congressionally mandated budget spending caps.

b/The federal educational assistance portion of this program was expanded on October 1, 1998, to include all state and local public safety officers as opposed to formerly including only federal law enforcement officers which likely result in a large increase in applications and dependents receiving assistance. We are unable, at this time, to project for FY 2000 and Fy 2001.

- o Targets for 2000 and 2001 are estimates. Number of death and disability claims received vary.
- o Claims in a given Fiscal Year may not be paid until the following Fiscal Year.
- o The responsibility of a court appeal no longer resides with the PSOB office until adjudicated. Once adjudicated, the PSOB office is involved for closure of the claim.
- o The handling of appeals within 60 days depends on the availability of administrative hearing officers and, more often, time constraints on the part of claimants' legal representatives.
- o It is important to note that the number of appeal requests are increasing commensurate with increases in the amount of the benefit payment.
- o The federal educational assistance portion of this program was expanded on October 1, 1998, to include all state and local public safety officers as opposed to formerly including only federal law enforcement officers which likely result in a large increase in applications and dependents receiving assistance. We are unable, at this time, to project for FY 2000 and FY 2001.

D. Validation and Verification.

The Public Safety Officers' Benefits Program (PSOB) validates and verifies claims by various tracking methods, which include: log books, a database system, microfilm, statistical reports, and a system of self-reporting. PSOB also cross-references data with law enforcement agencies (i.e., Concerns of Police Survivors, National Law Enforcement Memorial, National Volunteer Fire Council, etc.).

3. Violence Against Women Office (VAWO) Law Enforcement and Prosecution Grant Program $13,250,000
The mission of OJP's Violence Against Women Office (VAWO) is to restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian tribal governments, and other public and private entities. A related responsibility is to ensure that domestic violence is recognized and treated as a serious violation of criminal law. These grants help communities strengthen their capabilities to respond to violence against women at every stage of the criminal justice system. The programs supported with these funds highlight the development and implementation of a coordinated community response to violence against women, emphasizing the safety of women who are victims of this violence.

As of December 1998, states and territories had awarded almost 4,500 S•T•O•P (Services • Training • Officers • Prosecutors) subgrants totaling $193 million. This represents 93 percent of all 1995 through 1997 S•T•O•P funds. In May 1999, the Urban Institute, which is evaluating the S•T•O•P Program, reported that women victims of violence are safer now than they were prior to S•T•O•P project implementation and have greater faith in the criminal justice system: S•T•O•P funding has made it possible to improve efforts to reach out to and serve women who had been victims of violence and provide them with an increased number of services and enhanced access to these services.

In 2000, Congress appropriated $206.75 million for the Law Enforcement and Prosecution Grant Program, which is commonly referred to as the S•T•O•P Violence Against Women Formula Grant Program. This included the following: $28 million to strengthen civil legal assistance for battered women; $5.2 million for research and evaluation of domestic violence programs; $10 million for Campus Safety; $10 million for Project Safe Start; and $1.2 million to support an enhanced domestic violence prosecution unit within the District of Columbia. In 2001, VAWO is requesting an enhancement of $13.25 million and 5 positions under the S•T•O•P formula grants program for a total of $220 million. Of this amount, $7.25 million is requested to expand efforts to strengthen Civil Legal Assistance to domestic violence victims; $1 million for the Bureau of Justice Statistics (BJS) to collect data on the justice system's processing of domestic violence cases; and the remaining $5 million for an NIJ Family Violence Research Program. A detailed description of the enhancement follows:

- **Grants to Support Civil Legal Assistance for Domestic Violence Victims** - $7.25 million and 2 positions are requested to expand efforts to strengthen Civil Legal Assistance to domestic violence victims, providing a total of $35.25 million for this program. Battered women seeking to escape violent relationships face a myriad of legal problems. Assistance in obtaining protection orders, representation to ensure that child custody and visitation arrangements will not endanger them or their children, and access to public benefits to help them maintain economic independence are some of their most immediate needs. Abusers often use economic coercion as a means of punishing their victims. They frequently forbid their partners to work or

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deny them access to money. Women in these situations cannot afford to retain qualified counsel to assist them in obtaining safety and redress through the civil legal system, or to defend against legal challenges brought by their abuser. Victims who earn too much to qualify for the limited free legal assistance program that exist, but who still struggle to support themselves and their children also cannot pay legal fees.

In 1999, $23 million of the S•T•O•P appropriation was allocated for civil legal assistance for domestic violence victims. The program encourages collaborative efforts involving the legal community (including legal services providers, law school clinics, and *pro bono* programs) and the domestic violence victims advocacy community. The need to fund and the demand for civil legal assistance for domestic violence victims has been significantly greater than anticipated. On May 22, 1998, VAWO received more than 360 applications requesting approximately $83 million. In September 1998, VAWO awarded 57 grants totaling $11.5 million to support projects in 54 states and territories. Grant awards averaged $190,500. Recipients included 35 Legal Services Corporation agencies, 3 other legal assistance providers, 12 state or local nonprofit community organizations, 5 universities, and 2 national constituency organizations. VAWO anticipates awarding up to 100 additional grants by the end of May 1999.

- **Justice System Processing of Domestic Violence Cases** - $1 million and 1 position are requested for BJS to conduct a national study tracking the justice system's handling of domestic violence cases. Currently, no national studies exist that document how the system processes these cases. The conventional wisdom is that many of these cases do not lead to conviction because victims often reconsider and decide not to assist in prosecuting alleged offenders or that the justice system treats non-stranger crime more leniently. But this conventional wisdom is based on anecdotal evidence, which may be unrepresentative of what typically happens when domestic violence cases are brought to the attention of police or prosecutor. The proposed study would track domestic violence cases and document their outcomes -- a priority of VAWO. Factors that increase or decrease the likelihood of conviction would be carefully documented. Apart from varying legal provisions, such factors may include: the victim-offender relationship, criminal histories of victim and offender, policies regarding issuance and enforcement of restraining orders, prosecutorial policies regarding domestic violence cases, and pre-trial release and sentencing practices in the jurisdiction.

  For the first time, nationally representative data from the 75 largest counties would be gathered prospectively tracking domestic violence cases through the justice system: from arrest, through prosecution, to conviction and sentencing. The database would establish a baseline against which improvements in the justice system's handling of these cases can be

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evaluated. A six-month data collection period would be utilized during which data on an estimated 16,000 cases would be obtained. Cases of interest would include both felony and misdemeanor charges in which the defendant's relationship to the victim is known and the relationship can be specified as involving family members or intimates.

This study would have particular value for those who must initiate programs to address domestic violence. Studies of domestic violence in Kansas City and Minneapolis found that in half the cases of domestic assault and homicide, police had previously been called to the address an average of 5 times. This has the practical effect of demonstrating that the criminal justice system may have an opportunity to intervene early in domestic violence to avert future, perhaps more serious consequences.

BJS is uniquely qualified to conduct this study since it has been in the forefront of the development of offender-based transaction statistics and State court case processing statistics. Since 1986, BJS has produced a wide variety of studies tracking felons following arrest. However, the proposed study would require the enhancement of ongoing case tracking systems to gather information on the victim and offender relationship and to generate substantial increases in sample size in order to produce generalizable findings.

The cost estimate is based on the cost of an existing BJS case processing statistical series that longitudinally follows a sample of felony cases from arrest through disposition or one year, whichever occurs first. This series normally costs about $800,000 to conduct biennially. The cost for domestic violence case tracking statistics, which would also be a two-year project, would be higher since domestic violence must be determined manually from case records; knowing the offense would not be sufficient to ascertain whether domestic violence was involved, information would have to be obtained on the victim/offender relationship at the time of arrest. In addition, since domestic violence cases are less numerous than felonies, BJS would need a longer period of data collection in order to insure sufficient sample size which will also increase the overall cost of the study.

Additionally, 1 position is requested for BJS data collection, analysis, report writing, and coordination of intra-and interagency activities with regard to the successful conduct of this statistical effort.

- **Family Violence Research Program** - $5 million is requested by NIJ to conduct a family violence research and evaluation program. The nation spends billions of dollars each year to curb family violence, mostly with an array of treatment and intervention efforts. However, most of these services have not been evaluated for impact and effectiveness. In fact, a National Academy of Sciences (NAS) report found only 113 research-based evaluations had been conducted in this field, of which only 23 related to services provided by the criminal justice system.

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The need to improve our understanding of family violence has never been greater. Annually, nearly three million children in the United States are reported to child protective service agencies as alleged victims of maltreatment, and at least one-third of these cases are confirmed. The 1996 national rate of victimization was 15 victims per 1,000 children in the population. Most disturbing is that 1,077 child maltreatment fatalities occurred in the 50 states and the District of Columbia in 1996. According to BJS's annual National Crime Victimization Survey (NCVS), nearly 1 in 4 crimes of violence occurs at or near the home of the victim. Research also shows that, for 1 in 4 female victims of violence and 1 in 16 male victims of violence, family members and intimates were responsible for the victimization they experienced. Our current information on the depth and breadth of policy responses to family violence in the United States is limited and filling this information gap is a priority.

In response to the gravity of family violence today, the economic and social costs to society, and the findings presented in the NAS report, the National Institute of Justice (NIJ) proposes to: (1) evaluate current practices and systems of service delivery responding to family violence, (2) establish a basic research program concentrating on the understudied areas of child abuse and neglect and elder abuse, and (3) design and test a demonstration program guided by family violence research and evaluation.

NIJ proposes a series of program evaluation efforts. Among the evaluations recommended by the NAS report are mandatory reporting laws, protective orders and shelter programs, child witness-to-violence programs, home visitation programs, and training programs for service providers and law enforcement officials.

- **2 Positions to Service VAWO Indian Country Grants** - Currently, VAWO has 2 staff servicing its Indian country grantees. Through its various programs, VAWO provides more grants to Indian country than any other DOJ grant component. In 1995, VAWO provided grants to 14 tribal governments; currently they provide grants to 113 tribal governments and 9 tribal consortia. Because of the geographic isolation of many tribes, their inexperience with grant programs, and the fact that many of the grantees require intensive technical assistance and guidance to launch projects, management of these grants is labor intensive. In addition, because VAWO has so much experience with Indian country, these 2 staff members are frequently tapped to work on DOJ projects and with OJP's Tribal Liaison. Given all of the above and the sheer number of tribes the current staff deal with, 2 additional positions are requested to work on Indian country.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Law Enforcement and Prosecution (STOP) Grants/Violence Against Women Office (VAWO) **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family Violence, including Domestic Violence and Child Victimization
MISSION: To restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian tribal governments, and other public and private entities.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORTS AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$172M	$206.75 M	$206.75M	$270.75M	$284M
	2. Number of applications received	VAWO Records					
Output/Activity	3. Number of dem. site visits for grantees	TA Awards	0	3	3	3	3
	4. Number of national technical assistance conferences for state grantees	TA Awards	1	0	0	0	0
	5. Number of workshops for tribal grantees	TA Awards	5	6	4	5	5
	6. Number of national TA conferences for Indian grantees	VAWO Records	0	2	1	2	2
	7. Number of regular workshops for state grantees and sub-grantees	VAWO Records	0	6	6	6	6
Intermediate Outcome	8. Grantee level of satisfaction with VAWO:						
	- Program content	VAWO Records	75%	85%	85%	85%	85%
	- Application kits	VAWO Records	75%	85%	85%	85%	85%
	- Publications	VAWO Records	79%	85%	85%	85%	85%
	- Conferences	VAWO Records	70%	85%	85%	85%	85%
	- Training and technical assistance	VAWO Records	77%	85%	85%	85%	85%
	9. Number of states and territories that fully achieved goals of implementation plans	VAWO Records	56	56	56	56	56
	10. Number of Indian grantees that developed or revised tribal codes relating to violence against women	VAWO Records	14	15	40	15	15
	11. Number of Indian tribes that developed a computerized database to track domestic violence calls and violations of protection orders	VAWO Records	8	10	10	10	10
	12. Number of services available to previously underserved Indian women	VAWO Records	25	20	23	20	20
	13. Number of organizations that are able to provide civil legal assistance to previously unserved or underserved domestic violence victims	VAWO Records	54	54	54	100	100
	14. Number of attorneys and law students trained to handle civil legal matters for domestic violence victims	VAWO Records	TBD	500	TBD	500	500
	15. Number of states and territories that introduced coordinated criminal justice approaches to	VAWO Records	56	56	56	56	56
	16. Number of states and territories that report a decrease in violent crime against women as a result of this program address violent crimes against women	VAWO Records	TBD	TBD	TBD	TBD	TBD

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End ome	17. Number of Indian tribal governments that introduced coordinated tribal justice approaches to address violent crimes against women	VAWO Records	117	137	137	157	157
	18. Number of institutions of higher education that implement enhanced policies and procedures to address violence against women on campuses	VAWO Records	N/A	25	21	25	25
	19. Number of collaborative efforts initiated to deliver civil legal assistance to domestic violence victims	VAWO Records	47	25	TBD	25	25

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined.
Indicators for 2000 will not be available until 2001. Indicators for 2001 will not be available until 2002.

In 1998, the total included $12M for Civil Legal Assistance;$6.8M Indian Tribal Grants; $17.223M Technical Assistance, Training and Evaluation; and $135.9M Formula Grants.

The plan and actual measurements for performance indicator #16 for all years are dependent upon an on-going national program evaluation. Results are expected in 2001.

B. Issues Affecting 1999 Program Performance.
In 1999, the total included $23M Civil Legal Assistance; $8.2M Indian Tribal Grants; $10M Safe Start; $1.196M U.S. Attorney-D.C.; $5.2M NIJ research; and $10M Safety on College Campuses. 1999 actuals for performance indicators #14 and #19 are dependent upon an NIJ study of the Civil Legal Assistance Program which will be completed at the end of 2001 or the beginning of 2002.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In 2000, the $270.75M includes $28M for Civil Legal Assistance; $5.2M for NIJ research and evaluation of domestic violence programs;$10M for Project Safe Start; $10M for Campus Safety; and approximately $1.2M to support an enhanced domestic violence prosecution unit within the District of Columbia.

In 2001, the $284M request includes $35.25M for Civil Legal Assistance; $5M for NIJ Family Violence Research; $5.2M for NIJ research and evaluation;$10M for Project Safe Start; and $1M for BJS statistics.

D. Validation and Verification: VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, onsite monitoring, and telephone contact. Through these tracking mechanisms, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

PROGRAM	1998 $	1998 # OF GRANTS	1999 $	1999 # OF GRANTS	2000 $	2000 # OF GRANTS	2001 $	2001 # OF GRANTS
CIVIL LEGAL ASSISTANCE	12M	57	23M	94	28M	TBD	35.25M	TBD
INDIAN TRIBAL GRANTS	6.8	64	8.2	45	8.2	TBD	8.2	TBD
TECHNICAL ASSISTANCE, TRAINING & EVALUATION	10.97	N/A	14.85	N/A	TBD	N/A	TBD	N/A
FORMULA GRANTS	135.897	56	145	56	145	56	145	56
SAFE START/OJJDP	10	N/A	10	N/A	10	N/A	10	N/A
U.S. ATTORNEY- D.C.	0.853	N/A	1.196	N/A	1.2	N/A	NA	N/A
NIJ RESEARCH	2.35	N/A	1.95	N/A	TBD	N/A	TBD	N/A
SAFETY ON COLLEGE CAMPUSES	0	N/A	10	21	10	N/A	N/A	TBD
RESEARCH & EVALUATION OF DOMESTIC VIOLENCE PROGRAMS	7	N/A	5.2	N/A	5.2	N/A	5.2	N/A
FAMILY VIOLENCE RESEARCH PROGRAM	N/A	N/A	N/A	N/A	NA	N/A	5	N/A
BJS DOMESTIC VIOLENCE CASE PROCESSING STUDY	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A

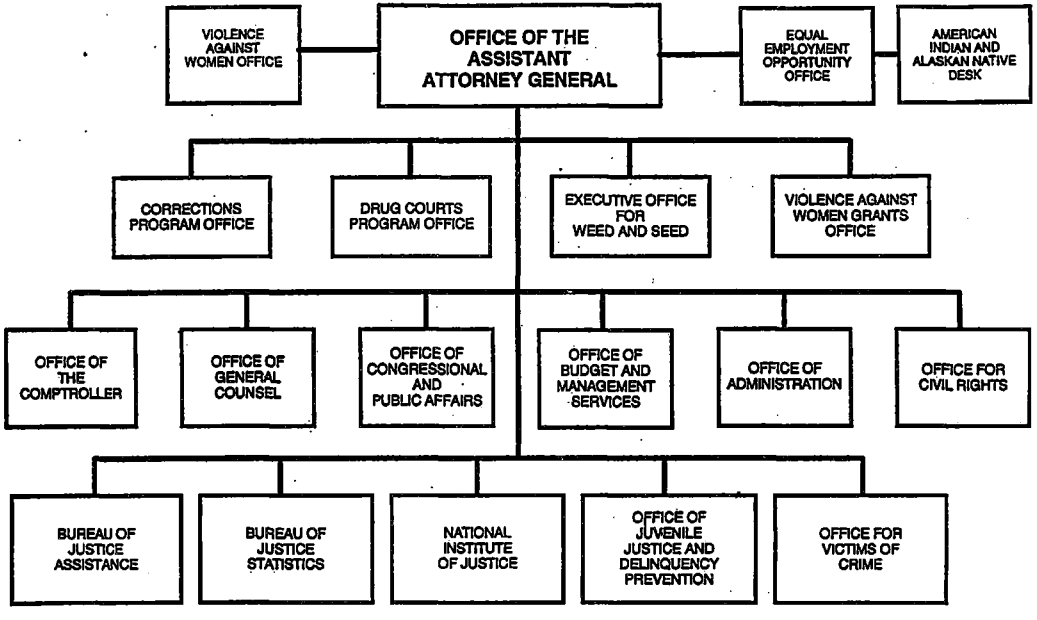
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Office of :e Programs
Justice Assistance
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAMS



Approved by: _____ Date: 4/21/98
JANET RENO
Attorney General

OFFICE OF JUSTICE PROGRAMS
Justice Assistance Programs
2001 Summary Statement

The Office of Justice Programs (OJP) is requesting a total of $377.907 million, 954 permanent positions and 966 work years for the Justice Assistance account. This 2001 request represents an overall increase of $58.959 million from the 2001 base of $318.948 million.

The mission of the Office of Justice Programs is to provide federal leadership in developing the Nation's capacity to prevent and control crime, administer justice and assist crime victims. These programs of the Justice Assistance appropriation account contribute to that mission through direct grants, as well as through program research and evaluation and analysis of program statistics.

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Office of Justice Programs
Justice Assistance
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Justice Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, [$155,611,000] *$186,260,000*, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, [$152,000,000] *$185,000,000*, to remain available until expended.

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

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Office of Justice Programs
Justice Assistance
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Research, Evaluation and Demonstration Programs	...	...	$46,148	...	...	...	...	...	...	...	...	$22,576	...	...	$68,724
Criminal Justice Statistical Programs	...	...	25,029	...	...	...	...	...	...	...	...	1,725	...	...	26,754
National Sexual Offender Registry	...	...	...	...	...	...	...	...	...	...	...	745	...	...	745
Missing Children	...	...	17,168	...	...	...	...	...	...	...	...	513	...	...	17,681
Crime Control Programs	...	...	...	...	...	...	...	...	...	...	...	1,820	...	...	1,820
Regional Information Sharing System	...	...	20,000	...	...	...	...	...	...	...	...	36	...	...	20,036
White Collar Crime Information Center	...	...	7,350	...	...	...	...	...	...	...	...	...	...	...	7,350
State and Local Law Enforcement	...	...	...	...	...	...	...	...	...	...	...	20	...	...	20
Local Firefighter and Emergency Services Training	...	...	...	...	...	...	...	...	...	...	...	3,019	...	...	3,019
Development of Counterterrorism	...	...	...	...	...	...	...	...	...	...	...	248	...	...	248
Counterterrorism Programs	...	...	...	...	...	...	...	...	...	...	...	413	...	...	413
Management and Administration	407	424	31,456	...	...	...	...	...	8,947	...	...	8,111	407	424	48,514
Total	407	424	147,151	...	...	...	...	...	8,947	...	...	39,226	407	424	195,324
Reimbursable Workyears		426			...			...			...			426	
Total Workyears		850			...			...			...			850	
Other Workyears:															
Overtime		...			...			...			...			...	
Total Compensable:															
Workyears		850			...			...			...			850	

Transfers Between Accounts.
Provides $6,647,000 from the Juvenile Justice Programs account for Management and Administration and provides $2,300,000 for Y2K in accordance with the 1999 Omnibus Consolidated and Emergency Supplemental Appropriation Act (P. L. 105-277).

Office of Justice Programs
Justice Assistance
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers			Reprogramming			2000 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Research, Evaluation and Demonstration Programs	---	---	$43,448	---	---	---	---	---	---	---	---	---	---	---	$43,448
Criminal Justice Statistical Programs	---	---	32,609	---	---	($7,104)	---	---	---	---	---	---	---	---	25,505
Missing Children	---	---	17,168	---	---	2,784	---	---	---	---	---	---	---	---	19,952
Regional Information Sharing System	---	---	20,000	---	---	---	---	---	---	---	---	---	---	---	20,000
Civil Rights Enforcement Partnership	---	---	5,000	---	---	(5,000)	---	---	---	---	---	---	---	---	---
White Collar Crime Information Center	---	---	9,250	---	---	---	---	---	---	---	---	---	---	---	9,250
State & Local Domestic Preparedness Support Programs	---	---	171,000	---	---	(19,500)	---	---	---	---	---	---	---	---	151,500
Management and Administration	438	440	40,173	(8)	(11)	(2,217)	---	---	6,647	---	---	---	430	429	44,603
Total	438	440	338,648	(3,208)	(4,400)	(31,037)	---	---	6,647	---	---	---	430	429	314,258

Congressional Appropriation Action on 2000 Request:

Congressional action provided an overall decrease of $7,104,000 for Criminal Justice Statistical Programs, a decrease of $19,500,000 for Counterterrorism Programs and eliminated funding of $5,000,000 for Civil Rights Enforcement Partnership. Congress also provided an increase of $2,784,000 for Missing Children Program. An overall decrease of $2,217,000, 11 FTE for Management and Administration and provided an increase of 4 FTE for the Office of State and Local Domestic Preparedness.

Transfers from Other Accounts:
Provides $6,647,000 from the Juvenile Justice Programs account for Management and Administration.

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Office of Justice Programs
Justice Assistance
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	430	429	$307,611
Transfers/Reimbursements:			
Juvenile Justice appropriation for administrative functions	---	---	6,647
Violent Crime Reduction Programs for administrative functions	474	473	[56,288]
Reimbursable workyears from the Community Oriented Policing Services Office	[39]	[39]	---
2000 Availability	904	902	314,258
Adjustment-to-base increases	---	3	4,696
Adjustment-to-base decreases (automatic, non-policy)	---	---	(6)
2001 Base	904	905	318,948
Transfers from State and Local Law Enforcement Assistance for administrative functions	49	27	[2,297]
Program Changes - (See Program Narrative for Details)	40	34	58,959
2001 Estimate	993	966	377,907

1/ These postions are necessary to administer the VCR Program in 2000. Associated dollars are in brackets for display purposes only and are a non-add.
2/ These additional postions are necessary to administer the State and Local Law Enforcement Program in 2001. Associated dollars are in brackets for display purposes and are a non-add.

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Research, Evaluation, and Demonstration Programs	...	...	$43,448	...	...	$43,448	...	...	$49,400	...	...	$5,952
Criminal Justice Statistical Programs	...	...	25,505	...	...	27,100	...	...	33,200	...	...	6,100
Missing Children	...	...	19,952	...	...	19,952	...	...	20,000	...	...	48
Regional Information Sharing System	...	...	20,000	...	...	20,000	...	...	20,000	...	...	...
White Collar Crime	...	...	9,250	...	...	9,250	...	...	18,000	...	...	8,750
Justice On-line Information Exchange (JOIE)	...	...	...	...	...	...	...	...	1,000	...	...	1,000
Counterterrorism Programs	...	...	151,500	...	...	151,500	...	...	179,160	...	...	27,660
Police Use of Force	...	...	...	...	...	...	...	...	2,100	...	...	2,100
Management and Administration:												
Executive Direction and Control - NIJ	73	70	6,815	73	70	7,415	79	74	7,865	6	4	450
Executive Direction and Control - BJS	55	56	4,638	55	56	5,118	55	56	5,118	...	...	...
Executive Direction and Control - OJJ	90	87	6,647	90	87	6,647	90	87	6,647	...	...	...
Executive Direction and Control - BJA	57	59	4,601	57	59	5,107	60	61	5,277	3	2	170
Executive Direction and Control - OVC	26	27	2,165	26	27	2,396	26	27	2,396	...	...	...
OJP Other Activities	129	130	19,737	129	133	21,015	160	161	27,744	31	28	6,729
Subtotal M&A	430	429	44,603	430	432	47,698	470	466	55,047	40	34	7,349
Total, Justice Assistance	430	429	314,258	430	432	318,948	470	466	377,907	40	34	58,959
Reimbursable Positions and Workyears	474	473	[56,288]	474	473	[56,288]	523	500	[58,585]	49	27	[2,297]
(COPS Reimbursable Postions)	(39)	(39)		(39)	(39)		(39)	(39)				
Total Positions and Workyears	904	902		904	905		993	966		89	61	

Office of Justice Programs
Justice Assistance
Summary of Resources by Program
(Dollars in thousands)

Estimates by budget activity	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Research, Evaluation, and Demonstration Prgms	---	---	$68,724	---	---	$57,986	---	---	$43,448	---	---	$43,448	---	---	$49,400	---	---	$5,952
Criminal Justice Statistical Programs	---	---	26,754	---	---	27,035	---	---	25,505	---	---	27,100	---	---	33,200	---	---	6,100
National Sexual Offender Registry	---	---	745	---	---	475	---	---	---	---	---	---	---	---	---	---	---	---
Missing Children	---	---	17,681	---	---	11,410	---	---	19,952	---	---	19,952	---	---	20,000	---	---	48
Emergency Federal Law Enforcement Program	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Crime Control Programs	---	---	1,820	---	---	830	---	---	---	---	---	---	---	---	---	---	---	---
Regional Information Sharing System	---	---	20,036	---	---	20,000	---	---	20,000	---	---	20,000	---	---	20,000	---	---	---
White Collar Crime	---	---	7,350	---	---	7,150	---	---	9,250	---	---	9,250	---	---	18,000	---	---	8,750
State and Local Law Enforcement	---	---	20	---	---	1	---	---	---	---	---	---	---	---	---	---	---	---
Local Firefighter and Emergency Services Training	---	---	3019	---	---	2,970	---	---	---	---	---	---	---	---	---	---	---	---
Development of Counterterrorism	---	---	248	---	---	234	---	---	---	---	---	---	---	---	---	---	---	---
Justice On-line Information Exchange (JOIE)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	1,000	---	---	1,000
Counterterrorism Programs	---	---	413	---	---	255	---	---	151,500	---	---	151,500	---	---	179,160	---	---	27,660
Police Use of Force	---	---	---	---	---	---	---	---	---	---	---	---	---	---	2,100	---	---	2,100
Management and Administration:																		
Exc. Direction & Control - NIJ	73	70	6,455	73	70	6,455	73	70	6,815	73	70	7,415	79	74	7,865	6	4	450
Exc. Direction & Control - BJS	55	56	4,366	55	56	4,366	55	56	4,638	55	56	5,118	55	56	5,118	---	---	---
Exc. Direction & Control - OJJDP	90	87	6,647	90	87	6,647	90	87	6,647	90	87	6,647	90	87	6,647	---	---	---
Exc. Direction & Control - BJA	57	59	4,113	57	59	4,113	57	59	4,601	57	59	5,107	60	61	5,277	3	2	170
Exc. Direction & Control - OVC	26	27	1,984	26	27	1,984	26	27	2,165	26	27	2,396	26	27	2,396	---	---	---
OJP Support Activities	106	125	24,949	106	88	14,187	129	130	19,737	129	133	21,015	160	161	27,744	31	28	6,729
Subtotal M&A	407	424	48,514	407	387	37,752	430	429	44,603	430	432	47,698	470	466	55,047	40	34	7,349
TOTAL JUSTICE ASSISTANCE	**407**	**424**	**195,324**	**407**	**387**	**166,098**	**430**	**429**	**314,258**	**430**	**432**	**318,848**	**470**	**466**	**377,907**	**40**	**34**	**58,959**
Reimbursable Positions and Workyears	467	426	[47,230]	467	406	[47,230]	474	473	[56,288]	474	473	[56,288]	523	500	[58,585]	49	27	[2,297]
(COPS Reimbursable Positions)	(39)	(39)		(39)	(39)		(39)	(39)		(39)	(39)		(39)	(39)		---	---	
Total Positions and Workyears	874	850		874	793		904	902		904	905		993	966		89	61	

Office of Justice Programs
Justice Assistance
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1999 Actual			2000 Availability			2001 Estimate			Increase/ Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source:												
Department of State	---	---	$1,756	---	---	$3,700	---	---	$3,700	---	---	---
Department of Education	---	---	---	---	---	200	---	---	200	---	---	---
Department of Housing & Urban Development	---	---	133	---	---	1,000	---	---	1,000	---	---	---
U.S. Sentencing Commission	---	---	60	---	---	---	---	---	---	---	---	---
Office of National Drug Control Policy	---	---	1,350	---	---	1,000	---	---	1,000	---	---	---
Department of Treasury	---	---	125	---	---	217	---	---	217	---	---	---
Department of Justice	467	406	304,445	474	473	257,548	523	500	257,548	49	27	---
Department of Health and Human Services	---	---	346	---	---	---	---	---	---	---	---	---
Department of Defense	---	---	1,750	---	---	1,500	---	---	1,500	---	---	---
Budgetary Resources	467	406	309,965	474	473	265,165	523	500	265,165	49	27	---
Obligations by Program:												
Research, Evaluation and Demonstration Programs	---	---	12,053	---	---	130,209	---	---	150,539	---	---	20,330
Criminal Justice Statistical Programs	---	---	785	---	---	265	---	---	250	---	---	(15)
Regional Information Sharing System	---	---	5,000	---	---	5,000	---	---	5,000	---	---	---
Counterterrorism Programs	---	---	45,407	---	---	96,943	---	---	1,500	---	---	(95,443)
Police Corps Program	---	---	51,284	---	---	83,346	---	---	30,000	---	---	(53,346)
Community Prosecutors Program	---	---	---	---	---	15,000	---	---	10,000	---	---	(5,000)
Crime Control	---	---	5,538	---	---	6,000	---	---	6,000	---	---	---
Management and Administration	385	315	55,866	474	473	62,144	523	500	61,876	49	27	(268)
Total	385	315	175,933	474	473	398,907	523	500	265,165	49	27	(133,742)

NOTE: Obligation amount for 2000 includes $133,741,777 in unobligated 1999 reimbursements.

Office of Justice Programs
Justice Assistance
Reimbursable Resources

	1999 Actual			2000 Availability			2001 Estimate			Increase/ Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Research, Evaluation and Demonstration Programs												
Obligations by Source:												
Department of State	---	---	742	---	---	4,714	---	---	3,700	---	---	(1,014)
U.S. Sentencing Commission	---	---	60	---	---	---	---	---	---	---	---	---
Department of Defense	---	---	---	---	---	250	---	---	250			---
Department of Education	---	---	---	---	---	200	---	---	200	---	---	---
Department of Housing & Urban Development			133	---	---	---	---	---	---	---	---	---
Department of Health and Human Services	---	---	312	---	---	34	---	---	---	---	---	(34)
Office of National Drug Control Policy			600	---	---	1,750	---	---	1,000	---	---	(750)
Department of Treasury	---	---	119	---	---	223	---	---	217	---	---	(6)
Department of Justice	---	---	10,087	---	---	123,036	---	---	145,172	---	---	22,136
Total	---	---	12,053	---	---	130,209	---	---	150,539	---	---	20,330

Represents funds devoted by contributing agency for joint research projects to be administered by the National Institute of Justice.

Criminal Justice Statistical Programs

Obligations by Source:												
Department of Justice	---	---	785	---	---	265	---	---	250	---	---	(15)
Total	---	---	785	---	---	265	---	---	250	---	---	(15)

Resources devoted by contributing agencies for joint statistical projects to be administered by the Bureau of Justice Statistics.

Regional Information Sharing System

Obligations by Source:												
Department of Justice	---	---	5,000	---	---	5,000	---	---	5,000	---	---	---
Total	---	---	5,000	---	---	5,000	---	---	5,000	---	---	---

Resources represent grant programs administered for the Dept. of Justice for the Office of Community Oriented Policing Services for the RISS Program.

Counterterrorism Programs

Obligations by Source:												
Department of Defense	---	---	1,500	---	---	1,500	---	---	1,500	---	---	---
Department of Justice	---	---	43,907	---	---	95,443	---	---	---	---	---	(95,443)
Total	---	---	45,407	---	---	96,943	---	---	1,500	---	---	(95,443)

Resources represent grant programs administered for the Dept. of Justice for Counterterrorism Programs in 1999. In 2000 OJP received direct funding.
Resources received from the Dept. of Defense represent funds devoted to joint counterterrorism projects.

Office of Justice Programs
Justice Assistance
Reimbursable Resources

	1999 Actual			2000 Availability			2001 Estimate			Increase/ Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Police Corps Program												
Obligations by Source:												
Department of Justice	--	--	51,284	--	--	83,346	--	--	30,000	--	--	(53,346)
Total	---	---	51,284	---	---	83,346	---	---	30,000	---	---	(53,346)

Resources represent grant programs administered for the Dept. of Justice for the Office of Community Oriented Policing Services for the Police Corps Program.

Community Prosecutors Program												
Obligations by Source:												
Department of Justice	--	--	--	--	--	15,000	--	--	10,000	--	--	(5,000)
Total	---	---	---	---	---	15,000	---	---	10,000	---	---	(5,000)

Resources represent grant programs administered for the Dept. of Justice for the Office of Community Oriented Policing Services for the Community Prosecutors Program.

Crime Control												
Obligations by Source:												
Department of Justice	--	--	5,538	--	--	6,000	--	--	6,000	--	--	--
Total	---	---	5,538	---	---	6,000	---	---	6,000	---	---	---

Resources represent grant programs administered for the Dept. of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division and the Criminal Division.

Management and Administration												
Obligations by Source:												
Department of Justice	385	315	55,868	474	473	62,144	523	500	61,876	49	27	(268)
Total	385	315	55,868	474	473	62,144	523	500	61,876	49	27	(268)

Grant management and administration services for grant programs in the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division, the Criminal Division, Office of Community Oriented Policing Services and the Executive Office Weed and Seed. Resources also include costs incurred for positions and workyears for the Violent Crime Reduction Trust Fund in 1999 and for State and Local Law Enforcement Assistance Appropriation in 2000/2001.

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OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Research, Evaluation And Demonstration Programs
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The National Institute of Justice (NIJ) is the principal federal agency for research on crime. Crime costs the citizens of the United States as much as $450 billion each year and the federal government alone spends $5 billion annually to fight it ("The Extent and Costs of Crime Victimization: A New Look," National Institute of Justice, *Research Preview*, January 1996). Strategic investments in research and development can build knowledge and tools that begin to reduce this cost over time. In 2001, NIJ will continue to develop new information on the nature and causes of crime, its consequences and its relationship to institutional and community corrections. Developing this information on what works to prevent, enforce and adjudicate crime allows NIJ to disseminate practical knowledge and tools to all levels of the criminal justice community, to include the international front. NIJ's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

NIJ supports research and development programs, conducts demonstrations of innovative approaches to improve criminal justice, develops new criminal justice technologies, and evaluates the effectiveness of OJP-supported and other justice programs. An overview of program specific highlights are as follows:

- **Arrestee Drug Abuse Monitoring System (ADAM).** ADAM is a research program that provides program planning and policy information on drug use and other characteristics of arrestees through quarterly interviews of adult and juvenile incarcerated in 35 U.S. cities during 1999. Through interviews and drug testing, communities continue to assess the dimensions of their particular local substance abuse problems, evaluate programs and interventions with offender populations, and plan policy responses appropriate to these populations.

  In 2001, NIJ proposes to expand ADAM to 50 sites, which will provide for greater advancements in the understanding of substance abuse patterns such as the largely western methamphetamine abuse phenomenon and the characteristically regional abuse patterns associated with heroin.

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- **The National Law Enforcement and Corrections Technology Centers (NLECTC) System.** NLECTC is a system of regionally located centers that provide a gateway for law enforcement, corrections, and the entire criminal justice community to have access to relevant technology information. The centers, which are located in Rockville (Maryland), Rome (New York), Charleston (South Carolina), Denver, Orlando, and El Segundo (California), are co-located with an organization or agency that specializes in one or more specific areas of research and development. Each center has a specific technology focus within this linked web of service for law enforcement, corrections, and other criminal justice professionals.

  In 2000, with base funding, NIJ will continue to build upon existing program activities. These include: responding to technology assistance requests from agencies; facilitating the transfer of Defense excess equipment to state and local law enforcement and corrections agencies; disseminating documents pertaining to innovative law enforcement and corrections technology; performing analyses ordinary crime labs cannot perform because of limited capabilities, resources, and expertise; developing and supporting special task forces to develop requirements, study evolving needs, and develop strategies for getting technology into the field; soliciting manufacturers to commercialize technologies based on requirements identified by law enforcement and corrections practitioners; providing "Capacity Building" in which agencies are assisted in developing their own technology capabilities and encouraged to share with other agencies; and providing law enforcement and corrections practitioners with technology information via the JUSTNET Website, Techbeat publications, workshops, and direct technology assistance.

- **DNA Research and Development.** In 1999, NIJ implemented a five-year effort to miniaturize (DNA miro-chip) and make the performance of forensic DNA testing faster, easier, and less expensive. Also in 1999, NIJ published the brochure, *What Every Law Enforcement Officer Should Know About DNA Evidence by National Institute of Justice, September, 1999* and the report *Issues and Practices, Post-conviction DNA Testing: Recommendations for Handling Requests by National Commission on the Future of DNA Evidence, September, 1999.* This improved technology will enhance the ability of state and local jurisdictions to convict many more criminals, exonerate innocent suspects earlier, and change law enforcement in fundamental ways.

- NIJ oversees the direction of the **National Commission on the Future of DNA Evidence.** The duty of the Commission is to recommend courses of action and means to improve the use of DNA technology in the investigation of criminal cases. In 1999, the Commission sponsored four two-day conferences which included working-groups in a wide range of topics concerning DNA uses within the criminal justice system. In 2000, NIJ will embark on a two-year effort to reduce the estimated one million backlogged DNA samples.

- **Application of mapping demonstration programs.** NIJ supported implementation and use of crime mapping through the Crime Mapping Research Center (CMRC) and the locally-based **Crime Mapping, Planning, and Analysis Program**

(COMPASS). CMRC provided classroom training modules in partnership with the COPS Office through their Regional Community Policing Institutes throughout the country. NIJ further disseminated crime mappings through forums such as the third annual conference as well as a series of publications to inform the field about crime mapping including the handbook, *Crime Mapping: Principle and Practice.*

- **COMPASS.** COMPASS is a data-driven approach to enhancing community safety through proactive problem-solving involving analysis of comprehensive data by key decision makers in the community. NIJ is assisting in the implementation of this process intended to facilitate identification and understanding of the underlying causes of crime problems, and foster the development of innovative solutions. Seattle, Washington will pilot this new initiative in 2000.

- **Strategic Approaches to Community Safety (SACSI).** SACSI is a comprehensive, problem solving, information-driven effort intended to reduce crime. SACSI was implemented in five cities in 1999 (Memphis, TN; New Haven, CT; Winston-Salem, NC; Indianapolis, IN; Portland, OR). Pilot communities are analyzing data to determine the nature and scope of local crime problems, and designing interventions based upon the data. U.S. Attorneys in each of the five cities are working with local decision-makers and a local research partner to formulate strategic approaches to identified and verified crime problems.

- **Sharing research results and providing access.** NIJ published 110 documents. NIJ grantees published their research findings in journals and newsletters, averaging about 70 articles per quarter. Additionally, NIJ research was cited in numerous news articles in 1999, averaging about 50 per month. The National Criminal Justice Reference Service (NCJRS) is the largest clearinghouse for criminal justice information in the world. It has a traditional library of 180,000 abstracts of documents and a virtual library of over 1,000 full documents which the public can request via an 800 telephone number or via the Internet. In 1999, NCJRS distributed over 1.5 million documents and over 650,000 people requested information and/or publications from NIJ.

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FY 2001 Performance Goals and Indicators

NIJ is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Research, Evaluation and Demonstration Programs
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Research, Evaluation and Demonstration Programs	**Amount**
2000 Appropriation Enacted	$ 43,448
2001 Base	46,000
2001 Estimate	49,400
Increase/Decrease	$ 3,400

BASE PROGRAM DESCRIPTION:

NIJ, a component of the Office of Justice Programs, is the research agency of the U.S. Department of Justice. The bureau was created under the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. NIJ is authorized to support research, evaluation, and demonstration programs; support development of technology; and both national and international information dissemination. Specific mandates of the Act directs NIJ to do the following:

- Sponsor special projects, and research and development programs, that will improve and strengthen the criminal justice system and reduce or prevent crime.
- Conduct national demonstration projects that employ innovative promising approaches for improving criminal justice.
- Develop new technologies to fight crime and improve criminal justice.
- Evaluate the effectiveness of criminal justice programs and identify programs that promise to be successful if continued or repeated.

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- Recommend actions that can be taken by federal, state, and local governments, as well as, by private organizations to improve criminal justice.

- Carry out research on criminal behavior.

- Develop new methods of crime prevention and reduction of crime and delinquency.

In recent years, NIJ has greatly expanded its initiatives, the result of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act), partnerships with other Federal agencies and private foundations, advances in technology, and a new international focus. Examples of these new initiatives are:

- New research and evaluation is exploring key issues in community policing, violence against women, sentencing reforms, and specialized courts such as the drug courts. This research is being carried out in cooperation with Department of Justice and Office of Justice Programs Crime Act offices, supported by funds from the Crime Act.

- Dual-use technologies are being developed to support national defense and local law enforcement needs. The five-year program, begun in 1994, is the result of a partnership between the Departments of Defense and Justice, supported by a $37.5 million Congressional appropriation in 1995.

- Three regional National Law Enforcement and Corrections Technology Centers and four specialty centers have joined the National Center in Rockville, Maryland. All offer toll-free and online access to information about products and technologies available for law enforcement use.

- The causes, treatment, and prevention of violence against women and violence within the family are being investigated by interagency research. The research is sponsored by NIJ and several agencies of the U.S. Department of Health and Human Services, with funding of more than $5 million.

- NIJ's links with the international community are being strengthened in several ways: through membership in the network of criminological institutes affiliated with the United Nations (UN); participation in the development of the United Nations

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Criminal Justice Information Network; initiation of UNOJUST (United Nations Online Justice Clearinghouse), an Internet-based system electronically linking the institutes to the UN network; and establishment of an International Center within NIJ.

- The NIJ-administered criminal justice information clearinghouse, the world's largest, has improved its online capability. It is a resource widely used by state and local officials across the country and by criminal justice agencies throughout the world.

- The Institute's Drug Use Forecasting (DUF) program has been expanded and enhanced. Renamed ADAM (Arrestee Drug Abuse Monitoring), the program will increase the number of drug-testing sites, and its role as a research "platform" for conducting studies of drug-related crime will grow.

- The development of computer mapping technology was the impetus for the establishment of NIJ's Crime Mapping Research Center. The Center will provide training in the new technique, collect and archive geo-coded crime data, and develop analytic software, all intended to help police analyze the spatial patterns of crime. Training is also offered through the Crime Mapping and Analysis Program at the NLECTCs in Denver, CO and Charleston, SC.

- The Institute's program of intramural research has been expanded and enhanced.

2001 Program Change

In 2001, NIJ is requesting $49.4 million. This request represents a $3.4 million increase over the 2001 base level funding. This amount is the net result of a $15 million decrease for DNA Research and Development/NLECTC, which are requested under the COPS appropriation and the following 2001 program increases:

- $5 million for ADAM -- program details are included under Breaking the Cycle of Substance Abuse and Crime, page 17 ; $10 million for Gun Safety Research and Development -- program details are included under Enhancing Technology Initiatives, page 71;
- $2 million for Investigative and Forensic Sciences -- program details are included under Meeting New Challenges Initiatives, page 105;
- $1.4 million for International Crime Research Program -- program details are included under Meeting New Challenges Initiatives, page 107.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Research, Evaluation, and Demonstration Programs/National Institute of Justice (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop new information on crime; to determine what works and why in prevention, enforcement, and adjudication of crime and its consequences, and in institutional and community corrections; and to disseminate the information to state and local criminal justice programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$42.5M	$57.1M	$46.148M	$43.448M	$49.4M
	2. Number of grant applications received	NIJ Records	700	800	923	900	1,125
	3. Number of grant awards made	NIJ Records	200	400	273	300	350
	4. Number of technologies transferred to/from DOD	NIJ Records	9	10	0	-	-
Output/ Activity	5. Number of requests for information (NCJRS)	NCJRS Records	758,727	1 million	548,240	685,300	925,155
	6. Percentage of NCJRS contacts via Internet	NCJRS Records	63.4%	90%	72%	80%	90%
	7. Number of active research projects, both intramural and grants awarded	NIJ Records	750	850	907	800	850
	8. New products published	NIJ Records	105	125	110	130	130
	9. Number of practitioners/researchers participating in NIJ conferences, seminars, focus groups, planning sessions	NIJ Records	3,200	3,200	4,500	4,725	4,950
Intermediate Outcome	10. Grantee level of satisfaction with NIJ Conferences	NIJ Records	75%	80%	85%	85%	85%
End Outcome	11. Percent increase in DNA analysis speed using newly-developed, as opposed to pre-existing, DNA analysis technologies	Grantee Reports	NA	100%	100%	100%	100%
	12. Number of arrestee drug testing sites	NIJ Records	35	35	35	50	50
	13. Law enforcement technology deliverables (standards, product performance evaluations, product guides)	NIJ Records	-	135	72	80	80
	14. Technologies commercialized through the private sector	NIJ Records	--	12	12	8	8

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance.
4 - Transfer of technology does not occur as an element of this program unit of the Base Program. As such, FY 99 activity level is reported at zero. This activity is reported as part of the Counterterrorism Research and Development Program, Department of Justice Counterterrorism Programs activity.
11 has undergone a change in description. This new description provides a more accurate outcome measure.
13 - FY 99 actual figure recorded as 72. This number is smaller than the enacted plan because the enacted plan figure represented all science and technology programs, regardless of program funding source. The number 72 represents the outcome for this specific program unit.

C. Issues Affecting Selection of 2000 and 2001 Plans.
4. Current year plan and outyear plan totals are reflected in the Performance Measurement Table for the Counterterrorism Research and Development Program, Department of Justice Counterterrorism Programs activity.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Carve-Out Programs/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To develop new information on crime; to determine what works and why in prevention, enforcement, and adjudication of crime and its consequences, and in institutional and community corrections; and to disseminate the information to state and local criminal justice programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	Appropriation (in millions)	P.L.					
	1. BJA Byrne Evaluation Initiative						[$5M]
	2. VAWA STOP - Family Violence Research						[$5M]
	3. VAWA STOP - Research and Evaluation		[$7M]	[$5.2M]	[$5.2M]	[$5.2M]	[$5.2M]
	4. Dependency Court System's Response to Child Abuse and Neglect						[$5M]
Output/ Activity	Byrne Evaluation:						
	5. Solicitations	NIJ files					1
	6. Number of proposals received	NIJ contractor					25
	VAWA Family Violence Research:						
	7. Solicitations	NIJ files					5
	8. Number of proposals received	NIJ files					50
	VAWA Research and Evaluation:						
	9. Solicitations	NIJ files	11	7	7	2	2
	10. Number of proposals received	NIJ files	500	350	350	100	100
	Dependency Court System:						
	11.Number of proposals received	NIJ report					60
	12.Number of grants awarded	OJP report					16

Intermediate Outcome	Byrne Evaluation: 13. Number of grant awards for program evaluations	OJP files					25
	VAWA Family Violence Research: 14. Number of grant awards	OJP files					25
	15. Number of evaluations of justice system activities and service delivery	NIJ files					66
	16. Number of basic research projects	NIJ Files					1
	VAWA Research and Evaluation: 17. Number of grant awards	OJP files	29	17	17	11	11
	18. Number of evaluations of current practice and service delivery underway	NIJ files	24	12	12	8	8
	19. Number of basic research projects underway	NIJ files	5	5	5	3	3
End Outcome	Byrne Evaluation: 20. Number of program improvements recommended through evaluation results	NIJ files					25
	21. Publications including information on Internet	NCJRS					10
	VAWA Family Violence Research: 22. Number of publications	NCJRS					TBD
	VAWA Research and Evaluation: 23. Number of publications	NCJRS	*	*	*	*	12
	Dependency Court System: 24. Number of effective law enforcement models identified	NIJ Report					4
	25. Number of effective court models identified	NIJ Report					4
	26. Number of publications on all research findings, including the Internet	NCJRS Report					10

A. Definitions of Terms or Explanation of Indicators and Data Sources: TBD - To be determined.

B. Factors Affecting 1999 Program Performance. VAWA Research and Evaluation: A reduction of $1.8M led to a decrease in proposed and actual solicitations and fewer grants awarded.

* Publications highlighting program impact for 1998 and 1999 grants will not be ready for publication until after the two-year grants begin to expire.

C. Factors Affecting Selection of 2000 and 2001 Targets.
Byrne Evaluation: To evaluate the Byrne Formula Grant Programs.

In 2001, funds are requested from the Byrne Formula Grant Program for the National Institute of Justice (NIJ) to conduct comprehensive evaluations of Byrne programs. This program evaluation activity also fulfills NIJ's statutory mandate to evaluate programs funded under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

VAWA Family Violence Research: To evaluate current practice and systems of service delivery responding to family violence; to establish a basic research program concentrating on the understudied areas of child abuse and neglect and elder abuse; and design and test a demonstration program guided by family violence research and evaluation.

#22 - Publications and other dissemination activity to begin in FY 2001.

In 2001, the Violence Against Women's Office is requesting an enhancement of $13.25 million under the S•T•O•P formula grants program. Of this amount, $5 million is for an NIJ's Family Violence Research Program. NIJ proposes a series of program evaluation efforts. Among the evaluations recommended by the NAS report are mandatory reporting laws, protective orders and shelter programs, child witness-to-violence programs, home visitation programs, and training programs for service providers and law enforcement officials.

VAWA Research and Evaluation: To evaluate current practice and system of service delivery responding to violence against women; to establish a basic research program concentrating on the understudied areas of violence against women; and design and test a demonstration program guided by VAW research.

The number of solicitations is again reduced as a greater share of the appropriated amount goes towards program support and dissemination, continuations and supplements, and planning and feasibility studies.

Dependency Court System: To conduct a five year research and evaluation program to better understand and improve the dependency court system's response to child abuse and neglect.

The funds for this initiative will be made available through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula grant program ($3 million) and the Drug Courts Program Office (DCPO) ($2 million). NIJ will implement this initiative in cooperation with OJJDP and the DCPO. Specifically, the program will focus on the State Court Improvement Program (CIP) and the Adoption and Safe Families Act (ASFA), which are two pieces of legislation enacted to change the practices of juvenile dependency courts and prevent children from lingering in foster care.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Criminal Justice Statistical Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Bureau of Justice Statistic's (BJS) mission is to provide the Nation with comprehensive and accurate statistical information concerning crime and the operation of our justice systems; to support the information needs and operational demands of policy and decision-making officials of the Office of Justice Programs, the Department, the Administration, and the Congress; to provide financial and technical assistance to states in developing and improving capabilities in justice statistics and information systems; to provide customers with access to statistical information through both paper and electronic means. BJS's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, the Bureau of Justice Statistics (BJS) continued to serve as an important resource for data for many DOJ components, the White House, Congress, justice agencies at all levels of government, academia, and the public. BJS maintains more than two dozen of its ongoing core data collections, collecting and publishing data on criminal victimizations and the consequences of these crimes for victims, populations under correctional supervision, federal criminal offenders and case processing, administration of law enforcement and correctional agencies, the nation's felony trial courts, and criminal justice expenditures and employment.

In addition, BJS develops and maintains analytic programs addressing the implications of national justice statistics and methodologies for Administration and legislative initiatives, including anticipating data needs that respond to emerging policy imperatives. BJS works closely with OJP's Bureaus and Offices and DOJ policy offices in collecting and analyzing information on victimization, law enforcement, adjudication, and corrections for use in program and policy development. In 1999, BJS conducted analyses and published data addressing many topical and policy-relevant areas, including:

- In partnership with the Community Oriented Policing Services (COPS) Office, BJS conducted city-level victimization surveys in 12 cities providing a unique city-based dataset to examine attitudes toward community policing activities, perceptions of crime, police-public contact and characteristics of victimizations by crime. Findings were released in June 1999.

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BJS responds to the information needs of customers through the development and maintenance of publication and dissemination programs and through new technological mechanisms to facilitate the electronic distribution and access to statistical data and publications. In 1999, BJS disseminated over 1.3 million statistical reports, codebooks, and other information products by mail and conferences through the BJS Clearinghouse and the National Archive of Criminal Justice Data. Many BJS reports are accompanied by press releases or put directly on the newswire and are given prominent coverage in the nation's electronic and print media. BJS reports are also frequently discussed in the editorial columns of American newspapers. During 1999, BJS data were included in an estimated 167,160 media citations. Ten federal and state court case opinions cited BJS data.

BJS customers have become heavy users of data and reports accessing the BJS website an average of 88,352 user sessions per month -- this represents an increase of over 30,000 user sessions per month when compared to 1998.

New in 1999, BJS in collaboration with the COPS Office developed the **Local Crime Victimization Survey** (CVS), which represents a major step forward in empowering communities to examine crime and its consequences. Together BJS and COPS developed this desktop survey software package and made it available to police and local officials, planning agencies and researchers -- at no cost -- to conduct surveys that measure local crime levels and citizen attitudes toward public safety. The CVS is based on the National Crime Victimization Survey (NCVS) and contains questions that measure citizen attitudes toward crime, their neighborhood, and local policing services. The software can be tailored to meet individual jurisdiction needs by modifying questions to emphasize issues of local concern. The CVS software has stimulated an incredible response since it was first released through the BJS website – to date, BJS has received more than 900 requests for copies of the software from police departments, local agencies, and criminal justice researchers, some of which are from countries including Israel, Ireland, and South Africa.

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FY 2001 Performance Goals and Indicators

BJS is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

OFFICE OF JUSTICE PROGRAMS
Bureau of Justice Statistics
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Criminal Justice Statistical Program	**Amount**
2000 Appropriation Enacted	$25,505
2001 Base	27,100
2001 Estimate	33,200
Increase/Decrease	$ 6,100

BASE PROGRAM DESCRIPTION

BJS was established in December 1979, under the *Justice Systems Improvement Act* of 1979, which amended the *Omnibus Crime Control and Safe Streets Act of 1968.* As the statistical arm of the Department of Justice, BJS is responsible for (1) providing comprehensive, objective, and accurate national data on crime and justice system operations to the President, the Congress, the judiciary, state and local governments, and the general public; (2) assisting states and units of local government in the development of justice information systems and the collection, analysis, and dissemination of justice statistics; and (3) providing customer access to statistical information by a variety of traditional and electronic means.

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NATIONAL DATA ON CRIME AND THE JUSTICE SYSTEM

Collect and Analyze Statistical Information

Crimes and Victims: BJS conducts the *National Crime Victimization Survey (NCVS)* that collects data from a nationally representative sample of roughly 50,000 households comprising more than 100,000 persons on the impact, frequency and consequences of criminal victimization in the United States. Survey data reveal how many rapes, sexual assaults, robberies, assaults, thefts, household burglaries and motor vehicle thefts U.S. residents age 12 or older and their households experience each year. BJS also collects information on intentional injuries, such as domestic violence, rape and child abuse, from a national sample of hospital emergency rooms on characteristics of the victim and perpetrator, victim-perpetrator relationship, alcohol/drug involvement in the incident and a description of the circumstances of the injury. Data are collected on the incidence of campus sexual assault victimizations from a national sample of women enrolled in post-secondary institutions in the U.S. In 2000, BJS will begin development of a methodology to enhance the NCVS to measure victimization of the

disabled population in the United States. Currently, there are no ongoing programs that provide information on criminal victimization of persons with disabilities. Baseline and annual national data will be collected on the levels and rates of violent and property victimization of persons with specified disabilities, along with the characteristics of the victims, crimes and consequences of victimization.

Law Enforcement: Every four years, BJS collects and analyzes data from the more than 18,000 law enforcement agencies nationwide on the organization and administration of police and sheriffs' departments -- capturing details such as number of sworn and civilian personnel by state and type of agency. In addition, censuses of federal, state and local law enforcement agencies are conducted periodically, as well as a survey of campus law enforcement agencies. BJS is scheduled to conduct this survey in 2000.

Prosecution: Through an ongoing effort, BJS collects data on resources, policies, and practices of local prosecutors from a nationally representative sample of chief prosecutors who handle felony cases in state courts on a variety of topics including those of emerging and long-term interest, such as the use of innovative prosecution techniques, intermediate sanctions, plea bargaining and work-related assaults and threats.

Courts and Sentencing: BJS provides data on (1) state court sentencing of convicted felons, including demographic characteristics of felons, conviction offenses, types of sentences, sentence lengths, and length of time from arrest to conviction and sentencing; (2) criminal justice processing of persons charged with felonies, including demographic characteristics, arrest offense, criminal justice status at time of arrest, prior arrests and convictions, bail and pretrial release, court appearance record, rearrests while on pretrial release, type and outcome of adjudication, disposition, and type and length of sentence; (3) civil trial caseload data, including case type, outcome, jury awards, type of parties, legal representation and dates of filing and disposition; and (4) annual data on workload, activities, and outcomes associated with Federal criminal cases collected from the Executive Office of U.S. Attorneys, the Federal Pretrial Services Agency, the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, and the Federal Bureau of Prisons. In 2000, a *Survey of Civil Trial Cases in State Courts* will collect civil trial caseload data for a 1-year period from a sample of counties representative of the Nation's 75 largest counties. Data will include case type, outcome, jury awards, type of parties, legal representation, and dates of filing and disposition.

Also in 2000 with funding from OJJDP, BJS will track all cases of juveniles in adult court filed during 1998, in a representative sample of the Nation's 75 largest counties. The project will build upon BJS's State Court Case Processing Statistics data collection series as well as data collection efforts of the Building Blocks for Youth project funded by OJJDP and BJA. This data collection will represent the most comprehensive dataset on juveniles in adult criminal court to date.
Corrections: Information is provided on correctional populations and facilities gathered from Federal, state and local governments, and covers the major sub-units of the corrections system -- probation, jails, prisons and parole. The overall

program consists of the following components: (1) annual counts and characteristics of persons entering or exiting probation and parole; (2) annual and mid-year counts of incarcerated persons in state and Federal prisons and local jails; (3) annual statistics on persons admitted or released from state and Federal prisons and on persons released from parole supervision; (4) annual counts and characteristics of persons sentenced to death; (5) quinquennial surveys of national samples of prison and jail inmates and adult probationers; and (6) censuses of state and local correctional facilities and parole and probation agencies.

BJS will conduct the 2000 census to obtain detailed information on facility characteristics, including design and rated capacity, construction and renovation, and facilities under court order for conditions of confinement; inmate counts, persons under age 18 and over age 55, inmate housing arrangements, and inmates being held for other authorities; facility operations and security, misconduct reports and grievances filed; inmate health, including procedures for suicide prevention and screening for HIV and tuberculosis; facility programs, such as work, education and counseling; and staff characteristics, including occupation and ethnicity.

In 2000, BJS has begun to compile a report from existing data on deaths in custody including trend information on in-custody deaths by cause and to design and test a new data collection for all deaths in custody in local jails to be conducted annually.

With funding support from the OJP Corrections Program Office (CPO) and FBI, BJS is currently conducting a national study that will develop a sample of state prison releases with oversampling of violent offenders, particularly those offenders convicted of sexual assault crimes and crimes against children. Fifteen states are participating in the recidivism study and collectively account for over half of all releases from state prisons in 1994. These include: Arizona, California, Delaware, Florida, Illinois, Maryland, Michigan, Minnesota, North Carolina, New Jersey, New York, Ohio, Oregon, Texas, and Virginia. BJS will track released prisoners for three-years, using State and Federal criminal history records. An initial report giving results of the three-year recidivism study is expected by the end of 2000.

Analyze Implications for Policy and Legislation

BJS develops and maintains analytic programs addressing the implications of national justice statistics and methodologies for OJP, Departmental, legislative and budgetary initiatives, including anticipating data needs that respond to emerging policy imperatives. BJS works closely with OJP's Bureaus and Offices and DOJ policy offices in collecting and analyzing information on victimization, law enforcement, adjudication, and corrections for use in program and policy development. The Attorney General and White House frequently indicate areas of statistical interest such as alcohol and crime or denials of handgun purchases due to background checks. Additionally, BJS often receives legislative mandates to collect data on such topics as police use of force, crimes against the disabled, or campus crime.

Identify and Implement Recommendations to Improve Data Quality

BJS conducts, supports, and implements methodological research and initiatives designed to improve the quality of justice statistics, records, and information systems. Over the last decade, BJS has played an important role in demonstrating the utility of the FBI's National Incident-Based Reporting System (NIBRS), which is capable of producing more detailed, accurate, and meaningful data than produced by the traditional Uniform Crime Reporting (UCR) Program. Currently, BJS and the FBI are working on efforts to assess the status of incident-based reporting among law enforcement agencies and promote the implementation of NIBRS. Working under a cooperative agreement from BJS, a contractor and the National Consortium for Justice Information and Statistics are undertaking efforts to demonstrate how local agencies can or are using NIBRS data at the local level for crime analysis, resource allocation, and other purposes; assessing technical issues relating to data elements, software, and data input; and providing technical assistance to local agencies in record system upgrades and NIBRS implementation. Efforts to support state and local agencies in the implementation of NIBRS will be significantly enhanced with the availability of funds under the Crime Identification Technology Act.

ASSISTANCE TO STATE, LOCAL AND TRIBAL GOVERNMENTS

Improve Quality and Coverage of Justice Data and Statistics and Their Compliance with Confidentiality and Security Requirements:

Criminal Records Data Quality Program supports surveys, studies, conferences and technical assistance on issues relating to criminal justice records. Primary emphasis is on accuracy and completeness of records, limitations on dissemination, co-mingling of juvenile and adult records, data auditing techniques and the interstate exchange of records.

Encourage the Development, Maintenance and Utilization of Data Systems and Analysis:

State Justice Statistics (SJS) Program for Statistical Analysis Centers offers technical and financial support to states to establish and operate state-level Statistical Analysis Centers (SACs) to collect, analyze and report statistics on crime and justice to Federal, state and local levels of government and to share state-level information nationally. Under this program, BJS, in conjunction with other OJP components and SAC directors, identifies particular criminal justice topics for in-depth analysis and encourages SACs to conduct statistical research and publish findings on these issues.

Technical assistance to the State SACs is provided by BJS through the Justice Research and Statistics Association (JRSA) in support of state-level development, collection, analysis, use and dissemination of criminal justice statistics. In providing

technical and liaison services to the SACs for BJS, JRSA maintains a criminal justice information clearinghouse; provides an automated Database of State Activities and Research; and conducts an annual conference on justice statistics, research and policy analysis.

CUSTOMER ACCESS TO STATISTICAL INFORMATION

Publish, Disseminate and Facilitate Electronic Access:

BJS Internet World Wide Web site presents information by crime and justice topics. Summary findings, descriptions of the data collections, publications and additional work by BJS staff are listed under each topic and subtopic. Links to related pages on the BJS site and to related sites are also included. BJS, in conjunction with NIJ, is currently establishing Internet access to much of its data and related sources using a database interface. The Internet Database will meet the growing needs of many of the users of BJS and NIJ crime and justice data, provide a new resource of information that will permit users to see trends over time on a jurisdictional basis, and significantly expand the services to BJS and NIJ customers.

BJS Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), provides information about crime and justice statistics. The clearinghouse offers products and services tailored to the needs of the criminal justice professional.

National Archive of Criminal Justice Data, on behalf of BJS, archives data files, documents them and makes them available to researchers, scholars, journalists and other users. The archive is located with the central staff of the Inter-university Consortium for Political and Social Research (ICPSR) in the Institute for Social Research at the University of Michigan. The data from most BJS statistical series--more than 300 individual data sets--are held by the archive and distributed through electronic and traditional means, including downloading from NACJD Internet site, datatapes, CD-ROM or diskettes. Online data analysis can now be conducted from the NACJD website.

National Clearinghouse for Criminal Justice Information Systems operates an automated index accessible through the Internet of more than 1,000 criminal justice information systems maintained by state and local governments throughout the Nation, issues technical publications, provides technical assistance and training for state and local government officials, and operates the National Criminal Justice Computer Laboratory and Training Center.
Database of State Activities and Research, maintained by the Justice Research and Statistics Association (JRSA), contains the

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activities of state criminal justice statistical agencies, including current Statistical Analysis Center (SAC) activities, research efforts and statistical programs, abstracts of SAC publications, information on publications in the JRSA library and data from the SAC Skills Survey.

2001 Program Changes:

In 2001, BJS requests a total of $33.2 million, which is $6.1 million above the 2000 base. This increase is requested for the following program activities located in the Initiative Section:

(1) $.3 million for Victimization on the Disabled under the Building Knowledge Initiative on page 52.
(2) $1 million for Hate Crimes Reporting Statistics under the Building Knowledge Initiative on page 55.
(3) $2 million for Tribal Criminal Justice Statistics under the Building Knowledge Initiative on page 59.
(4) $.5 million for Statistics on Disparities in the Justice System under the Building Knowledge Initiative on page 62.
(5) $.8 million for Traffic Stops by the Police under the Building Knowledge Initiative on page 63.
(6) $.5 million for Electronic Crime Data: On-line Data Collection/Analysis under the Enhancing Technology Initiative on page74.
(7) $1 million for Computer Crime/Cyber Fraud Statistics under the Enhancing Technology Initiative on page 84.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

PROGRAM/ORG UNIT: Criminal Justice Statistical Programs (Base)/Bureau of Justice Statistics (BJS)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To provide the Nation with comprehensive and accurate statistical information concerning crime and the operation of our justice systems; to support the information needs and operational demands of policy and decision-making officials of the Office of Justice Programs, the Department, the Administration, and the Congress; to provide financial and technical assistance to states in developing and improving capabilities in justice statistics and information systems; to provide customers with access to statistical information through both paper and electronic means.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$21.5M	$25.0M	$25.0M	$25.5M	*$33.2M
Output/ Activity	**National data on crime and the justice system: Collect and analyze statistical information**						
	2. Major data collections conducted	BJS Reports	17	15	15	21	18
	Core series		14	10	10	17	12
	Special collections		3	5	5	4	6
	3. Analyses and publication of findings	BJS Reports					
	Paper version publication		41	40	51	50	50
	Electronic version only (BJS Internet site)		3	5	3	5	5
	CD Rom only		N/A	N/A	3	3	3
	Assistance to state, local and tribal governments: Encourage the development, maintenance, and utilization of data systems and analysis						
	4. Support for state, local, and tribal data system and statistical activities (number of cooperative agreements)	OC PAL Reports	45	44	55f/	50	51

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Output/ Activity (cont'd)	**Customer access to statistical information: Products and services**						
	5. Electronic versions of data collection questionnaires	BJS Records	N/A	N/A	19	25	28
	6. Electronic BJS reports available on BJS Internet site	BJS Records	251	270	249	290	330
	7. Electronic charts and supporting material available on BJS Internet site	BJS Records	465	480	1,697g/	1,867	2,053
	8. Electronic datasets made available through the criminal justice data archive	NACJD	987	1,000	1,049	1,075	1,100
	9. Media releases, including those reports put on newswire	BJS Records	17	15	21	22	22
	10. Professional meetings and conference exhibits demonstrating BJS reports and products	NCJRS	67	65	84	65	65
Intermediate Outcomes	**Customer access to statistical information: Level of requests and utilization of BJS data**						
	Traditional means:						
	11. Statistical reports disseminated annually by the BJS Clearinghouse by mail	NCJRS	986,061	900,000	1,325,907	942,375	989,494
	12. Requests for data filled annually by BJS Clearinghouse	NCJRS	23,146	22,000	29,346	31,290	32,855
	13. Subscribers on BJS mailing list annually for publication *distribution*	NCJRS	19,873	18,000	20,176	20,377	20,580
	Datasets and documentation requested and disseminated annually by the National Archive of Criminal Justice Data (NACJD):						
	14. Studies and code books disseminated	NACJD	252\a	N/A	N/A	N/A	N/A
	15. Datasets distributed on CD Rom	NACJD	1,488	1,400	1490	1,750	2,000
	16. Datasets distributed on customized diskette	NACJD	136	50	N/A\h	N/A	N/A
	17. Information products disseminated annually from the criminal justice data archives by mail and at conferences	NACJD	1,540\b	1,200	1,000	1,000	1,000
	Electronic means:						
	BJS Internet WWW Home Page	BJS Records	51,488	52,000	88,352	90,000	92,000
	18. Average number user sessions per month	BJS Records	Not avail \e	14,450	Not avail \i	TBD	TBD
	19. Number of user sessions downloading reports per month	BJS Records	Not avail \d	27,795	Not avail \j	TBD	TBD
	20. Number of user sessions downloading files per month	BJS Records	1,601	1,800	2,331	2,400	2,500
	21. Inquiries to BJS e-mail per year	AltaVista search engine	2,481	2,200	6,310	6,400	6,500
	22. Number of Internet sites linking to BJS home page						

Intermediate Outcomes	National Archive of Criminal Justice Data Website						
	23. Total files viewed or downloaded per year	NACID	68,372	70,000	103,657	118,000	136,000
	24. Annualized number of datasets accessed	NACJD	18,699	20,000	24,174	27,000	29,000
	Distribution through automated faxing systems:						
	Fax-on-demand --						
	25. Requests	NCJRS	3,298	3,350	4,281	5,265	6,476
	Fax broadcasting --						
	26. Subscribers	BJS Records	785	800	777	780	780
End Outcomes	**Customer access to statistical information: Users and uses of data**						
	27. Media citations of BJS data (conservative estimate)	BJS Records	134,164\e	135,000	167,160	168,000	170,000
	- Daily newspapers		[14,450]	[14,540]	[17,850]	[18,480]	[18,700]
	- Radio and TV news spots		[119,714]	[120,460]	[149,310]	[149,520]	[151,300]
	28. Federal and state court case opinions citing BJS data (Lexis/Nexis metafile)	NCJRS	7	8	10	12	12
	29. General breakdown of BJS users:						
	- Federal policymakers and practitioners	NCJRS	4%	5%	4%	5%	5%
	- State and local policymakers and practitioners		28%	32%	32%\k	34%	36%
	- Private organizations		23%	27%	9%	11%	11%
	- Faculty/students		20%	22%	18%	21%	21%
	- General public		18%	12%	29%	23%	23%
	- Other		7%	2%	8%	6%	4%

A. Definitions of Terms or Explanations for Indicators:

- BJS distributes many of its publications through mass faxing, as well as fax-on-demand systems (#25 and #26). Fax-on-demand refers to an automated fax delivery system in which customers call a toll free number and request documents through a touchtone menu. Fax broadcasting refers to mass faxing to several hundred destinations at a single time.
- Indicator #23 includes links to the BJS home page only; information is not available on the number of Internet sites linking to other pages of the BJS website.

B. Issues Affecting 1998 Program Performance:

a/ Indicator #14 studies and codebooks disseminated by NACJD, is no longer useful as a measure because virtually all study files and codebooks are being electronically accessed and downloaded by users. This activity is captured by indicators #23 and #24.

b/ Most products previously diseminated by mail are now available on the Archive website and will not be printed and distributed in the future. In 1998, printing of the National Institute Of Justice (NIJ) Data Resources Program Catalog was replaced by a pdf version on the website. Additionally, the National Crime Victimization Survey (NCVS) codebooks were not printed and distributed as these are available for downloading from the website.

c/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

d/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

e/ Targets relating to number of media citations (indicator #28) has increased due to an improved method of estimation using factors such as number of daily newspapers on AP wire, number of TV and radio stations, and number of BJS press releases.

Issues Affecting 1999 Program Performance:

f/ Over 50% of these cooperative agreements included funding, full or partial, from the COPS office, Juvenile Accountability Incentive Block Grants (JAIBG) program, and the Criminal Records Upgrade program.

g/ The number of charts and spreadsheets available from the BJS website increased at a rate far greater than anticipated. New spreadsheets and webpages have been added in the areas of Key Facts at a Glance, Crime and Justice Data Abstracts, Drugs and Crime Facts, and Homicide Trends. In 1999, the number of charts and spreadsheets included in publications also increased.

h/ Indicator #16, datasets on customized diskettes distributed by NACJD, is no longer useful as a measure because datasets previously distributed on diskettes are being obtained from the NACJD website. This activity is currently being captured in indicator #24.

i/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

j/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

k/ Although difficult to have direct control over this measure, BJS met its target for increasing use of BJS data by state and local policymakers and practitioners.

C. Issues Affecting Selection of 2000 and 2001 Plans:

* Of the $33.2M requested for FY 2001, the following initiatives are included in the $33.2M total:
- Victimization of the Disabled (.7M)
- Hate Crime Reporting Statistics (1M)
- Tribal Criminal Justice Statistics (2M)
- Statistics on Disparities in the Justice Systems (.5M)
- Traffic Stops by the Police (.8M)
- Electronic Data Collection (.5M)
- Computer Crime/Cyber Fraud Statistics (1M)

Performance measures describe intended results from both base program activities and requested program initiatives.

BJS anticipates a gradual decrease in its customers' use of traditional methods of dissemination (i.e., mailing paper versions) due to the increased use of electronic dissemination, such as the Internet and automated faxing systems.

D. Verification and Validation:

BJS obtains its measurement data from a variety of sources, including: Management and project tracking systems of BJS, Office of Comptroller (OC), the National Criminal Justice Reference Service, and the National Archive of Criminal Justice Data; OJP webserver logs; Lexis/Nexis database; Alta Vista search engine; and data from the Associated Press and National Broadcasters Association. BJS continually evaluates the sources and methods of data collection of these data and have determined they are reliable and of satisfactory quality.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Missing Children's Program
Mission Statement and 2001 Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Missing and Exploited Children's Program (MECP) is to enhance the national response to missing and exploited children. As authorized by the Missing Children's Assistance Act of 1984, the Missing and Exploited Children's Program coordinates the Federal government response, supports research and demonstration programs, provides training and technical assistance, and maintains a national resource center and clearinghouse dedicated to missing and exploited children issues. The MECP's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, MECP established guidelines (The Standards) pertaining to investigations of online sexual exploitation offenses in collaboration with the Internet Crimes Against Children (ICAC) Task Force and various federal law enforcement agencies. The Standards foster information sharing, coordinate enforcement efforts, avoid redundant or disruption of ongoing investigations, ensure the probative quality of undercover operations, and facilitate interagency case referrals through the standardization of investigative practices. Created by state and local law enforcement for state and local law enforcement, the Standards play an important role in sharing a national strategy for investigative efforts targeting hi-tech crime. In the first year of the ICAC Task Force Program, more than 100 child molestation or pornography offenders were arrested and thousands of children and parents received information about online safety. In late 1999, MECP selected ten new agencies for participation in the ICAC Task Force Program and anticipates adding another ten agencies by April 2000.

In a collaborative effort with the National Center for Missing and Exploited Children and the National Association of School Boards, MECP provided information about safe Internet practices for children through two broadcasts of *Online Safety: A Primer for Parents and Teachers.* More than 30,000 parents, teachers, and law enforcement officers from 525 downlink sites viewed the broadcasts.

FY 2001 Performance Goals and Indicators

MECP is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
Missing Children's Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Missing Children's Program	**Amount**
2000 Appropriation Enacted	$19,952
2001 Base	19,952
2001 Estimate	20,000
Increase/Decrease	$ 48

BASE PROGRAM DESCRIPTION

Everyday in America, 2,200 children are reported missing to law enforcement. Many of these children are runaways, others are abducted by noncustodial parents and used as pawns in custody battles. Some wander away and are unable to find their way home, and still others represent a parent's worst nightmare, the loss of a child to a predator. To improve the system response to these children and their families, MECP supports research, training and technical assistance, and a national resource center and clearinghouse to assist parents, law enforcement, prosecutors, and other individuals working on child victimization issues.

MECP research, training and technical assistance programs are designed to assist communities develop effective policies and enhance services to missing and exploited children and their families by providing practical information for parents, legislators, policymakers, prosecutors, law enforcement, and other professionals working on child victimization issues. In addition to collecting statistics about missing children, MECP research efforts also identify model programs, best practices, and emerging technical information to inform training and technical assistance programs. MECP provides training and technical assistance on w a wide scale of child victimization topics ranging from assisting communities develop comprehensive response protocols and action plans to specific investigative techniques for frontline law enforcement personnel. The Jimmy Ryce Law Enforcement Training Center Program (JRLETC) at the National Center for Missing and Exploited Children provides multi-tiered training for law enforcement executives and investigators working on missing and exploited children cases. Under the JRLETC program, law enforcement executives receive information to assist them develop policies and procedures for their agencies while investigators are offered information about the most effective investigative techniques and available resources to assist them respond effectively to missing and exploited children cases.

MECP began a national program to counter the emerging threat of offenders using the Internet or other online technology to sexually exploit children. Designed to encourage communities to adopt a multidisciplinary, multijurisdictional response to online enticement and child pornography cases, the Internet Crimes Against Children (ICAC)Task Force Program ensures that participating state and local law enforcement agencies can acquire the necessary knowledge, equipment, and personnel resources to prevent, interdict, or investigate ICAC offenses.

2001 Program Change

In 2001, MECP requests a total of $20 million, which is a $48,000 increase above the 2000 base. This enhancement will allow for the updating and reprinting of important MECP publications.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

DECISION UNIT/PROGRAM: Missing Children's Program/Office of Juvenile Justice and Delinquency Prevention
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.4) Uphold the rights of, and improve services to, America's crime victims.
ANNUAL PERFORMANCE GOAL: (2.4.2) Expand child victimization prevention programs, such as the Missing Children's Program and the Court Appointed Special Advocates program.
MISSION: Reduce the incidence of crimes against children, particularly kidnaping and sexual exploitation, and to improve the criminal justice, social services and treatment systems that are responsible for dealing with these crimes when they occur.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$12.256M	$17.168M	$17.168M	$19.952M	$20M
	2. Number of applications received	OJJDP reports	45	100	100	150	150
Output/ Activity	3.Number of applications reviewed	OJJDP Reports	45	100	100	150	150
	4. Number of awards made	OJJDP Reports	18	28	28	44	44
Intermediate Outcome	5. Number of monitoring site visits made	Site Visit Reports	35	50	50	75	75
End Outcome	6. Technical assistance sessions provided by state clearinghouses	*	14,500	14,500	14,500	14,750	14,750
	7. Number of law enforcement investigators trained	*	8,125	6,000	6,000	6,000	7,500
	8. Number of hot line calls						
	9. Publications distributed	*	133,732	135,000	135,000	135,000	145,000
	10. Number of criminal justice, regulatory and social service personnel trained	*	2.4M	2.4M	2.4M	2.4M	2.7M
	11. Native American training and technical assistance	*	38,418	34,000	41,412	41,412	41,412
			55	70	70	70	77

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: Measuring outcomes in terms of missing children is difficult due to the wide spectrum of Title IV programming. For example, while there may be some correlation between training and increased recoveries of missing children, it is difficult to establish a direct relationship between training and a specific recovery. Other program products include: "A Report Card to the Nation" a document that promotes self assessment by states regarding their laws and procedures; establishment of time lines on known serial murderers to close previously unsolved homicides; studies that produce resource manuals, catalog of Federal services to missing, exploited children and their families; evaluations of state clearinghouses and non-profit organizations; resource and investigative guides for law enforcement involved in child homicide investigations and demonstration models all contribute to the recovery of missing children.
* National Center for Missing and Exploited Children (NMEC)

B. Issues Affecting 1999 Program Performance. None

C. Issues Affecting Selection of 2000 and 2001 Plans. None

D. Validation and Verification: Implementation of performance measures will be validated and verified through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers. Additionally, Fox Valley Technical College and the National Center for Missing and Exploited Children have management information systems, which have the capacity to verify and validate training components and hot line calls, respectively.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance Programs
Regional Information Sharing System
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Regional Information Sharing System (RISS) is a valuable tool that provides information and intelligence services to state and local criminal justice agencies nationally in the pursuit of criminal investigations. Its mission is to enhance the ability of state and local criminal justice agencies to identify, target and remove criminal conspiracies and activities spanning jurisdictional boundaries. The mission of RISS directly supports DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments**.

Highlights of 1999 Mission Critical Results

BJA measures the impact of the RISS program by identifying how successful state and local law enforcement agencies are in addressing local and national crime issues as a result of the services RISS provides. For example, during 1994-1996, RISS projects were instrumental in effecting: a total of 21,452 arrests; the seizure of narcotics valued at $550 million; the seizure of $68 million in currency; and the recovery or seizure of property valued at $45 million.

Since 1980, when the RISS program was fully implemented, it has assisted member agencies in investigations resulting in over $12 billion in recoveries at a total cost of 1.6 percent of that amount. This amounts to a rate of return of $62 for each $1 invested.

RISS Intelligence Centers reported the following summary-level performance indicators during the second quarter of 1998 (April-June). RISS centers were instrumental in effecting: a total of 925 arrests; the seizure of narcotics valuated at $39,198,493; the seizure of $1,925,640 in currency and property.

FY 2001 Performance Goals and Indicators

RISS is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE
REGIONAL INFORMATION SHARING SYSTEM
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Regional Information Sharing System	**Amount**
2000 Enacted	$20,000
2001 Base	20,000
2001 Estimate	20,000
Increase/Decrease	$ 0

BASE PROGRAM DESCRIPTION

The RISS program is administered by OJP's Bureau of Justice Assistance (BJA) and was first funded in 1975. The RISS program operates six regionally based information centers: (1) Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network; (2) Mid-States Organized Crime Information Center; (3) New England State Police Information Network; (4) Regional Organized Crime Information Center; (5) Western States Information Network; and (6) Rocky Mountain Information Network. All six centers are electronically linked and provide services such as:

- Automated information sharing to provide controlled input, dissemination, rapid retrieval and systematic updating of criminal information;
- Analysis capabilities to assist in the compilation, interpretation and presentation of criminal information; and
- Telecommunications systems to support the operation of the information sharing and analysis components, and to support project-sponsored investigations and activities.

In addition, the RISS program provides non-federal member agencies investigative fund support, specialized equipment on loan, training and training support to upgrade investigative skills, and technical assistance.

In 2000, RISS was appropriated $20 million. However, an additional $5 million was provided from the COPS appropriation which will allow the RISS Centers to maintain the demand for membership services which include information sharing, data analysis and telecommunications. Center staff will assist in membership training, information sharing, production of monthly and annual Center

bulletins, update and enhance in-house print materials, and production of superior quality analytical products in a timely manner. This program will continue to maintain the six regionally-based information sharing centers throughout the United States and continue the deployment of the criminal intelligence database pointer system (RISSNET) and the RISS Secure Intranet (RISS.NET).

In addition, this funding received from the COPS Technology Program will be used towards enhancing the RISS program by upgrading its communications infrastructure. This will involve the expansion of the RISS program by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis.

2001 Program Change

The 2001 request of $20 million is the same as the 2000 enacted appropriation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ ORG UNIT: Regional Information Sharing System (RISS)/ Bureau of Justice Assistance (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORTS AND PERFORMANCE PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$25M*	$25M*	$25M*	$25M*	$20M
	2. Number of applications received (Program & TA)	**	13	7	7	7	7
Output/ Activity	3. Number of applications reviewed	**	13	7	7	7	7
	4. Number of awards made	**	13	7	7	7	7
Intermediate Outcome	5. Number of monitoring site visits to assess program operations, compliance with 28 CFR Part 23, and RISS funding guidelines	**	6	6	6	7	10
	6. Number of advisory board meetings attended by project monitor to monitor policy development	**	6	6	6	8	10
	7. Number of RISS member agencies	**	4,822	4,850	5,227	6,100	7,000
	8. Total subjects in database submitted by member agencies	**	456,436	470,000	606,859	700,000	750,000
	9. Number of inquiries from member agencies for information on criminal intelligence	**	590,896	600,000	844,173	900,000	1,000,000
	10. Number of suspect match hits in project/files where data was provided to member agencies	**	52,456	53,000	125,683	170,000	200,000
	11. Number of Intelligence Center publications distributed to law enforcement personnel	**	88,412	88,500	117,546	125,000	135,000
	12. Number of analytical products delivered to member agencies to assist in investigations and prosecutions	**	11,332	12,000	11,272	12,000	18,500
End Outcome	13. Number of arrests made as a result of services provided by projects		4,160	a/	5,112	a/	a/
	14. Estimated value of narcotics seizures as a result of services provided by projects (in thousands)	**	104,830	a/	74,120	a/	a/
	15. Estimated value of property seizures as a result of services provided by projects (in thousands)	**	22,135	a/	5,112	a/	a/
		**					

A. Definitions of Terms or Explanations for Indicators and Data Source:
* In addition to the $20M in 1998 and 1999 direct appropriations, $5M was made available each year through a COPS earmark, for enhancements in RISS communication infrastructure.
** BJA files and Regional Information Sharing Systems Annual Program Performance Report
#7,8,9 Member agencies are the RISS customers.
#13,14,15 (a/) - It is a matter of policy that the Department of Justice (DOJ) does not set numeric targets for these indicators. However, DOJ does track these measures because they provide valuable information concerning the nature and level of activity in a jurisdiction.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. An additional $5 million will be transferred to this program for FY 2000, as was the case in prior years. We do not yet know whether these COPS earmark funds will be transferred to the program in FY 2001.

D. Validation and Verification. The Program Development Division relies on BJA files and grantee progress reports to verify GPRA numbers. BJA files track information for indicators 2-5. Information obtained for indicators 6-12 is obtained from quarterly reports submitted by individual projects. BJA requires that grantees track figures for these performance indicators and report them quarterly. To further validate the numbers, the projects maintain the original documents that support the numbers.

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OFFICE OF JUSTICE PROGRAMS
Justice Assistance Programs
National White Collar Crime Center
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The National White Collar Crime Center (NWCCC) provides a national support system for the prevention, investigation and prosecution of economic crimes. The NWCCC provides assistance to Federal, state and local law enforcement agencies in conducting multi-state investigation of white collar crimes including: investment, telemarketing and securities fraud; boiler room operations; and advanced fee loan scams. It also supports investigation efforts regarding health care fraud, computer crimes and financial crimes against the elderly. NWCCC's mission directly supports the Department of Justice's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments**.

Highlights of 1999 Mission Critical Results

In 1999, BJA through its National White Collar Crime Center (NWCCC) funded 24 multi-state investigations, exceeding the 1999 target of 22. Significant 1999 outcomes of NWCCC activities include the following:

- NWCCC received the **International Association of Law Enforcement Intelligence Analysts' 1999 Professional Service Award** for excellence in law enforcement intelligence publications and NWCCC was recognized for producing and distributing **A Guide to the Financial Analysis of Personal and Corporate Bank Records,** currently in its second edition.

- Santa Cruz County, California, received nearly $20,000 in case funding to pay for out-of-state victims to travel to Santa Cruz to appear as witnesses and to testify against Mathew Bowin and his Internet-based, start-up company, Interactive Products & Services, Inc., (IPS). IPS offered its shares for sale on the Internet. The shares were not registered for sale in California under the state securities law. Bowin was arrested in April 1998 and charged with 53 combined counts of unregistered sale of securities, fraud and grand theft. NWCCC's funding assistance led to the successful prosecution of Bowin. In October 1998, Bowin was sentenced to 10 years in state prison.

- The Aurora, Colorado, Police Department reported that two major organized crime cases emerged as the direct result of NWCCC training. Aurora Police Department investigators used computer forensic skills to draft search warrants that take into account the sensitive nature of computer storage media. The officers' NWCCC training allowed them to efficiently secure computer evidence by using effective crime scene evidence checklists. These cases represent initial success in the prosecution of racketeering and organized crime where the method of operation was computer crime.

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- The Administrator of the Governor's Office of Consumer Affairs (OCA) in Georgia received funding and support in the investigation of the alleged criminal activities of a telemarketing fraud operation. NWCCC provided the necessary analytical data associated with evidence seized, compiling victim data, and most of the financial analysis of these companies. NWCCC analysis and financial flow charts were invaluable in resolving these investigations. OCA stated numerous times that the costs associated with the production of documents, as well as the support associated with these investigations, would have been cost prohibitive for their department. OCA could not have conducted these investigations without the NWCCC's financial support.

- An Alaskan NWCCC member reported that, because of the publication cited above, he was able to obtain search warrants that ultimately resulted in a plea to a felony offense. As a result, the subject was sentenced to 7 months and restitution of $500,000. This same member also reported that he investigated an insurance agent who embezzled $160,000 from a fiduciary account. Based upon the investigator's NWCCC computer training, he was able to copy the hard drive and extract the relevant information. This investigation resulted in a plea and surrendering of the subject's insurance license.

- In a civil case brought by the California Department of Corporations (DOC), the DOC needed to find bank accounts of the defendants to enable the accounts to be seized. However, the names of the individuals were very common and the banks wouldn't cooperate without social security numbers. The DOC provided the NWCCC the names of fifteen individuals including the probable cities where they resided to NWCCC. Within 24 hours, NWCCC faxed a list of information including social security numbers, addresses, drivers' license numbers, and civil actions filed against them. DOC located bank account numbers from that information and their receiver was able to seize assets.

- The Colorado Department of Revenue, Criminal Tax Enforcement Section, used NWCCC's public information database for a number of its investigations. In one particular instance, they were engaged in a joint investigation with the Denver Police Department's vice squad. The target was involved in prostitution and racketeering. Denver PD acquired an intelligence package independently, while the Department of Revenue requested information from NWCCC. The other intelligence package came in the form of about eight generic pages, while the 40 plus pages supplied from NWCCC included information that was invaluable to the prosecution of this case.

- The Louisiana Department of Justice received nearly $9,000 of funding for a mortgage fraud case, operating out of California, that solicited victims in Louisiana. NWCCC's involvement resulted in seven indictments in Louisiana and three in California. An arraignment is scheduled for December 1999.

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FY 2001 Performance Goals and Indicators

NWCCC is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE
NATIONAL WHITE COLLAR CRIME
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

National White Collar Crime Center	**Amount**
2000 Appropriation Enacted	$9,250
2001 Base	9,250
2001 Estimate	18,000
Increase/Decrease	$8,750

BASE PROGRAM DESCRIPTION

The NWCCC, administered by OJP's Bureau of Justice Assistance (BJA), provides member agencies assistance such as: (1) automated information sharing to provide controlled input, dissemination, rapid retrieval and systematic updating of criminal information; (2) analysis capabilities to assist in the compilation, interpretation and presentation of criminal information; and (3) telecommunications systems to support the operation of the information sharing and analysis components and support to project-sponsored investigations and activities. However, like the RISS program, NWCCC also provides non-Federal member agencies limited investigative fund support.

In addition to the Criminal Intelligence Database, the NWCCC operates (1) a Civil/Administrative Database that maintains intelligence on civil/administrative economic and white collar violations and (2) a Training and Research Institute, in partnership with West Virginia University.

NWCCC was appropriated $9.25 million in 2000, $1.9 million above the 1999 appropriation. These additional funds are being used to support National CyberCrime Training Partnership (NCTP) activities. The NWCCC serves as the operations center for NCTP activities, due to its position as a fully functioning support service group. The NCTP is a national partnership comprised of federal, state, and local level law enforcement and prosecutorial agencies. Its mission is to provide guidance and assistance to these groups in an effort to to ensure that these communities are properly trained to address computer-related crime. The NCTP serves as a centralized, operational focal point for assessment, design and delivery of federal, state and local training and technical assistance regarding computer crime investigation and prosecution.

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2001 Program Change

In 2001, BJA requests $18 million for this program, an $8.75 million increase over the 2000 appropriation. This increase will provide resources for the National Cybercrime Training Partnership (NCTP) and is explained in detail under the Enhancing Technology Initiative which begins on page 77.

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PERFORMANCE MEASUREMENT TABL ESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: National White Collar Crime Center (NWCC)/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: The NWCC, through funding from BJA, provides a nationwide support service fro federal, state, and local agencies in conducting multi-state investigations of white collar crimes, including investment, telemarketing and securities fraud, advanced fee loan scams, health care fraud, financial crimes against the elderly, and computer crimes.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$5.23M	$5.35M	$7.35M	$9.25M	$18M
	2. Number of applications received (Program and T&A)	BJA files	2	2	2	2	2
Output/ Activity	3. Number of applications reviewed	BJA files*	1	2	2	2	2
	4. Number of awards made	BJA files*	1	2	2	2	2
Intermediate Outcome	5. Number of monitoring site visits made	BJA files*	3	5	6	7	8
End Outcome	6. Number of multi-state investigations funded by Center	Grantee Reports*	19	22	24	28	32
	7. Number of arrests as a result of services provided by projects	Grantee Reports*	25	70 (a)	35	35	35
	8. Number of enforcement personnel trained in computer crime	Grantee Reports*	710	1,200	1,301	2,000	3,000

A. Definitions of Terms or Explanations for Indicators and Data Source:
*BJA files= Bureau of Justice Assistance's files and National White Collar Crime Center Annual Program Performance Report.

B. Issues Affecting 1999 Program Performance. (a) The original estimate of 70 arrests was projected incorrectly.

C. Issues Affecting Selection of 2000 and 2001 Targets. In 2001, BJA requests an increase of $8.750 million to support the National Cybercrime Training Partnership (NCTP). Specifically, a portion of those funds will be devoted to training law enforcement officers in cybercrime. The balance of the funds will be used for expansion and enhancement of the NCTP Operations Center, for development of training materials, for independent evaluation of new forensic software, for development of best practices manuals, for establishment of a software library, and for short-term, high-level technical assistance - all of which cannot be quantified in the GPRA.

D. Validation and Verification.
The Program Development Division relies on BJA files and grantee reports to verify GPRA numbers. BJA files track information for indicators 2 - 5. Information provided on indicators 6 - 8 are obtained from quarterly reports submitted by individual projects. BJA requires that grantees track figures for these performance indicators and report them quarterly. To further validate the numbers, the projects maintain the original documents that support the numbers.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Counterterrorism Programs
Mission Statement and 2001 Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

While the Federal government plays an important role in preventing and responding to terrorist threats, the state and local public safety community serve as the first responders. The mission of the Office of State and Local Domestic Preparedness Support's (OSLDPS) Counterterrorism Program is to provide state and local first responders with the most comprehensive training and support available to combat terrorist attacks, especially those involving weapons of mass destruction (WMD), such as chemical, biological, and nuclear weapons. Most state and local governments lack the specialized equipment and expertise needed to effectively respond to terrorist attacks. Federal leadership in counterterrorism training, equipment purchase, technology development, and research and evaluation will result in better prepared state and local public safety agencies. OSLDPS' mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

OSLDPS has made great strides in developing comprehensive training programs for our Nation's first responders and providing technical assistance and grants to states and localities for the purpose of procuring appropriate basic level first responder equipment. A key feature of OSLDPS' program is the Center for Domestic Preparedness (CDP) at Fort McClellan, Alabama, which is a "live agent" training facility that offers advanced level counterterrorism courses to a full spectrum of first responder personnel including firefighters, emergency medical personnel, HAZMAT units, an law enforcement officials. In 1999, the CDP trained 1,156 first responders. In 2000, $13 million is available for the CDP to train approximately 2,000 first responders.

OSLDPS also provides funds to the National Domestic Preparedness Consortium (NDPC) – a 5 member consortium that brings a unique set of assets to OJP's domestic preparedness initiative and delivers specialized training to the emergency response community. The four Consortium members, excluding the CDP, include: (1) the New Mexico Institute of Mining and Technology; (2) Louisiana State University; (3) Texas A&M University; and (4) the U.S, Department of Energy's Nevada Test Site. In 1999, a total of 1,672 responders were trained at these four Consortium sites.

The success of a domestic preparedness program depends upon building the skills and confidence of emergency first responder community in their ability to respond to terrorist incidents. Experience shows that this evolutionary process of building new knowledge and skills is best supported through realistic confidence-building exercises based on threat-driven scenarios. In 1999, $3.5 million was provided for situational exercises. These funds are supporting the planning, development and execution of a top level officials' (TOPOFF) exercise in cooperation with the Federal Interagency Working Group on Exercises. This no notice exercise is a major, nationally-based, state, local, [illegible] federal exercise and will provide for the participation of senior level federal officials. This exercise is scheduled for mid-2000 and

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will be a combination of field training exercises and command post exercises. A variety of scenarios including chemical, biological, and cyber-attacks will be used. As planned, there will be multiple venues across the nation.

FY 2001 Performance Goals and Indicators

OSLDPS is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
Counterterrorism Programs
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Counterterrorism Programs	**Amount**
2000 Enacted	$152,000
2001 Base	152,000
2001 Estimate	85,000
Increase/Decrease	$ 33,000

BASE PROGRAM DESCRIPTION:

The existing national threat of terrorism incidents involving weapons of mass destruction, such as chemical, biological, and nuclear weapons, demands that countermeasures be developed and perfected to defend the United States. Most state and local governments lack the specialized equipment and expertise needed to effectively respond to terrorist attacks. Federal leadership in counterterrorism training, equipment purchase, and technology development will result in better prepared state and local public safety agencies. The Counterterrorism Program is a comprehensive program to integrate terrorism training, equipment acquisition, and exercise and technical assistance initiatives into a coordinated, integrated approach to achieve enhanced domestic preparedness capabilities at the state and local level in all public safety disciplines.

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Training

- **The National Domestic Preparedness Consortium (NDPC)** was established in June 1998, in response to language in the Conference Report accompanying the 1998 Department of Justice Appropriations Act. The Act urged the Department of Justice to look to the nation's existing assets in developing a training program for first responders. NDPC is the principal vehicle through which the OSLDPS identifies, develops, tests and delivers training to state and local first responders. The NDPC is comprised of five members who bring a unique set of assets to OSLDPS' domestic preparedness initiative. The Center for Domestic Preparedness (CDP), Fort McClellan, Alabama is one of the five members and is a key to OSLDPS' comprehensive counterterrorism training program is the Center for Domestic Preparedness (CDP) at Fort McClellan, Alabama. Operating as a field office of OJP's OSLDPS, the CDP offers a unique environment and opportunity to provide advanced, hands-on specialized training to state and local emergency responders in the management and remediation of WMD terrorist incidents. As a former home of the U.S. Army Chemical School, Fort McClellan offers what no other U.S. civilian training facility can provide -- the opportunity to train in a live chemical agent environment in its Chemical Defense Training Facility (CDTF). In 2000, $13 million was appropriated to train approximately 2,000 emergency first responders. In 2001, $15 million is requested that will train approximately the same number of first responders.

The remaining four members of the NDPC and a brief description of their expertise follows:

--New Mexico Institute of Mining and Technology (National Energetic Materials Research and Testing Center) (NMIMT) has the ability to offer live explosive training including the use of field exercises and classroom instruction. NMIMT has been designated as the Consortium's lead for explosives and firearms, live explosives, and incendiary devices training. NMIMT modifies curriculum used for fire and emergency medical services personnel to train law enforcement officials in crisis management. In addition, they provide hands-on emergency response training in detecting live explosives.

--Louisiana State University (LSU) (National Center for Bio-Medical Research and Training) has the ability to provide training on biological agents as well as other aspects of weapons of mass destruction incidents. LSU has been designated as the Consortium's lead for law enforcement training and program activities. LSU has focused its efforts on the delivery of the Emergency Response to Terrorism: Basic Concepts for Law Enforcement Course and on the developing and delivering a Biological Agents Course which provides on-scene incident commanders, mid-level and senior management for fire, law enforcement and emergency responders with knowledge about microorganisms or toxins derived from living organisms that induce death or disease in human beings, animals, or plants.

--Texas A&M University (National Emergency Response and Rescue Training Center) has the ability to provide training (including use of live exercises) in a variety of emergency response techniques, including urban search and rescue techniques. Texas A&M has been designated as the Consortium's lead for fire service training programs and activities. The University integrates its well-established emergency response training programs and facilities of the Texas Engineering Extension Service. Its mission is to prepare state and local officials, including emergency first responders, to effectively respond to acts of terrorism caused by weapons of mass destruction.

--U.S. Department of Energy's Nevada Test Site (National Exercise, Test, and Training Center) has the ability to conduct large scale field exercises using a wide range of live agent simulants, live radiological materials as well as explosives. The Nevada Test Site will develop and deliver a Responder Operations Training Course and a Radiological/Nuclear Agents Course. It will also collaborate with the National Fire Academy in the development and the delivery of a Weapons of Mass Destruction Incident Operations Course.

- **The Metropolitan Firefighter and Emergency Services Program** (FF/EMS) is authorized under Section 819 of the *Antiterrorism and Effective Death Penalty Act of 1996, (P.L. 104-132).* Each year since 1997, this program has been appropriated $5 million. Its mission is to enhance the capability of fire and emergency service departments to identify and respond more effectively to terrorist attacks by providing training to local fire and emergency services departments personnel and funding to purchase equipment necessary to enhance their ability to respond to terrorist attacks including NBC warfare and other explosive incidents. Planned activities and on-going priorities continue to support the antiterrorism policies and initiatives of OJP, Department of Defense (DoD), the Administration, and the Congress. Domestic terrorism is a major threat to public safety throughout the nation and the haunting possibility of a terrorist attack using nuclear, biological or chemical agents represents an unknown challenge to local fire and emergency medical personnel as first responders to such incidents. OJP, in conjunction with the Federal Emergency Management Agency (FEMA), administers this training program and estimates that approximately 120 metropolitan jurisdictions, which protect 80 percent of the nation's population, are eligible to participate. In 2000, $5 million of the $8 million general training funding will be dedicated to this program. OSLDPS will maintain this level of funding in 2001 for FF/EMS.

- **Local Law Enforcement Training Program.** In most instances, a patrol officer or deputy sheriff will literally be the "first to respond" to a potential or actual terrorist incident. It is imperative that these thousands of first responders have the basic awareness training needs to safely assess a situation, which may be a Weapons of Mass Destruction (WMD) incident, and make informed decisions that will reduce the threat to both civilians and themselves. During 1999, the *Law Enforcement Awareness Course* for first responders was develop and implementation began in November 1999. In 2000, OSLDPS will train first responders with basic awareness training. In 2001, $9 million is requested to engage all 50 states' to integrate the *Law Enforcement Awareness Course* into their present curriculum through a combination of train-the-trainer and direct delivery. For those states that are unable to integrate this basic curriculum into their existing program, OSLDPS will work with state associations representing sheriffs and chiefs of police to schedule train-the-trainer and direct delivery of this basic first responder course.

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Equipment Acquisition

The threat of potential terrorist incidents in our Nation presents an enormous challenge to all levels of government, but most significantly to the nation's first responder community. OJP's OSLDPS provides funds to state and local emergency first response agencies to purchase specialized equipment for fire services, emergency medical services, hazardous materials response units, and law enforcement agencies to enhance their capability to respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear, and improvised explosive devices.

Beginning in 1998, OSLDPS initiated a limited equipment acquisition program, which formed the basis for the FY 1999 State and Local First Responder Equipment Program totaling $85.5 million. With Congressional approval, $85.5 million was distributed as follows: 1) $8 million was set aside for one-time state assessments grants, which provided for the conduct of risk and needs assessments based on models developed by NDPO. These assessments will serve as the basis for the guidance of future federal domestic preparedness efforts. In 2000, assessment grants will not be available; 2) $2 million was set aside for technical assistance

and training to assist states conducting their assessments and for developing a required plan. In 2000, no funding is specifically provided for technical assistance and training; and 3) $75.5 million was set aside for states and jurisdictions to purchase first responder basic defensive equipment – $31.7 million to the 157 largest national jurisdictions and $43.8 million to the 50 states for distribution to localities. The states have been instructed that their funds may not be sub-granted to any of the 157 direct OSLDPS grantees.

Counterterrorism Technology Development

- **The Development of Counterterrorism Technologies Program** is authorized under Section 821 of the *Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132)* and was appropriated $10 million in 1997, $12 million in 1998, and $10 million in 1999. This program's activities are managed by OJP's National Institute of Justice (NIJ). In this program, NIJ has undertaken a comprehensive research and development effort to address the unmet technology needs of state and local law enforcement first responders to combat terrorism. In 2000, $30 million was appropriated for two NIJ-managed institutes–the Oklahoma City Memorial Institute for the Prevention of Terrorism and the Dartmouth Institute for Security Studies. No funding was allocated for the continued funding of NIJ's core activities of the Counterterrorism Technology Research and Development Program. Through judicious leveraging of existing resources, NIJ expects to keep vital, core program activities moving forward at some minimal level.

  This program aims to enhance the safety of the public and of law enforcement officials by developing better tools to anticipate, prevent, and deal with terrorist acts. It focuses on the areas of infrastructure security, hostage rescue, explosive detection and remediation, information technology and defense against weapons of mass destruction. NIJ has also placed a strong emphasis on the development of technical standards for these technologies and on keeping their unit costs low.

2001 Program Changes

In 2001, a total of $185 million is requested for the Counterterrorism Program, which is $33 million above the 2000 base. This increase is the net result of restructuring the base funding for state and local domestic preparedness assistance: (1) eliminating the $30 million in earmarks for counterterrorism laboratories at Dartmouth College and the Oklahoma City Memorial Institute due to the fact that these laboratories are currently under development the funding provided in 2000 will be ample to cover the resource needs through 2001; (2) eliminating the $2 million distance learning earmark is eliminated; (3) and reducing over general training by $3 million. Off setting these reductions are the following program increases, which total $68 million. These increases are discussed in detail under the Counterterrorism Initiative:

- $3 million to expand the First Responder Equipment Acquisition Program - page 35.
- $2 million for operations of the Center for Domestic Preparedness, Ft. McClellan, AL - page 37.
- $9 million to expand the Law Enforcement First Responder Training Program - page 39.
- $6 million for a Technical Assistance Program - page 41.
- $31 million for cost associated with the Nunn-Lugar-Domenici Domestic Preparedness Training Program - page 43.
- $17 million for the Counterterrorism Technology Program - page 45.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Counterterrorism Programs (Base)/ Office for State and Local Domestic Preparedness Support Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Improve Domestic Preparedness
MISSION: Enhance the capabilities of the nation's first responder community to effectively and safely respond to nuclear, biological, and chemical (NBC) incidents of domestic terrorism through training in real-life situations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$19M	$135M	$135M	$152M	$185M
Output/ Activity	2. Number of grants made for equipment acquisition.	OSLDPS reports			207	50	50
	3. Number of classes conducted at the Center for Domestic Preparedness, (CDP) Ft. McClellan.	CDP reports			25	40	52
	4. Number of classes conducted by the Consortium, excluding the CDP.	OSLDPS reports			67	180	180
	5. Number of sessions of the *Law Enforcement Awareness Course* conducted.	OSLDPS reports			0	400	400
	6. Number of Firefighter/EMS courses conducted.	OSLDPS reports			428	428	428
End Outcome	7. Number of states receiving equipment.	OSLDPS reports			*	50	50
	8. Number of counties and municipalities receiving equipment.	OSLDPS reports			157	TBD-1	TBD-1
	9. Number of students trained at CDP	CDP reports			1156	2000	2600
	10. Number of students trained by the Consortium excluding CDP.	OSLDPS reports			1672	TBD-2	TBD-2

End Outcome	11. Number of trainers trained by Firefighter/EMS Training Program.	OSLDPS r			338	350	
	12. Number of first responders trained by trainers who received training through the Firefighter/EMS Training Program.	OSLDPS reports			45,762	46,000	46,000
	13. Number of jurisdictional exercises conducted**	OSLDPS reports			0	1	0

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD-1 means that the States will determine the number of counties and municipalities receiving equipment. TBD-2 means that Consortium applications are expected April 2000, which will estimate the number of students that will be trained by the Consortium excluding CDP.

B. Issues Affecting 1999 Program Performance: *A plan for distribution of FY 99 equipment acquisition funds was approved by Congress in early August. Eligible applicants submitted their applications by September 30, 1999 and OSLPDS will complete final awards by mid-March 2000.

**The $3.5M provided for situational exercises in 1999 is being used for a top officials (TOPOFF) exercise with participation of all key officials who would participate in the consequence management of a major terrorist event involving the use of chemical, biological, radiological/nuclear (CBRN) and/or cyber weapons. In mid-2000, OSLDPS will co-direct the TOPOFF 2000 Exercise along with the Federal Emergency Management Agency.

C. Issues Affecting Selection of 2000 and 2001 Plans: The Counterterrorism Program GPRA charts have been consolidated and revised to reflect data that can be measured. GPRA information on equipment, Ft. McClellan, the Consortium, Local Law Enforcement Training Program, Firefighter/EMS Training and exercises are incorporated into this new base chart.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

PROGRAM/ORG UNIT: State and Local Anti-terrorism Training (SLATT)/Bureau of Justice Assistance (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Improve Domestic Preparedness
MISSION: To train law enforcement and prosecution agencies to respond to acts of domestic terrorism.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L	$2M	$2M	$2M	a/	a/
Output/ Activity	2. Number of awards made	*	1	1	1		
Intermediate Outcome	3. Number of training sessions conducted:	*					
	- Intelligence Workshop		3	8	8		
	- Executive Workshop/Briefings		9	18	15		
	4. Number of specialized workshops	*	4	8	21		
	5. Number of focus groups conducted	*	4	10	6		
End Outcome	6. Number of Line Officers/Intelligence Officers trained	*	838	838	7,616		
	7. Number of Law Enforcement Executives trained	*	811	1,360	586		
	8. Number of Trainers trained	*	56	400	37		

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
Data Sources-information obtained through monitoring, progress reports, state and local reports.
- This highly visible, high specialized training program is designed to prepare State and local law enforcement, prosecution and intelligence agency personnel to effectively manage domestic terrorism activities. Training focuses on providing law enforcement with the skills and abilities to identify, prevent and respond to domestic terrorism activities.
- Focus Groups, composed of law enforcement and terrorism experts, will provide for continuous program development, refinement, and expansion.
- This program is in great demand and is only limited by the annual appropriations process. OJP has established that it can achieve 100% of its mission and train as many law enforcement and prosecution personnel as funding allows.

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B. Issues Affecting 1999 Program Performance.
The program was revised at the beginning of the 1999 program period. A previous measure, "train the trainer workshops," was merged with "specialized workshops." This figure includes 5,000 attendees who participated throughout California via a satellite broadcast.

C. Issues Affecting Selection of 2000 and 2001 Plans.
Outcomes #3 and 6 were changed to include intelligence officers.
a/ In 2000 and 2001 Congress appropriated training funds under "general training." Consequently, this program was not funded in 2000 and 2001.

D. Validation and Verification.
The information in sections 3 - 8 are verified by the reports required of the grantee, as well as monitoring by the program manager.

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Office of Justice Programs
Justice Assistance
Financial Analysis - Program Changes
(Dollars in Thousands)

	Research, Evaluation & Demonstration Prog.		Criminal Justice Statistical Programs		Missing Children		White Collar Crime		Justice On-line Information Exchange(JOIE)	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GRADES										
GS/15	—	—	—	—	—	—	—	—	—	—
GS/14	—	—	—	—	—	—	—	—	—	—
GS/13	—	—	—	—	—	—	—	—	—	—
GS/12	—	—	—	—	—	—	—	—	—	—
GS/11	—	—	—	—	—	—	—	—	—	—
GS/9	—	—	—	—	—	—	—	—	—	—
GS/7	—	—	—	—	—	—	—	—	—	—
GS/5	—	—	—	—	—	—	—	—	—	—
Total Positions & Annual Rate	—	—	—	—	—	—	—	—	—	—
Lapse (-)	—	—	—	—	—	—	—	—	—	—
Total Workyears and Personnel Compensation	—	—	—	—	—	—	—	—	—	—
Personnel Benefits	—	—	—	—	—	—	—	—	—	—
Travel & Transportation	—	—	—	—	—	—	—	—	—	—
GSA Rent	—	—	—	—	—	—	—	—	—	—
Other rent, communications & utilities	—	—	—	—	—	—	—	—	—	—
Printing and Reproduction	—	—	—	—	—	—	—	—	—	—
Other Services	—	$2,000	—	—	—	—	—	—	—	$1,000
Purchases of Goods & Svc from Govt. Accts.	—	—	—	$5,100	—	—	—	—	—	—
Supplies and Materials	—	—	—	—	—	—	—	—	—	—
Equipment	—	—	—	—	—	—	—	—	—	—
Grants, Subsidies and Contributions	—	3,952	—	1,000	—	$48	—	$6,750	—	—
Total Program Workyears and changes requested, 2001	—	5,952	—	6,100	—	48	—	6,750	—	1,000

	Counterterrorism Programs		Police Use of Force		Management Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GRADES								
GS/15	—	—	—	—	4	$339	4	339
GS/14	—	—	—	—	8	576	8	576
GS/13	—	—	—	—	5	304	5	304
GS/12	—	—	—	—	10	512	10	512
GS/11	—	—	—	—	8	342	8	342
GS/9	—	—	—	—	4	141	4	141
GS/7	—	—	—	—	1	29	1	29
Total Positions & Annual Rate	—	—	—	—	40	2,243	40	2,243
Lapse (-)	—	—	—	—	(6)	(335)	(6)	(335)
Total Workyears and Personnel Compensation	—	—	—	—	34	1,908	34	1,908
Personnel Benefits	—	—	—	—	—	515	—	515
Travel & Transportation	—	$1,500	—	—	—	580	—	2,180
GSA Rent	—	—	—	—	—	—	—	—
Other rent, communications & utilities	—	—	—	—	—	94	—	94
Printing and Reproduction	—	—	—	—	—	—	—	—
Other Services	—	2,000	—	—	—	3,011	—	8,011
Purchases of Goods & Svc from Govt Accts.	—	2,000	—	—	—	500	—	7,600
Supplies and Materials	—	—	—	—	—	107	—	107
Equipment	—	—	—	—	—	524	—	524
Grants, Subsidies and Contributions	—	22,180	—	$2,100	—	—	—	36,010
Total Program Workyears and changes requested, 2001	—	27,680	—	2,100	34	7,349	34	58,959

STATUS OF CONGRESSIONALLY REQUESTED STUDIES, REPORTS AND EVALUATIONS

JUSTICE ASSISTANCE

1. Section 102(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General to submit an annual report to the President and Congress by March 31 of each year. The 1998 report was submitted to Congress in June, 1999. The 1999 report is expected to be submitted on time.

   NOTE: Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, also requires the Assistant Attorney General, the Directors of the Bureau of Justice Assistance, the Bureau of Justice Statistics, and the National Institute of Justice to submit to the President and the Speaker of the House of Representatives and the President of the Senate by April 1 of each year, a report on their activities from the preceding fiscal year. The submission of the Section 102(b) report satisfies the reporting requirement under Section 810.

2. Section 520(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the National Institute of Justice to annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under Sections 501(c), 506 and 511. The Institute will report on its program to evaluate anti-drug programs and will report on anti-drug research and development projects initiated since the passage of the Anti-Drug Abuse Act of 1988. The 1997 report was submitted in November, 1998. The 1998 report is expected to be submitted by March, 2000.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

1. Section 522(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance, no later than 180 days after the end of each fiscal year, to submit to Congress a report that includes with respect to each State -- (1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for such fiscal year; (2) the amount of such grants awarded for each of purposes specified in subpart 1; (3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a); (4) an explanation of how Federal funds provided under this part have

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been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and (5) evaluation results of programs and projects and State strategy implementation. The 1998 report was submitted in September, 1999. Submission of the 1999 report to Congress is anticipated to be submitted in Spring, 2000.

2. Section 1406(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the Director of the Bureau of Justice Assistance, no later than 90 days after the end of each fiscal year for which grants are made under the Grants for Closed-Circuit Televising of Testimony of Children Who Are Victims of Child Abuse program, to submit to Congress a report that includes, with respect to each State -- (1) the aggregate amount of grants made under this title to each State for the fiscal year, and (2) a summary of the information provided in compliance with subsection (a)(1). The 1998 report was submitted along with the Section 522(b) report in September, 1999. The 1999 report is also expected to be submitted along with the report due under Section 522(b). (This information is still included in the annual report, therefore the status is the same as the above.)

3. Section 2004(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Attorney General to submit to the Committee on the Judiciary of the House and Senate, no later than 180 days after the end of each fiscal year for which grants are made under the Violence Against Women STOP program, a report that includes for each State and for each grantee Indian tribe: (1) the number of grants made and funds distributed under this subchapter; (2) a summary of the purposes for which those grants were provided and an evaluation of their progress; (3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and (4) an evaluation of the effectiveness of programs funded under this subchapter. The 1998 report was submitted in May, 1999. The 1999 report is anticipated to be submitted in Spring, 2000.

4. Section 2406(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Attorney General to submit to Congress, no later than 90 days after the end of each fiscal year for which grants are made under the DNA Identification Grants program, a report that includes: (1) the aggregate amount of grants made under this subchapter to each State or unit of local government for such fiscal year; and (2) a summary of the information provided in compliance with subsection (a)(1) of this section -- a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted. The 1998 report was submitted November, 1998. The 1999 report is anticipated to be submitted by March, 2000.

5. Section 20110(d) of the Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994, as amended, requires the Attorney General to submit to Congress by May 15, 1999 a report which contains the recommendation of the Attorney General concerning the extension of the program under this section. The report was submitted in June, 1999.

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6. Section 20112 of the VCCLEA of 1994, as amended, requires the Attorney General to submit to Congress, beginning on October 1, 1996 and each subsequent July 1 thereafter, a report on the implementation of the Violent Offender Incarceration and Truth-In-Sentencing Incentive grants, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle. The 1997 report was submitted July, 1998. The 1998 report was submitted in July, 1999. The 1999 report is due July 1, 2000, and is expected to be submitted on time.

7. Section 40506(b) of the VCCLEA of 1994, requires the Attorney General, in consultation with the Secretary of Education, to provide a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The report is to be based on the study required by subsection (a) of this section and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; P.L. 101-542). BJS sponsored a study of campus sexual victimization being conducted at the University of Cincinnati. BJS analyzed data collected under this study and expects to release findings in Spring, 2000.

8. Section 40610 of the VCCLEA of 1994, requires the Attorney General to submit to Congress an annual report, beginning one year after September 13, 1994, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State anti-stalking efforts and legislation. The 1998 report was submitted September, 1998. The 1999 report is expected to be submitted to Congress in March, 2000.

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JUVENILE JUSTICE PROGRAMS

1. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit an annual report to the President and Congress within 180 days after the end of each fiscal year. The report must contain: (1) a detailed summary and analysis of juvenile custody data, including offender type, offense, race, gender, age, facility type, death rate information and educational status; (2) a description of part A funded activities; (3) a description of each State's compliance with Section 223 and the State plan; (4) a summary of each part C or part D funded program or activity, evaluation information and an assessment of replication potential; and (5) a description of exemplary delinquency prevention on programs funded under title II. Included in OJJDP's Annual Report is the report to the President as required by Section 404(a)(5) of the Missing Children's Assistance Act, as amended. The 1998 report was submitted in March, 1999.

2. Section 248(b)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than 180 days after enactment of the 1992 amendments (November 4, 1992), the Administrator shall begin to conduct a study on the incidence, nature and causes of violence committed by or against juveniles in urban and rural areas. The study is to be completed and a report submitted to Congress discussing and summarizing the results, within three years (by November 4, 1995).

   OJJDP awarded four grants to study the incidence, nature and causes of violence committed by or against juveniles in urban and rural areas. The first two studies (Wisconsin and South Carolina) were funded with 1993 funds. The South Carolina study has been given further funding to develop violence prevention resources for schools, parents, and communities in their target areas. Data analyses will also be performed to study community factors affecting rural violence and juvenile homicide, and results from that analyses will be discussed at a later date. The second two studies (Washington, D.C. and Los Angeles, CA) were competitively awarded with 1994 funds. Because of the nature of the competitive award process, these studies were delayed. The Los Angeles Violence Study will be continued in 1997 to implement the research design fully.

   OJJDP has a draft interim report on the four projects that is currently under review. However, because of the different end dates of these projects, the production of the final report had been delayed. The final report was submitted in March, 1999.

3. Section 288H of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to submit to Congress, no later than 120 after the completion of the first cycle of Mentoring grants, a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate. OJJDP awarded forty one, 3 year grants that end in June 1998. The Administrator's report was submitted January, 1999.

5. Section 504(4) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit to Congresss, not later than 180 days after the end of each fiscal year, a report that (a) describes activities and accomplishments of grant activities funded under the Incentive Grants for Local Delinquency Prevention Programs; describes procedures followed to disseminate grant activity products and research findings; (c) describes activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and (d) identifies successful approaches and making recommendations for future activities to be conducted. The 1997 was submitted March, 1998. The 1998 report was submitted in May, 1999.

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CRIME VICTIMS FUND

1. Section 1407(g) of the Victims of Crime Act of 1984, as amended, requires that the Director of the Office for Victims of Crime shall on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter. The report is expected to be submitted by March, 2000.

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Office of Justice Programs
Justice Assistance
Priority Ranking
FY 2001

BASE PROGRAM	
Program	**Ranking**
Research, Evaluation and Demonstration Programs	1
Counterterrorism Programs	2
Management and Administration	3
White Collar Crime Information Center	4
Criminal Justice Statistical Programs	5
Regional Information Sharing System	6
Missing Children	7

PROGRAM INCREASES		
Program	**Enhancement**	**Ranking**
Research, Evaluation and Demonstration Programs	Gun Safety Research and Development	1
Research, Evaluation and Demonstration Programs	Investigative and Forensic Sciences Improvement	2
Counterterrorism Programs	Counterterrorism Programs	3
Management and Administration	Management and Administration	4
White Collar Crime	White Collar Crime	5
Criminal Justice Statistical Programs	Computer Crime & Cyber Fraud Statistics	6
Police Use of Force	Police Use of Force	7
Criminal Justice Statistical Programs	Traffic Stops by the Police	8
Research, Evaluation and Demonstration Programs	ADAM	9
Justice On-line Information Exchange (JOIE)	Justice On-line Information Exchange (JOIE)	10
Criminal Justice Statistical Programs	Statistics on Disparities in the Justice Systems	11
Criminal Justice Statistical Programs	Tribal Criminal Justice Statistics	12
Criminal Justice Statistical Programs	Hate Crime Reporting Statistics	13
Research, Evaluation and Demonstration Programs	International Crime Research Program	14
Criminal Justice Statistical Programs	Victimization of the Disabled	15
Criminal Justice Statistical Programs	Electronic Crime Data: On-line Data Collection & Analysis	16
Missing Children	Missing Children	17

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Office of Justice Programs
Justice Assistance
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001		
	Author-ized	Reimb-ursable	Total Auth.	Total Reimb.	Program Increases	Total Auth.	Total Reimb.
Attorneys (905)	20	10	20	10	0	20	10
Other Legal and Kindred (900-998)	2	2	2	2	0	2	4
Social Sciences, Economic and Kindred (100-199)	135	85	139	86	10	149	100
Personnel Management (200-299)	11	6	11	10	0	11	12
General Administration, Clerical and Other Services (300-399)	155	230	174	230	23	197	252
Accounting and Budget (500-599)	15	93	15	94	0	15	94
Medical, Dental and Public Health(600-699)	1	0	1	0	0	1	0
Information and Arts Group (1000-1999)	10	12	10	12	3	13	15
Business and Industry Group (1100-1199)	15	5	15	5	0	15	5
Physical Sciences Group (1300-1399)	1	3	1	3	2	3	5
Library and Archives Group (1400-1499)	3	1	3	1	0	3	1
Mathematics and Statistics Group (1500-1599)	36	15	36	16	2	38	20
Equipment, Facilities and Service Group (1600-1699)	1	2	1	2	0	1	2
Supply Group (2000-2099)	2	3	2	3	0	2	3
TOTAL	407	467	430	474	40	470	523
Washington	407	467	430	474	40	470	523

Office of Justice Programs
Justice Assistance
Summary of Attorneys and Support Positions/Workyears
FY 2000-2001

Appropriated Postions

Decision Unit	2000 Availability						Adjustment to Base		2000 Increases						2001 Request Level					
	Attorneys		Support		Total				Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Management and Administration	20	20	410	409	430	429	0	3	0	0	40	34	40	34	20	20	450	446	470	466

Reimbursable Postions

Decision Unit	2000 Availability						Adjustment to Base		2001 Increases						2001 Request Level					
	Attorneys		Support		Total				Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Management and Administration	10	10	464	463	474	473	0	0	0	0	49	27	49	27	10	10	513	490	523	500

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Office of Justice Programs
Justice Assistance
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work-Years	Amount
2000 Appropriated Enacted	430	429	$307,611
Transfers/Reimbursements:			
Juvenile Justice appropriation for administrative functions	—	—	6,647
Violent Crime Reduction Programs for administrative functions	474	473	[56,288]
Reimbursable workyears from the Community Oriented Policing Services Office	[39]	[39]	—
2000 Availability	904	902	314,258
Adjustments to base:			
Increases:			
2001 pay raise	—	—	2,497
Annualization of 2000 pay raise	—	—	1,233
Annualization of 7 additional positions approved in 2000	—	3	252
Transfer of CSRS employees FERS retirement system	—	—	30
Federal Health Insurance Premiums	—	—	227
GSA rent	—	—	160
GSA Blue Pages	—	—	1
Travel Management Centers Contract Fees	—	—	183
General Pricing Level Adjustments	—	—	113
Total, mandatory increases	—	3	4,696
Decreases:			
Accident Compensation	—	—	(6)
2001 Base	904	905	318,948
Transfer from State and Local Law Enforcement Assistance for administrative functions	49	27	[2,297]
Program Changes	40	34	58,959
2001 Estimate	993	966	377,907

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Office of Justice Programs
Justice Assistance
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work-Years	Amount
Increases:			
1. 2001 pay raise	—	—	$2,497

This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $2,497,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($1,871,000 for pay and $626,000 benefits totaling $2,497,000).

2. Annualization of 2000 pay raise	—	—	1,233

This pay annualization represents first quarter amounts (Oct. through Dec.) of the anticipated 2000 pay increase of 4.8 percent estimated to be effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent . The amount requested $1,233,000 represents the total annualization of pay amounts for the fiscal year plus appropriate benefits($924,000 for compensation and $309,000 for benefits).

3. Annualization of 7 additional positions approved in 2000	—	3	252

This provides for the annualization of 7 additional positions requested in the 2000 appropriation for OSLDPS. Annualization of new positions has been extended to 3 years in order to provide for entry level funding in the first year with a two-year progression to the journeyman level. This request includes a decrease of $97,000 for one-time items associated with the increased positions, and an increase of $349,000 for full year costs associated with these additional positions at the journeyman level for a net increase of $252,000

	Approved Increases	Annualization Required
Annual salary rate of 7 approved positions	$325,000	
Less lapse (43%)	140,000	$185,000
Net Compensation	185,000	
Associated employee benefits	41,000	41,000
Travel		8,000
Communications/Utilities		7,000
Other Contractual Services:		
25.2 Other Services		1,000
Supplies		7,000
Equipment		3,000
Total costs subject to annualization		252,000

4. Transfer of CSRS employees FERS retirement system	—	—	30

This request provides for the increase in Federal Employees Retirement System (FERS) costs, based on the transfer of Civil Service Retirement System (CSRS) employees to FERS, as authorized by the FERS Open Enrollment Act of 1997, and the open season that ran from July 1, 1998 through December 31, 1998. This increase is based on the number of employees who have transferred to FERS, the grade of employees, and the increased Government cost of FERS benefits. The request includes $30,000 for benefits.

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Justification of Adjustments to Base (continued)

(Dollars in thousands)

	Perm. Pos.	Work-Years	Amount
5. Increased Federal Health Insurance Costs	—	—	227
This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of health insurance. This request includes $227,000 for these costs.			
6. General Services Administration (GSA) rent	—	—	160
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of $160,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent increase over 2000 levels.			
7. General Services Administration (GSA) Blue Pages	—	—	1
Previously, GSA has paid for all nationwide Government telephone book listings through the GSA 8 percent FTS overhead rate. As a result of the National Partnership for Reinventing Government (NPR)/GSA Blue Pages Project, the funding for these listings has been removed from the overhead rate, and agencies are being billed for actual costs incurred. The Department's FY 2001 estimated costs total $282,000.00. Funding of $1,000 is requested for Office of Justice Programs.			
8. Travel Management Center Fees	—	—	183
In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000.00. Funding of $183,000 is requested for Office of Justice Programs.			
9. General Pricing Level Adjustments	—	—	113
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.			
Total increases	—	—	4,696
Decreases:			
1. Accident Compensation	—	—	(6)
This decrease reflects the estimated billing from the Department of Labor for the actual costs in 1999 of employees' accident conpensation, which will be billed in 2001. The 2001 cost will be a decrease of $6,000 from the actual 1999 billing.			
Total, adjustments to base	—	3	4,690

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Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level IV, $122,400	6		6		6		---	
ES-4, $130,200	2		2		2		---	
ES-3, $126,825	4		4		4		—	
ES-2, $121,264	9		9		9		—	
ES-1, $115,811	3		3		3		—	
GS-15, $84,638-110,028	45		46		50		4	
GS-14, $71,954-93,537	60		62		70		8	
GS-13, $60,890-79,155	68		72		77		5	
GS-12, $51,204-66,564	60		68		78		10	
GS-11, $42,724-55,541	37		40		48		8	
GS-10, $38,885-50,554	2		2		2		—	
GS-9, $35,310-45,900	32		35		39		4	
GS-8, $31,968-41,557	6		6		6		—	
GS-7, $28,866-37,522	28		30		31		1	
GS-6, $25,976-33,768	15		15		15		—	
GS-5, $22,208-28,868	18		18		18		0	
GS-4, $20,829-27,080	11		11		11		—	
GS-3, $18,555-24,120	1		1		1		—	
Total, Appropriated Positions	407		430		470		40	
Average ES Salary		$117,345		$122,584		$130,200		
Average GS Salary		$50,221		$52,605		$54,908		
Average GS Grade		11.24		11.26		11.34		

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Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Request WY	2001 Request Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1 Full-Time Permanent	364	$13,783	406	$23,542	443	$26,540	37	$2,998
11.3 Other Than Full-Time	23	1,953	23	1,242	23	1,306	—	64
11.5 Other Personnel Compensation	—	526	—	400	—	400	—	—
11.8 Special Personnel Services Pymts	—	—	—	100	—	100	—	—
Total	387	16,262	429	25,284	466	28,346	37	3,062
Reimbursable workyears:								
Full-time permanent	[406]		[473]		[500]		[27]	
12 Personnel Benefits	—	4,267	—	4,974	—	6,225	—	1,251
13 Benefits for Former Personnel	—	21	—	21	—	12	—	(9)
21 Travel and Transportation of Persons	—	2,458	—	1,609	—	3,805	—	2,196
22 Transportation of Things	—	3	—	10	—	10	—	—
23.1 GSA Rent	—	4,950	—	10,307	—	11,278	—	971
23.2 Rental Payments to Others	—	40	—	76	—	76	—	—
23.3 Communications, Utilities, and Miscell	—	655	—	875	—	1,511	—	636
24 Printing and Reproduction	—	2,816	—	2,545	—	1,816	—	(729)
25.1 Consulting Services	—	10,362	—	5,000	—	3,486	—	(1,514)
25.2 Other Services	—	19,289	—	35,541	—	35,467	—	(74)
25.3 Purchases of goods and services from Government accounts	—	20,345	—	28,468	—	30,512	—	2,044
25.5 Research and development contracts	—	—	—	60	—	60	—	—
26 Supplies and Materials	—	719	—	785	—	895	—	110
31 Equipment	—	2,589	—	1,525	—	1,872	—	347
41 Grants, Subsidies and Contributions	—	81,220	—	229,404	—	252,536	—	23,132
Total Obligations	387	166,098	429	346,484 *	466	377,907	37	31,423
Recovery of Prior Year Obligations		(7,043)		(3,000)		—		
Unobligated Balance, start of year		(32,183)		(29,226)		—		
Unobligated Balance, end of year		29,226		—		—		
Total Requirements		156,098		314,258		377,907		
Relation of Obligation to Outlays:								
Total obligations		166,098		346,484		377,907		
Obligated Balance, start of year		132,616		343,293		430,217		
Obligated Balance, end of year		(343,293)		(430,217)		(555,752)		
Adjustments in expired accounts		(7,043)		(3,000)		—		
Outlays		(51,626)		259,560		252,372		

* Number does not agree with President's Budget due to rounding.

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Department of Justice
Office of Justice Programs
State and Local Law Enforcement Assistance
Congressional Estimates for Fiscal Year 2001
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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
2001 Summary Statement and Performance Plan

The Office of Justice Programs' (OJP) is requesting a total of $1.662 million in 2001 for State and Local Law Enforcement Assistance Appropriation. The total request for the State and Local Law Enforcement Assistance Appropriation for 2001 will support the goals and priorities of the Administration, the Department of Justice, and the Office of Justice Programs. Due to the expiration of the Violent Crime Reduction Trust Fund (VCRTF) in 2001, all of the programs previously funded under the VCRTF will now be included under the State and Local Law Enforcement Assistance Account.

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Office of Justice Programs
State and Local Law Enforcement Assistance
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and language proposed for deletion is bracketed.

State and Local Law Enforcement Assistance

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act") [$1,634,500,000]; *the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $1,662,200,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account)*, to remain available until expended [; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; and of which $5,000,000 shall be for the Tribal Courts Initiative], *as follows:*

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(1) *$600,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;*

(2) *$75,000,000 for the Prison Grant Program, of which:*
   (a) $35,000,000 shall be for the Cooperative Agreement Program,
   (b) $34,000,000 shall be for grants under section 20109(a) of subtitle A of title II of the 1994 Act, and
   (c) $6,000,000 shall be for the Mental Health of Offenders Program;

(3) *$15,000,000 for the Tribal Courts Initiative;*

(4) *$459,500,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, including:*
   (a) $5,000,000 for the National Institute of Justice for program evaluation,
   (b) $59,500,000 for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $4,500,000 shall be for the community demonstration grants on alcohol and crime, $4,500,000 shall be for the Executive Office of the United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center, $10,000,000 shall be for the Kids and Guns Local Media Campaign, and $6,000,000 shall be for strengthening criminal and civil legal assistance programs for Indian Tribes;

(5) *$9,000,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;*

(6) *$2,000,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;*

(7) *$220,000,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including:*
   (a) $35,250,000 to be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence,
   (b) $5,200,000 for the National Institute of Justice for research and evaluation of violence against women,
   (c) $1,000,000 for the Bureau of Justice Statistics for a domestic violence case processing study,
   (d) $5,000,000 for the National Institute of Justice for research on family violence, and
   (e) $10,000,000 for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(8) *$34,000,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;*

(9) *$25,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;*

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(10) $5,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;
(11) $1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;
(12) $65,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the1968 Act: Provided, That states that have existing imprison drug treatment programs, in compliance with federal requirements, may use their residential substance abuse grant funds for treatment and sanctions, both during incarceration and after release;
(13) $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;
(14) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act;
(15) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act, of which $2,000,000 shall be for the National Institute of Justice for research into the dependency court system's response to child abuse and neglect;
(16) $1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;
(17) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;
(18) $21,000,000 for the Indian Country Grants Program, including $8,000,000 for demonstration grants on alcohol and crime in Indian Country, $5,000,000 for the establishment of sexual assault nurse examiner units in Indian Country, and $8,000,000 for a Tribal Youth Mental Health and Behavior Program;
(19) $75,000,000 for the Zero Tolerance Drug Testing and Intervention Initiative, including $10,000,000 for Indian Tribes and $25,000,000 for the Re-entry Initiative;

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Provided further, That funds made available in fiscal year 2001 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further, That balances for these programs may be transferred from the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account to this account.*

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

Explanation of Changes:

1. Adds references to authorizing language.

2. Adds language to allow the transfer and merging of funds from the State and Local Law Enforcement Assistance account to the Justice Assistance account for management and administration costs.
3. Deletes language for the Local Law Enforcement Block Grant Program, the State Criminal Alien Assistance Program, the Violent Offender Incarceration and Truth in Sentencing Incentive Grants, and the Tribal Court Program..
4. Adds language to fund programs previously funded under the Violent Crime Reduction Programs: State Criminal Alien Assistance Program ($600,000,000); Prison Grant Program ($75,000,000), including funding for the Cooperative Agreement Program ($35,000,000), grants under section 20109(a) of subtitle A of title II of the 1994 Act, and for the Mental Health of Offenders Program; Tribal Courts Initiative ($15,000,000); Byrne Memorial State and Local Law Enforcement Assistance Programs ($459,500,000), including funding for the National Institute of Justice for program evaluation ($5,000,000), funding for demonstration grants on alcohol and crime ($4,500,000), funding the Executive Office for United States Attorneys ($4,500,000), funding for the Kids and Guns Local Media Campaign ($10,000,000), and funding for criminal and civil legal assistance for Indian Tribes ($6,000,000); the Court Appointed Special Advocate Program ($9,000,000); the Child Abuse Training Programs for Judicial Personnel and Practitioners ($2,000,000); the Grants to Combat Violence Against Women Program ($220,000,000), including funding for strengthening civil legal assistance programs for victims of domestic violence ($35,000,000), funds for the National Institute of Justice for research and evaluation of violence against women ($5,200,000), funds for the Bureau of Justice Statistics for a domestic violence case processing study ($1,000,000), funds for the National Institute of Justice for research on family violence, and funds for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program ($10,000,000); the Grants to Encourage Arrest Policies Program ($34,000,000); the Rural Domestic Violence and Child Abuse Enforcement Assistance Program ($25,000,000); funds for training programs to assist probation and parole officers who work with released sex offenders ($5,000,000); funds for televised testimony ($1,000,000); the Residential Substance Abuse Treatment Program ($65,000,000); the Missing Alzheimer's Disease Patient Alert Program ($900,000); the Motor Vehicle Theft Prevention Program ($1,300,000); the Drug Courts Program ($50,000,000), including funding for the National Institute of Justice for research into the dependency court system's response to child abuse and neglect ($2,000,000); the Law Enforcement Family Support Program ($1,500,000); funds for public awareness programs addressing marketing scams aimed at senior citizens ($2,000,000); funding for Indian initiatives ($21,000,000); and the Zero Tolerance and Drug Intervention Initiative ($75,000,000), including funds for Indian Tribes ($10,000,000) and funds for the Reentry Initiative ($25,000,000). Language is also included to allow balances from the VCRP account to be transferred to this account, as those programs are now included in this account.

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Office of Justice Programs
State and Local Law Enforcement Assistance
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Edward Byrne Formula Grants.....	—	—	$505,000	—	—	—	—	—	—	—	—	$1,796	—	—	$506,796
Edward Byrne Discretionary Grants	—	—	47,000	—	—	—	—	—	—	—	—	24,394	—	—	71,394
Total.....	—	—	552,000	—	—	—	—	—	—	—	—	26,190	—	—	578,190*

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Office of Justice Programs
State and Local Law Enforcement Assistance
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request	Congressional Appropriations Action on 2000 Request	Government-wide .38 Percent Rescission	Reprogrammings	2000 Appropriation Enacted
Local Law Enforcement Block Grant	—	$523,000	($25,116)	—	$497,884
State Criminal Alien Assistance Program	—	585,000 a/	—	—	585,000
Correctional Facilities	—	521,500 a/	(32,967)	—	488,533
Tribal Courts Initiative	—	5,000	—	—	5,000
Total	—	1,634,500	(58,083)	—	1,576,417

a/ Reflects $165 million earmarked from Correctional Facilities to State Criminal Alien Assistance Program.

Congressional Appropriation Action on 2000 Request

All program activities were requested under the "VCRP State and Local Law Enforcement Assistance" account. Under the direct "State and Local Law Enforcement Assistance" account, Congress restored funding for the Local Law Enforcement Block Grant Program ($523 million) and the State Criminal Alien Assistance Program ($420 million). Although a modified Correctional Facilities Program was requested, Congress provided funding of $686.5 million for the regular Program. Congress also provided funding for the Tribal Court Initiative under this account.

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Office of Justice Programs
State and Local Law Enforcement Assistance
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$1,634,500
Government-wide Rescission per Public Law 106-113:			
Local Law Enforcement Block Grant	...	...	(25,115) 1/
Correctional Facilities Grants	...	...	(32,967)
Subtotal, Government-wide Rescission per Public Law 106-113	...	...	(58,083)
2000 Availability	...	...	1,576,417
Adjustment to base increase	...	...	58,083
Transfer of Violent Crime Reduction Programs to State and Local Law Enforcement Assistance Direct Appropriation	...	...	1,194,450
2000 Base	...	...	2,828,950
Transfer from State and Local and Local Law Enforcement Assistance, OJP, for administrative functions	49	27	[2,297]
Program Changes (See Program Narrative for Details)	(49)	(27)	(1,166,750)
2001 Estimate	...	...	1,662,200

1/ Amount shown is rounded to thousands of dollars. The exact amount is $25,115,500.

Estimates by budget activity	2000 Availability Perm Pos	WY	Amount	2001 Base Perm Pos	WY	Amount	2001 Estimate Perm Pos	WY	Amount	Increase/Decrease Perm Pos	WY	Amount
Local Law Enforcement Block Grant	—	—	$497,864	—	—	$523,000	—	—	—	—	—	($523,000)
State Criminal Alien Assistance Program	—	—	585,000	—	—	585,000	—	—	600,000	—	—	15,000
Correctional Facilities	—	—	488,533	—	—	521,500	—	—	75,000	—	—	(446,500)
Tribal Courts Initiative	—	—	5,000	—	—	5,000	—	—	15,000	—	—	10,000
Edward Byrne Formula Grants	—	—	—	—	—	500,000	—	—	400,000	—	—	(100,000)
Edward Byrne Discretionary Grants	—	—	—	—	—	52,000	—	—	59,500	—	—	7,500
Court Appointed Special Advocate	—	—	—	—	—	10,000	—	—	9,000	—	—	(1,000)
Child Abuse Training Programs for Judicial Personnel	—	—	—	—	—	2,000	—	—	2,000	—	—	—
VAWA : STOP Grants	—	—	—	—	—	208,750	—	—	220,000	—	—	13,250
VAWA: Encourage Arrest Policies	—	—	—	—	—	34,000	—	—	34,000	—	—	—
VAWA: Rural Domestic Violence and Child Abuse Enforcement Assistanc	—	—	—	—	—	25,000	—	—	25,000	—	—	—
VAWA: Training Programs to Assist Probation and Parole Officers	—	—	—	—	—	5,000	—	—	5,000	—	—	—
Grants for Closed Circuit Televising	—	—	—	—	—	1,000	—	—	1,000	—	—	—
Residential Substance Abuse Treatment	—	—	—	—	—	63,000	—	—	65,000	—	—	2,000
Juvenile Incentive Block Grants	—	—	—	—	—	250,000	—	—	—	—	—	(250,000)
Missing Alzheimer's Program	—	—	—	—	—	900	—	—	900	—	—	—
Motor Vehicle Theft Prevention	—	—	—	—	—	1,300	—	—	1,300	—	—	—
Drug Courts	—	—	—	—	—	40,000	—	—	50,000	—	—	10,000
Law Enforcement Family Support	—	—	—	—	—	1,500	—	—	1,500	—	—	—
Countering Telemarketing Scams	—	—	—	—	—	2,000	—	—	2,000	—	—	—
Indian Country Grant Program	—	—	—	—	—	—	—	—	21,000	—	—	21,000
Zero Tolerance and Drug Intervention Initiative	—	—	—	—	—	—	—	—	75,000	—	—	75,000
Total	—	—	1,576,417	—	—	2,828,950	—	—	1,662,200	—	—	(1,166,750)

NOTE: Workyears/positions are reflected under "Justice Assistance" account, Management and Administration.

Individual total columns may not add due to rounding.

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Office of Justice Programs
State and Local Law Enforcement Assistance
Summary of Resources by Program
(Dollars in thousands)

	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by Budget Activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	TOTAL	Pos.	WY	Amount	Pos.	WY	Amount
Local Law Enforcement Block Grant	...	...	...	...	...	...	...	...	$497,884	...	...	$523,000	...	...	...	...	...	($523,000)
State Criminal Alien Assistance Program	...	...	...	...	...	...	...	...	585,000 1/	...	...	585,000 1/	...	...	$600,000 2/	...	...	15,000
Correctional Facilities	...	...	...	...	...	...	...	...	488,533 1/	...	...	521,500 1/	...	...	75,000	...	...	(446,500)
Tribal Courts Initiative	...	...	...	...	...	...	...	...	5,000	...	...	5,000	...	...	15,000	...	...	10,000
Edward Byrne Formula Grants	...	...	$506,786	...	...	$505,132	...	...	...	...	...	500,000	...	...	400,000	...	...	(100,000)
Edward Byrne Discretionary Grants	...	...	71,394	...	...	62,644	...	...	...	...	...	52,000	...	...	59,500	...	...	7,500
Court Appointed Special Advocate	...	...	...	...	...	...	...	...	...	...	...	10,000	...	...	9,000	...	...	(1,000)
Child Abuse Training Programs for Judicial Personnel	...	...	...	...	...	...	...	...	...	...	...	2,000	...	...	2,000	...	...	...
VAWA: STOP Grants	...	...	...	...	...	...	...	...	...	...	...	206,750	...	...	220,000	...	...	13,250
VAWA: Encourage Arrest Policies	...	...	...	...	...	...	...	...	...	...	...	34,000	...	...	34,000	...	...	...
VAWA: Rural Domestic Violence and Child Abuse Enforcement Assistance	...	...	...	...	...	...	...	...	...	...	...	25,000	...	...	25,000	...	...	...
VAWA: Training Programs to Assist Probation and Parole Officers	...	...	...	...	...	...	...	...	...	...	...	5,000	...	...	5,000	...	...	...
Grants for Closed Circuit Televising	...	...	...	...	...	...	...	...	...	...	...	1,000	...	...	1,000	...	...	...
Residential Substance Abuse Treatment	...	...	...	...	...	...	...	...	...	...	...	63,000	...	...	65,000	...	...	2,000
Juvenile Incentive Block Grants	...	...	...	...	...	...	...	...	...	...	...	250,000	...	...	...	...	...	(250,000)
Missing Alzheimer's Program	...	...	...	...	...	...	...	...	...	...	...	900	...	...	900	...	...	...
Motor Vehicle Theft Prevention	...	...	...	...	...	...	...	...	...	...	...	1,300	...	...	1,300	...	...	...
Drug Courts	...	...	...	...	...	...	...	...	...	...	...	40,000	...	...	50,000	...	...	10,000
Law Enforcement Family Support	...	...	...	...	...	...	...	...	...	...	...	1500	...	...	1,500	...	...	...
CounteringTelemarketing Scams	...	...	...	...	...	...	...	...	...	...	...	2,000	...	...	2,000	...	...	...
Indian Country Grant Program	...	...	...	...	...	...	...	...	...	...	...	...	...	...	21,000	...	...	21,000
Zero Tolerance and Drug Intervention Initiative	...	...	...	...	...	...	...	...	...	...	...	...	...	...	75,000	...	...	75,000
TOTAL	...	...	578,180	...	...	567,776	...	...	1,576,417	...	...	2,828,950	...	...	1,662,200	...	...	(1,166,750)

NOTE: Positions and Workyears are reflected in Justice Assistance.

1/ Reflects $165 million from Corrections to SCAAP.
2/ In 2001, SCAAP is being requested as a stand-alone program, no funds are provided from the Correctional Facilities program.

Office of Justice Programs
State and Local Enforcement
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1999 Actual			2000 Availability			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source												
Department of Justice	—	—	$43,780	—	—	$33,000	—	—	$33,000	—	—	—
Office of National Drug Control Policy	—	—	1,000	—	—	69	—	—	—	—	—	($69)
State Justice Institute	—	—	61	—	—	—	—	—	—	—	—	—
Budgetary Resources	—	—	44,841	—	—	33,069	—	—	33,000	—	—	(69)
Obligation by Program												
Byrne Discretionary Grants	—	—	20,734	—	—	57,176	—	—	33,000	—	—	(24,176)
Total	—	—	20,734	—	—	57,176	—	—	33,000	—	—	(24,176)

Note: Obligation amount for 2000 includes $24,106,900 in unobligated 1999 reimbursements.

In 1999, resources provided by contributing agencies for joint projects or programs to be administered by the Bureau of Justice Assistance. Resources included such programs from the Department of Justice Office of Community Oriented Policing Services for the Bullet Proof Vests Initiative and the FBI State Identification Systems Program. Administration of these programs will continue in 2000 and 2001.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Byrne Law Enforcement Assistance Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Byrne Law Enforcement Assistance Program is composed of two grant programs: (1) the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and (2) the Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant Program. Together, these two programs are managed to meet a unified mission of assisting tribal, state, and local law enforcement units of government in controlling and preventing drug-related and violent crime, and improving the functioning of the criminal justice system through enhanced criminal history systems and other advanced technologies. For 2001, planned program initiatives and ongoing activities support the anti-drug abuse priorities of the Office of Justice Programs (OJP), the Department of Justice (DOJ), the Administration, and the Congress. Specifically, the Byrne Law Enforcement Assistance Program directly supports DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Byrne Formula Grant Program

Highlights of 1999 Mission Critical Results

BJA conducted six major technical assistance visits related to the Byrne Formula Grant Program in 1999. They are outlined as follows:

- BJA conducted a multi-state training session in response to State Administrative Agency (SAA) requests for training of new staff and a forum to share information regarding innovative programs, problems, solutions, and concerns. This session focused on the administration of the Byrne Formula Grant Program and the Local Law Enforcement Block Grants (LLEBG) Program, as well as Byrne program evaluation and annual report writing. BJA provided specific training on Byrne Formula and LLEBG compliance measures and requirements, developing and evaluating state and local programs, and defining needs for evaluation and reporting. Attendees included new SAA staff from Colorado, Kansas, Missouri, and Wyoming. (September 1-2, 1999, in Denver, Colorado)

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- BJA provided technical assistance to the Montana Board of Crime Control (MBCC), the SAA for the Byrne Formula Grant Program, on strategic planning in preparation of the state's multi-year Byrne Strategy. Topics included: Strengthening the Strategic Development Process; Coordination and Input of State, Local and Federal Agencies; Public, Legislative and Executive Review; Sources of Data for Defining Problems and Determining Needs; Describing the Nature and Extent of the Problem; Priority Setting; Program Response and Program Brief Development; Program/Project Monitoring, Assessment and Evaluation; and Issues Related to Statewide Strategy Development. As a result of the training and in preparation for development of their multi-year strategy, a compendium of strategies was developed on historical operations of state level drug strategy development and the modifications that have occurred over the life cycle of the Byrne Program. (May 9-13, 1999)

- BJA supported three major technical assistance events for groups of SAA staff and Byrne Formula Advisory Committee members to assist states with the development of their FY 2000 Multi-Year Statewide Strategies. The first event was provided for the State of Alaska (September 21-22, 1999), the second for the State of Washington (August 11, 1999 and October 11-12, 1999), and the third for the State of Utah (September 21-22, 1999). The purpose of these technical assistance sessions was to facilitate each state's efforts to better identify crime problems, their sources, and develop effective corrective statewide strategies.

- BJA facilitated a training workshop, "Planning and Strategy Development Assistance," for the Office of Drug Control Policy, Michigan's SAA. The purpose of this workshop was to provide technical assistance to the SAA for the administrative and planning needs related to the development and implementation of the multi-year strategy for the Byrne Formula Grant Program and to enhance the state planning, management, and evaluation capabilities for the implementation of effective criminal justice and other related programs. As a result of the workshop, Michigan plans to incorporate the shared information into its FY 2000 multi-year strategy submission. (June 16-17, 1999)

Byrne Discretionary Grant Program

Highlights of 1999 Mission Critical Results

Significant 1999 achievements for the Byrne Discretionary Program include the following:

- expanding and enhancing the Boys and Girls Clubs to serve 3 million youth in 2,260 clubs nationwide including clubs for military families and Native American communities;

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- supporting National Night Out, which in 1999 involved more than 32 million people in more than 10,000 communities;
- providing services to prosecutors, investigators and DNA analysts on scientific developments, case law, legislation and training in DNA analysis;
- developing model business case solutions for integrated information systems;
- making significant advancements in development of the National Resource Center for integrated information systems;
- initiating the development of model court systems for dealing with mentally impaired offenders;
- training law enforcement agencies in dealing with issues associated with cybercrime;
- providing technical support to law enforcement agencies on computer-based information management related to criminal investigations;
- establishing model protocols to guide police-medical collaborations;
- developing a guide for law enforcement agencies to effectively recruit, hire, train and retain female police officers;
- providing technical assistance to state and local agencies on creating community probation-community police teams in their jurisdictions;
- producing and disseminating a guidebook for police officers on dealing with hate crimes;
- developing a set of police facility design guidelines;
- conducting regional and statewide training seminars on developing successful comprehensive public safety initiatives;
- developing model trial court performance standards and measurement systems;

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- providing technical assistance services to local prosecutors on successful and cost effective ways to prosecute as well as prevent home improvement fraud against senior citizens;
- providing technical assistance to Alaska native villages to conduct community analysis and community problem solving through the Alaska Native Technical Assistance and Resource Center; and
- providing training to law enforcement officials on firearms interdiction.

FY 2001 Performance Goals and Indicators

BJA is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Byrne Law Enforcement Assistance Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Edward Byrne Formula Grants	**Amount**
2000 Enacted	$500,000
2001 Base	500,000
2001 Estimate	400,000
Increase/Decrease	$(100,000)

BASE PROGRAM DESCRIPTION

The **Byrne Formula Grant Program** is authorized by the *Anti-Drug Abuse Act of 1988*, as amended, and administered by OJP's Bureau of Justice Assistance (BJA). This program assists states and units of local government in carrying out programs that offer a high probability of improving the functioning of the criminal justice system, with a special emphasis on nationwide and multi-level drug control strategies and violent crime prevention. The states, in consultation with local officials, develop statewide drug and violent crime strategies and funding priorities to address their drug and violent crime problems and to improve the functioning of their criminal justice systems, while supporting national priorities and objectives.

Grantees may direct the funds received under the Byrne Formula Grant Program in one or more of the 26 program purpose areas authorized by the law. As reflected on performance measurement charts, the State and Local Assistance Division (SLAD) will develop and implement in 2001 an integrated information system for the Byrne Formula Program. This system will enable SLAD to track all program components, including exemplary programs that exhibit a high probability of improving the functioning of the criminal justice system in the 26 purpose areas.

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- State Administrative Agencies continue to use Byrne funds across all 26 purpose areas. The areas with the highest percentages of 1999 allocations include multi-jurisdictional task forces (the largest percentage of funds at approximately 44.6%), criminal justice information systems improvements (10.33%), crime prevention programs (6.42%), and corrections improvement programs (4.76%).

- In 1999, the State and Local Assistance Division conducted a total of 56 monitoring visits to Byrne grantees to address compliance issues. In addition, six major technical assistance visits were conducted to assist states with specific needs requests for the Byrne Formula Program.

- To support BJA's efforts to conduct extensive outreach, BJA will conduct five regional conferences for grantees during 2000, including those grantees responsible for the administration of the Byrne Formula program. The conferences will be designed to provide training and technical assistance in the areas of criminal justice planning and budgeting, address emerging trends and issues, discuss changes in program requirements, and allow opportunities for feedback from grantees.

2001 Program Change

In 2001, BJA requests $400 million for the Byrne Formula Grant Program, a decrease of $100 million from the 2000 funding level. Of the funding requested, $5 million is requested to be made available to NIJ to support an evaluation of the Byrne programs.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program/Bureau of Justice Assistance (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) To encourage community-based approaches to crime and justice at the tribal, state and local level.
MISSION: To restore funding to the LLEBG program, which provided funding directly to units of state and local governments and to Indian tribes for the general purposes of reducing crime and improving criminal justice programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of *Indicator*	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$500M	$505M	$505M	$500M	$400M
	2. Any changes in statutory requirements	OCPA					
	3. Number of active grants from previous fiscal years	OC	a/	388	388	b/	b/
	4. FTEs assigned to program management	SLAD	a/	13.5	13.5	13.5	13.5
	5. FTEs assigned to related program and technical assistance	SLAD	a/	12.5	12.5	12.5	12.5
	6. Development of integrated information systems (IIS) for Byrne program for tracking all program components: System implementation by 9/30/01 Major annual system revisions/ updates by 9/30/02	SLAD/OA	a/	a/	a/	a/	a/
Output/ Activity	7. Number of grants closed	OC	a/	211	137	b/	b/
	8. Number of grants awarded	OC	109 c/	109 c/	109 c/	56	56
	9. Number of desk reviews conducted	SLAD	a/	56	56	56	56
	10. Number of on-site compliance monitoring visits conducted	SLAD	109	56	56	56	56
	11. Number of on-site technical assistance visits conducted	SLAD	a/	5	6	8	8
	12. Number of on-site program assistance visits conducted	SLAD	a/	a/	a/	7	7

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Intermediate Outcome	13. Baseline compliance established for all grantees	SLAD	a/	56	56	56	56
	14. 1 to 1 ratio for grantees examined for compliance in order to establish baseline for addressing criminal justice issues	SLAD	a/	a/	1:1	1:1	1:1
	15. 1 to 1 ratio of SLAD responses to grantee requests for technical assistance in order to improve grantee use of Byrne funds	SLAD	a/	a/	1:1	1:1	1:1
	16. 1 to 1 ratio of SLAD responses to grantee requests for program assistance visits	SLAD	a/	a/	1:1	1:1	1:1
	17. Number of programs identified that exhibit a high probability of improving the functioning of the criminal justice system (as stated in the mission) and can serve as new peer-to-peer resources made available to all program grantees	SLAD	a/	a/	d/	d/	d/
	18. IIS development will result in increased SLAD ability to more effectively and efficiently report to Congress, the Department, and interested parties: Establish initial ability by 9/30/01 Maintain ability by 9/30/02	SLAD/OA	a/	a/	a/	a/	a/
End Outcome	19. SLAD maintains that by following the above strategic performance model, it will be able to provide Congress with information to assess the contribution being made by Byrne to address criminal justice issues across the nation.	SLAD	a/	a/	a/	a/	a/
Productivity/ Efficiency (Input : Output)	20. Ratio of number of grants closed to number of program management FTEs assigned	SLAD	a/	211 : 13.5	137 : 13.5	b/ : 13.5	b/ : 13.5
	21. Ratio of awards processed to program management FTEs assigned	SLAD	a/	109 : 13.5	109 : 13.5	109 : 13.5	109 : 13.5
	22. Ratio of desk reviews conducted to number of program management FTEs assigned	SLAD	a/	56 : 13.5	56 : 13.5	56 : 13.5	56 : 13.5
	23. Ratio of on-site compliance monitoring visits conducted to number of program management FTEs assigned	SLAD	a/	56 : 13.5	56 : 13.5	56 : 13.5	56 : 13.5
Effectiveness (Input/Output : Outcome)	24. Ratio of number of programs identified for peer-to-peer resources to number of site visits conducted	SLAD	a/	25 : 56	d/ : 56	d/ : 56	d/ : 56
	25. Ratio of number of program and technical assistance FTEs assigned to percentage of technical assistance responses	SLAD	a/	12.5 : 100	12.5 : 100	12.5 : 100	12.5 : 100

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A. ' 'ions of Terms or Explanations for Indicators and Other Data Sources:

a/ The GPRA indicators for the Byrne Formula Grant Program were redesigned as of January, 1999, to reflect a reorganization within the Bureau of Justice Assistance. Therefore, data for 1998 actuals are not available for certain indicators.

b/ The exact number cannot be targeted as the number of states that request a grant extension and the number of close-outs processed in a given year is unknown until after the end of the fiscal year; the number of extensions and close-outs must be fully processed prior to determining the number of active grants carried over to the next fiscal year as they directly affect this number.

c/ This represents 56 Byrne awards and 53 supplements due to HIV compliance for 1998 and 1999; as of FY 2000 these are combined under one award.

d/ Future indicator which is based on system development and implementation which will provide the analytic framework to identify promising programs.

Compliance monitoring - on-site review of all program activities, including compliance and actual program initiatives, as conducted according to standardized review protocol, in order to address/review statutory, regulatory, and programmatic requirements.

Desk review - internal review of documents and other information submitted by grantees as conducted according to standardized review protocol.

IIS - integrated information system which equates to both an information management system and a management information system.

Information management system - software system designed to integrate the application, award, progress reporting, and monitoring phases of grants management into one integrated information system.

OA - Office of Administration, Office of Justice Programs.

OC - Office of the Comptroller, Office of Justice Programs.

OCPA - Office of Congressional and Public Affairs, Office of Justice Programs.

Program assistance monitoring - general assistance to address any criminal justice system needs that may/may not be funded directly with Byrne program funds; this type of assistance could be combined with more targeted technical assistance to ensure community success in dealing with criminal justice issues.

SLAD - State and Local Assistance Division, Bureau of Justice Assistance.

Technical assistance monitoring - to provide on-site guidance, expert advice, and/or training on program planning, implementation, and administration as it relates directly to program activities; this type of assistance could be combined with more general program assistance to ensure community success in dealing with criminal justice issues.

B. Issues Affecting 1999 Program Performance.
N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.
- Additional statutory requirements attached to the program could affect individual grant amounts or the number of grant awards necessary.

D. Validation and Verification.

Performance indicators are generally based on the following activities: awards made, desk reviews completed in preparation for on-site visits, on-site compliance monitoring visits, on-site program documentation and assistance visits, technical assistance visits, and close-out of grants. Activities are routinely tracked and documented, which in turn provides the verification for reported data. For example, staff monitoring reports are used to verify completion of on-site compliance monitoring visits and to review program and documentation assistance activities, as well as technical assistance activities.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Byrne Law Enforcement Assistance Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Edward Byrne Discretionary Grants	**Amount**
2000 Enacted	$52,000
2001 Base	52,000
2001 Estimate	59,500
Increase/Decrease	$7,500

BASE PROGRAM DESCRIPTION

The **Byrne Discretionary Grant Program** is authorized by the *Anti-Drug Abuse Act of 1988*, as amended, and administered by OJP's Bureau of Justice Assistance (BJA). BJA awards grants to public and private agencies and organizations for national scope and multi-state programs, demonstration programs, and training and technical assistance to assist states and local jurisdictions. National scope programs are those that provide services or products that benefit county, multiple states or address issues of national concern. Demonstration programs include those that develop, test, evaluate and document new programs and practices. Training activities provide state and local criminal justice practitioners and others with state-of-the-art information on effective programs and practices. Technical assistance programs provide support to sites participating in demonstration programs and assist individual jurisdictions to implement programs or practices and/or address specific issues. Additionally, this discretionary program assists states and local units of government to control and prevent drugs and violent crime, and improve the functioning of the criminal justice system by assisting states to develop and implement innovative alternatives to traditional modes of incarceration.

The 2001 budget submission reflects programmatic needs and priorities developed from a broad spectrum of sources. Throughout the year, BJA receives planning input from a wide variety of sources, both within and outside of the Department of Justice, from which program strategies are developed. Those sources include:

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- Meetings with criminal justice agencies, academia and professional associations, such as the International Association of Chiefs of Police, the National District Attorneys Association, and the American Correctional Association, to identify the needs, priorities and gaps in service in all areas of criminal justice;

- Individual focus group meetings with representatives of specific disciplines (police, courts, corrections etc.) to concentrate on priority areas of concern as identified by individuals most closely associated with what is happening in the field;

- Meetings with OJP Directors and Administrators, and with representatives from the Department of Justice and the Attorney General's Office to determine the priority areas of interest or concern to the Administration; and

- Formal information-sharing conferences with representatives of all of the state agencies administering the BJA formula grant programs (note that these agencies generally administer the other OJP state level programs for OJJDP and OVC) and review of the annual state-wide strategies prepared by each state and territory participating in BJA's formula grants program.

BJA program development activities involve on-going coordination by BJA and other OJP and DOJ staffs. For example, efforts in the area of counterterrorism are undertaken in concert with the FBI, the DOJ Criminal Division, and the Federal Emergency Management Agency, and involve participation by staff members on a national working group. Anti-violence programming involves coordinated activities with the National Youth Gang Consortium sponsored by OJJDP, OJP's Gangs Working Group, constant interaction with the Criminal Division of DOJ, the DEA and FBI, and Treasury's Bureau of Alcohol, Tobacco and Firearms. BJA's programs for tribal strategies have been fully coordinated with OJP's Native American Program Manager. In developing the Community Justice Program, BJA has coordinated with the Deputy Assistant Attorney General of OJP, NIJ, and appropriate offices within DOJ.

Open Solicitation Grants. This program involves a broad range of activities addressing a myriad of topics -- only a few of which can be highlighted here. Technical assistance and training efforts make up a large part of the total program, and nearly all site-based efforts are supported also by some technical assistance component.

Established in 1997, BJA's Open Solicitation responded to grantees' suggestions for improving the grant application process by simplifying and shortening the application and by allowing creativity and innovation.

In 1998, BJA announced the third annual Open Solicitation competition. The topic areas for the 1999 Open Solicitation included the following: *Alcohol and Crime, Crime Prevention Among the Elderly, Improving Access to Services in Rural and Tribal Settings, Mental Health, Police Partnerships, Local Criminal Justice Planning, Improving Front-End Decision Making, Strategies to*

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Strengthen the Adjudication Process, and Innovations in Offender Supervision and Reentry. The concept paper deadline was December 13, 1998. Approximately 1,400 applicants representing state, local, and tribal governments and agencies responded to the solicitation. Awards of up to $150,000 each will be issued. In 2000 and 2001, BJA plans to continue to its Open Solicitation program.

National Citizens' Crime Prevention Campaign. The National Citizens' Crime Prevention Campaign is administered by the National Crime Prevention Council (NCPC) and sponsored by more than 120 member Crime Prevention Coalition of America, which represents millions of Americans affiliated with federal and state agencies, national associations and organizations, and branches of the United States military. This initiative reaches out to children, their families, public and private service providers, and elected officials in a comprehensive effort to control and prevent crime, violence and substance abuse. Readily recognized by McGruff the Crime Dog and the slogan, "Take a Bite Out of Crime," the campaign and its public education messages serve as positive symbols that can influence the public's understanding and behavior with respect to crime prevention, crime control, and drug abuse. In cooperation with BJA, NCPC also coordinates activities with members of the Crime Prevention Coalition of America and throughout the program period works with OJP offices, other DOJ agencies (e.g. EOUSA, DEA) and federal agencies (e.g., ONDCP, HHS and HUD) in an effort to enhance program goals, activities and products.

Public Safety Assistance to Communities. BJA is pursuing a number of initiatives, which will support technical assistance and demonstration efforts in our neighborhoods and communities. Results from the Comprehensive Communities Program (CCP) show that public, private, and community partnerships, which use deliberate strategies to focus on crime issues, can make a big difference, not only in the decreasing the crime rates, but also giving community residents a real opportunity to solve problems. National programs like the CCP, Tribal Strategies Against Violence, and the Federal Partners in Local Planning, reflect BJA's commitment to build the capacity within our local communities to sustain problem solving approaches. In 1999, BJA continued to focus on state, urban, rural, and tribal jurisdictions to promote comprehensive crime prevention and control strategies and to support implementation of those strategies. For example, the Statewide Communities Initiative (SCI), operating in Colorado, Maryland, Pennsylvania, and Virginia, will be expanded into other states to build the infrastructure of state, local, tribal, and neighborhood communities to develop deliberate and integrated strategic plans so that resources from various federal, state, and local sources can be applied in a more responsive way. The SCI will build the skills, knowledge, and abilities capacity at all levels to understand and apply the principles of strategic planning, partnership, and coalition building to sustain continued focus on problem solving in our neighborhoods and communities. In addition, SCI will seek to enhance coordination among state agencies in their strategic planning and allocation of block/formula resources.

During 1999, crucial elements and program design were developed to support implementation in 2000. Building upon lessons learned from recent system wide training, which targeted executive level managers from urban and tribal jurisdictions (i.e., The Cutting Edge

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and Community Analysis and Planning Strategies [CAPS]), technical assistance providers will be identified to enhance and/or design curricula to be administered through workshops targeting teams representative of both rural and tribal jurisdictions. Specifically, interactive sessions will provide participants with problem solving techniques and tools to effectively and accurately collect and analyze crime statistics; utilize analysis in strategic planning activities to develop a community-wide crime control and prevention plan (that is relevant and achievable in their community); and enhance the development of partnerships and collaborative efforts both in and outside of their jurisdiction. Under CAPS, 42 tribal teams, consisting of a total 268 participants, received training. This training was provided through seven regional training programs and one technical assistance program. Through the Cutting Edge initiative, three training sessions reaching 35 jurisdictions were held. Additionally, follow-up technical assistance was conducted in four jurisdictions in Florida.

2001 Program Change

In 2001, BJA requests $59.5 million for this program. This request represents an increase of $7.5 million over the 2000 appropriated level, to include funding for the following two new programs: (1) Alcohol and Drug Demonstration at $1.5 million, as described under the Breaking the Cycle Initiative, which begins on page 23; and (2) Tribal Criminal and Civil Legal Assistance Program at $6 million, as described under the New Challenges Initiative, which begins on page 109.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

PROGRAM/ DECISION UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant Program/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.7) To support improved criminal and juvenile justice capabilities at the state and local levels.
MISSION: To assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multi-level drug control strategies and violent crime prevention.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$46.5 M	$47M	$47M	$52M	$59.5M (b)
	2. Number of applications received	*	2800	1700 (a)	1492	1750	1750
Output/ Activity	3. Number of applications reviewed	*	1745	1700	1492	1750	1750
	4. Number of peer panels conducted	*	78	70	70	60 (d)	TBD (d)
	5. Number of awards made	*	232	175	200	240	240
Intermediate Outcome	6. Number of monitoring site visits made	*	147	110	150	150	150
	7. Number of cluster conferences held	*	6	10	10	6	6
	8. Number of practitioners attending BJA-sponsored training events	*	9,000	9,000	9,000	9,000	9,000
	9. Number of jurisdictions requesting technical assistance	*	N/A	N/A	N/A	TBD	TBD
	10. Number of jurisdictions receiving technical assistance	*	N/A	N/A	N/A	TBD	TBD
End Outcome	11. Number of promising program models/prototypes developed	*	13	15	18	N/A (c)	N/A (c)
	12. Number of successful formula grant projects funded to replicate discretionary grant programs	*	1,500	1,500	TBD (c)	N/A (c)	N/A (c)

A. Definitions of Terms or Explanations for Indicators and Data Source:
* Data Sources-information obtained through BJA files and grantee files to include monitoring, progress reports, and state and local reports. Indicators 9 and 10 were revised in FY 2000 and new data collection methods are being developed to ensure accurate data.

B. Issues Affecting 1999 Program Performance.
(a) The initial projection was incorrectly entered; it should have been 1700.
(c) Performance indicators 11 and 12 are not applicable to the majority of the base discretionary programs, and will be deleted during the next budget cycle. They will be replaced with new performance indicators, which more accurately measure program accomplishments.

C. Issues Affecting Selection of 2000 and 2001 Plans.
(b) This figure includes $1.5M for the Alcohol and Drug Demonstration program and $6M for the Tribal Criminal and Civil Legal Assistance program, in addition to the base program amount ($52M). Out of the base program amount of $52 million, the following programs are earmarked: Hate Crimes ($1.25M); Advocacy Center Training ($4.5M) and Kids and Guns Local Media Campaign ($10M).
(c) Performance indicators 11 and 12 are not applicable to the majority of the base discretionary programs, and will be deleted during the next budget cycle. They will be replaced with new performance indicators, which more accurately measure program accomplishments.
(d) This figure depends on the amount of funds earmarked by Congress, which has increased in recent years. As a result, the number of programs that will be funded through open competition is expected to decrease.

D. Validation and Verification.
To validate and verify performance indicators, the Program Development Division maintains records on the number of applications received, reviewed, and awarded. Contractors maintain records on peer review panels and attendance at conferences and provides this information in semi-annual progress reports. BJA has determined that indicators 11-12 are not reliable for verification purposes. Therefore, these indicators will be deleted and new indicators will be added in the FY 2002 budget cycle.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Local Law Enforcement Block Grants Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Local Law Enforcement Block Grants Program (LLEBG) is administered by the Bureau of Justice Assistance (BJA) and provides funds for purposes of reducing crime and improving public safety. The LLEBG planned program activities support OJP and DOJ goals and initiatives relating to providing assistance to State and local governments, investigating and prosecuting criminal offenses, and improving the criminal justice system. LLEBG's mission directly supports DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

LLEBG 1999 accomplishments include the following:

- BJA administered $523 million in funds authorized by Congress in FY 1999, the most since the program began in 1996. More than 3,500 jurisdictions in all 50 states and the 5 U.S. territories—an unprecedented number—applied for and received LLEBG assistance.

- BJA launched an Internet-based, end-to-end, electronic grant application and award system for the LLEBG Program. The system revolutionized how BJA works with state, local, and tribal grant recipients by putting at grant recipients' fingertips all of the information they need to apply for and receive LLEBG funding. In 1999, the system eliminated 6 weeks typically needed to prepare and mail out LLEBG application kits. The system will dramatically improve BJA's ability to collect, analyze, and disseminate information on how jurisdictions are spending LLEBG funds and improve BJA's outreach to potentially eligible jurisdictions.

- The reorganization of BJA's State and Local Assistance Division and the impact of time-saving information technology allowed SLAD grant managers to move their focus from administering LLEBG funds to helping state and local communities define and resolve criminal justice issues.

FY 2001 Performance Goals and Indicators

LLEBG is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Local Law Enforcement Block Grants
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Local Law Enforcement Block Grants	Amount
2000 Enacted	$523,000
2001 Base	523,000
2001 Estimate	0
Increase/Decrease	(523,000)

BASE PROGRAM DESCRIPTION

The LLEBG program primarily provides funding to units of local government for the general purposes of reducing crime and improving the criminal justice system. However, these funds are also available to states for re-award to local governments, which do not qualify for direct funding based on the distribution formula, and to State law enforcement agencies that provide law enforcement services to local governments. At the end of 2000, there will be 8,800 active block grants to approximately 3,100 grantees, requiring ongoing program administration, monitoring, and technical assistance.

The amount of funding provided to individual units of government is based on the average number of Part I Violent Crimes Reported through the Uniform Crime Report (UCR) for the three most recent years. The formula is statutorily mandated and consistent with the desire to focus resources more intensively on those jurisdictions where the violent crime actually occurs. There are seven statutorily prescribed program purpose areas for which LLEBG funds may be used. These purpose areas are consistent with OJP and DOJ goals and initiatives. This program also provides states and units of local government the flexibility to make programming decisions. The charts that follow provide detailed expenditures by program purpose areas and funding levels for technical assistance and training support provided for 1996 through 1998.

Local Law Enforcement Block Grant Program	Fiscal Year 1996		Fiscal Year 1997		Fiscal Year 1998	
	$ Amount	% Total	$ Amount	% Total	$ Amount	% Total
Program Area 1: Hiring	$ 67,265,658	17.58%	$ 54,055,476	13.52%	$ 46,958,742	11.47%
Overtime	$ 52,737,232	13.78%	$ 48,244,283	12.07%	$ 46,566,717	11.37%
Equipment/ Technology[1]	$175,605,251	45.89%	$213,355,072	53.39%	$239,408,412	58.49%
Program Area 2: School Security	$ 17,574,419	4.59%	$ 13,124,792	3.28%	$ 9,478,596	2.31%
Program Area 3: Drug Courts	$ 14,835,825	3.88%	$ 11,898,330	3.00%	$ 11,029,905	2.69%
Program Area 4: Adjudication	$ 16,934,832	4.43%	$ 12,841,973	3.21%	$ 13,034,531	3.18%
Program Area 5: Multi-jurisdictional Task Forces	$ 2,131,872	.56%	$ 3,016,188	.75%	$ 764,788	.18%
Program Area 6: Crime Prevention	$ 34,861,649	9.11%	$ 41,946,762	10.50%	$ 41,566,724	10.50%
Program Area 7: Insurance Indemnification	$ 697,044	.18%	$ 1,107,827	.28%	$ 462,766	.11%
Total All Areas:	$ 382,643,782	100%	$ 399,590,703	100%	$ 409,271,181	100%

[1]This category under Program Area One includes expenditures of LLEBG funds on crime technology, as well as more traditional law enforcement equipment expenditures.

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TECHNICAL ASSISTANCE & TRAINING
Local Law Enforcement Block Grants Program

Fiscal Year 1997	Fiscal Year 1998	Fiscal Year 1999
$2,103,231	$9,843,771	$10,853,607
For crime technology related technical assistance and training regarding MIS replication projects at State and local levels; and Tribal Court MIS system development.	For crime technology assistance and training regarding cybercrime, surveillance technologies, and drug court programmatic MIS development.	For technical assistance and training regarding automated grants administration, surveillance technologies, information technology strategic planning, and Alaska native criminal justice planning.

Program Evaluation: Phase I (process evaluation) of the LLEBG program evaluation being conducted by the National Institute of Justice should be completed in 2000. The evaluation will be continued with Phase II to review jurisdictions using an "outcomes-oriented" approach with the grant funds.

Technology: In addition to BJA's block grants program, each year since 1996, $20 million in LLEBG funds have been made available to NIJ for the purpose of assisting local units of government to identify, select, develop, modernize, and purchase new law enforcement technologies.

In 1999, Congress extended this 1 percent or $20 million set-aside for these purposes. NIJ targeted the LLEBG set-aside fund to develop testing and standards, investigative and forensic science, officer protection and crime prevention, training and simulation, less-than-lethal, and communications and information technologies. In 1999, Congress earmarked $10 million of these funds for the Safe Schools Initiative. The remaining $10 million will be targeted for:

- NIJ established Technical Working Groups (TWGs) for the development of reliable forensic evidence, including: crime scenes, eyewitness evidence, electronic/computer crime, and training of evidence technicians. In addition NIJ supported the National Commission on the Future of DNA and the establishment of the National Center for Forensic Sciences.

- Officer protection and crime prevention includes: testing of surveillance technology, development of a School Security Technology Guide, further development and assessment of a personal alarm monitor, development of a health status monitor

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for use by corrections agencies, and assessment of per fluorocarbon taggant technologies to detect dangerous contraband (e.g., explosives)

- Training and simulation projects include computer-based interactive training, training and simulation for bomb training, and video-based interactive training.

- Among Less-Than-Lethal projects is development of vehicle stopping methods (primarily those using electronic discharge technologies).

- Communication and information technology projects include: information technology for selected High Intensity Drug Trafficking Areas; standardization of wireless communication planning, development, and dissemination; and improvement of law enforcement interoperability for fixed and mobile systems.

Boys and Girls Clubs: In 1999, $40 million was earmarked for LLEBG for the Boys and Girls Clubs of America (B&GCA) to establish, enhance, and expand Boys and Girls Clubs. The program targets communities where children are most disadvantaged. In 2000, $50 million will is available to the B&GCA to continue efforts to provide at-risk boys and girls with a fully and fair opportunity to lead productive and meaningful lives.

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2001 Program Change

There are no continuation funds requested for this program in 2001, as other new programs targeting community justice and law enforcement are proposed. In addition, continued OJP programs such as the Byrne program, the VAWO program, and the Drug Court program provide resources which may be used by State and local jurisdictions to purchase technologies.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Local Law Enforcement Block Grants (LLEBG) Program/Bureau of Justice Assistance (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.3.2) To encourage community-based approaches to crime and justice at the state and local level.
MISSION: To restore funding to the LLEBG program, which provides funding directly to units of state and local governments and to Indian tribes for the general purposes of reducing crime and improving criminal justice programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$503M*	$463M*	$463M*	$523M	$0 *
	2. Any changes in statutory requirements	OCPA					
	3. Number of active grants from previous fiscal years	OC	a/	8,770	8,770	8,800	
	4. FTEs assigned to program management	SLAD	a/	13.5	13.5	13.5	
	5. FTEs assigned to related program and technical assistance	SLAD	a/	12.5	12.5	12.5	
	6. Development of integrated information systems (IIS) for tracking all program components: System implementation - 9/30/00 Major annual system revisions/ updates - 9/30/01	SLAD/OA	N/A	N/A	N/A	N/A	

Output/ Activity	7. Number of grants closed	OC	a/	2,655	0 b/	5,641 b/	
	8. Number of grants awarded	OC	2,981	3,100	0 c/	6,200 c/	
	9. Number of desk reviews conducted	SLAD	a/	3,100	261 d/	240	
	10. Number of on-site compliance visits conducted	SLAD	189	240	261	240	
	11. Number of on-site technical assistance visits conducted	SLAD	a/	a/	a/	8	
	12. Number of on-site program assistance visits conducted	SLAD	a/	5	5	7	
Intermediate Outcome	13. 1 to 1 ratio for grantees examined for compliance in order to establish baseline for addressing criminal justice issues	SLAD	a/	1:1	1:1	1:1	
	14. 1 to 1 ratio of SLAD responses to grantee requests for technical assistance in order to improve grantee use of LLEBG funds	SLAD	a/	1:1	1:1	1:1	
	15. 1 to 1 ratio of SLAD responses to grantee requests for program assistance visits	SLAD	a/	1:1	1:1	1:1	
	16. Number of programs identified that exhibit a high probability of improving the operation of criminal justice system (as stated in the mission) and can serve as new peer-to-peer resources made available to all program grantees	SLAD	a/	a/	e/	e/	
	17. Ability to effectively and efficiently report out to Congress, the Department, and interested parties on program components, including compliance issues and exemplary initiatives: Establish initial ability - 9/30/00 Maintain ability - 9/30/01	SLAD/OA	a/	a/	a/	a/	

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End Outcome	18. SLAD maintains that by following the above strategic performance model, it will be able to provide Congress with information to assess the contribution being made by LLEBG to address criminal justice issues across the nation.	SLAD	a/	a/	a/	a/	
Productivity/ Efficiency	19. Ratio of number of grants closed to number of program management FTEs assigned	SLAD	a/	2655 : 13.5	0 b/ : 13.5	5641 b/ : 13.5	
	20. Ratio of awards processed to program management FTEs assigned	SLAD	a/	3100 : 13.5	0 c/ : 13.5	6200 c/ : 13.5	
	21. Ratio of desk reviews conducted to number of program management FTEs assigned	SLAD	a/	3100 : 13.5	260 : 13.5 e/	240 : 13.5	
	22. Ratio of on-site monitoring visits conducted to number of program management FTEs assigned	SLAD	a/	240 : 13.5	260 : 13.5	240 : 13.5	
Effectiveness	23. Ratio of number of programs identified for peer-to-peer resources to number of site visits conducted	SLAD	a/		e/ : 261	e/ : 240	
	24. Ratio of number of program and technical assistance FTEs assigned to percentage of technical assistance responses	SLAD	a/	12.5 : 100	12.5 : 100	12.5 : 100	

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ The GPRA information for LLEBG was redesigned in 1999, in keeping with newly established values and goals as a result of a reorganization within the Bureau of Justice Assistance. Therefore, data for 1998 actuals are not available for certain indicators.
b/ FY 1996 grants were not closed during FY 1999 due to a change in the expenditure policy which had potential impact on the close-out of these grants. Therefore, SLAD will close-out these grants during FY 2000, along with the FY 1997 grants.
c/ Technical difficulties with development and implementation of the application system and award systems, primarily with the application server, significantly delayed the application and award processes. However, BJA continues to work with the Information Resources Management Division (IRMD) to complete application verification and award capabilities. While actual awards were not made by September 30, 1999, financial obligations were completed for 1,835 LLEBG applicants amounting to $316,979,648 in fiscal year (FY) 1999 funds. LLEBG awards for FY 1999 funds will be made during FY 2000.
d/ It was anticipated that desk reviews would be conducted following the implementation of the new LLEBG grants management system. However, due to delays in system development and implementation, which resulted in a revised time line for system implementation, automated desk review capabilities were not completed during FY 1999. Thus, desk reviews were completed for the 260 grantees monitored for compliance, rather than for all LLEBG grantees.
e/ Future indicator which is based on system development and implementation which will provide the analytic framework to identify promising programs.

Compliance monitoring - on-site review of all program activities, including compliance and actual program initiatives, as conducted according to standardized review protocol in order to address/review statutory, regulatory, and programmatic requirements.
Desk review - internal review of documents and other information submitted by grantees as conducted according to standardized review protocol.
IIS - Integrated information systems which equate to both an information management system and a management information system.
Information management system - software system designed to integrate the application, award, progress reporting, and monitoring phases of grants management into one integrated information system.
OA - Office of Administration, Office of Justice Programs.
OC - Office of the Comptroller, Office of Justice Programs.
OCPA - Office of Congressional and Public Affairs, Office of Justice Programs.
Program assistance monitoring - general assistance to address any criminal justice system needs that may/may not be funded directly with LLEBG program funds; this type of assistance could be combined with more targeted technical assistance to ensure community success in dealing with criminal justice issues.
SLAD - State and Local Assistance Division, Bureau of Justice Assistance.

Technical assistance monitoring - to provide on-site guidance, expert advice, and/or training on program planning, implementation, and administration as it relates directly to program activities; this type of assistance could be combined with more general program assistance to ensure community success in dealing with criminal justice issues.

B. Issues Affecting 1999 Program Performance. * In each 1998 and 1999, LLEBG was appropriated a total of $523 million. The amounts shown reflect the balance available after netting out the $20 million LLEBG technology setaside and the $40 million Boys and Girls Club earmark. The 2000 amount reflects an appropriation of $497,884,500 less the $20 million LLEBG Technology setaside for NIJ plus the $50 million Boys and Girls Club earmark.

C. Issues Affecting Selection of 2000 and 2001 Plans. * Funds were not requested in President's Budget for FY01.

D. Validation and Verification.
Performance indicators are generally based on the following activities: awards made, desk reviews completed in preparation for on-site visits, on-site compliance monitoring visits, on-site program documentation and assistance visits, technical assistance visits, and the close-out of grants. Activities are routinely tracked and documented , which in turn provides the verification for reported data. For example, staff monitoring reports are used to verify completion of on-site compliance monitoring visits conducted and to review program and documentation assistance activities, as well as technical assistance activities.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
State Criminal Alien Assistance Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the State Criminal Alien Assistance Program (SCAAP) is to provide federal assistance to states and units of local government incurring costs of incarcerating illegal aliens convicted of one felony or two misdemeanor offenses and to expedite the transfer of custody for certain deportable aliens. In 2001, SCAAP planned activities and ongoing activities support the goals and initiatives of OJP and DOJ that deal with providing assistance to State and local governments. SCAAP's mission directly supports DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, $585 million was available for SCAAP. Of this amount, $420 was provided as direct appropriations and $165 million was available from the State Prison Grants Program. Funds were awarded in July 1999, to 336 jurisdictions.

FY 2001 Performance Goals and Indicators

SCAAP is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
State Criminal Alien Assistance Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

State Criminal Alien Assistance Program	Amount
2000 Enacted	$585,000
2001 Base	420,000
2001 Estimate	600,000
Increase/Decrease	$180,000

BASE PROGRAM DESCRIPTION

The State Criminal Alien Assistance Program (SCAAP) is authorized under section 20301 of the Violent Crime and Law Enforcement Act of 1994 (VCCLEA) and governed by the Immigration and Nationality Act of 1990, as amended at 8 U.S.C. 1251(i). It is administered by BJA with the assistance of the Immigration and Nationalization Service (INS). SCAAP provides federal assistance to State and units of local government to help cover the costs of incarcerating certain categories of aliens (primarily those entering the United States without inspection or overstaying visas) who have been convicted of one felony or two misdemeanors.

Recognizing that the record-keeping systems used by many individual State and local correctional facilities may not be very technologically advanced and the fiscal systems used are complex, BJA has been flexible in the requirements for inmate and cost data during the first few years of program implementation. However, as the program continues and these requirements are refined and the information requested is standardized, the impact of SCAAP in fostering improved records and fiscal systems within correctional institutions will also become significant. Information is requested not only on numbers of suspected illegal aliens, but on all possible aliens in applicant facilities (i.e., all self-reported foreign born inmates and any others with indicators of alien status), on the offense that qualifies them for reimbursement, and on the foreign country from which they came to the United States. This information will allow INS to better map out the scope and distribution of criminal aliens within State and local institutions and better identify areas where significant numbers of undocumented aliens need to be processed for removal. The information on costs of incarceration

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developed as part of the application process will help fill gaps in knowledge at the federal level about the total burden on states and local jurisdictions resulting from the activities of all categories of aliens.

In accordance with 1999 appropriation language, 1998 applicant data submissions were used to support 1999 awards. In addition, the cycle for SCAAP awards was changed so that awards can be made in the same year in which funds are appropriated.

Below is a chart displaying the average payout per dollar of claim for qualifying alien inmates for the past six years for SCAAP.

Fiscal Year	Average Payout Rate (per $ of claim)
FY 1995*	17 cents
FY 1996	60 cents
FY 1997	34 cents
FY 1998	40 cents
FY 1999	39 cents
FY 2000	35 cents
FY 2001 Plan	41 cents**

* Note: This was the first year this data was available.

2001 Program Change

In 2001, BJA requests a total of $600 million in direct funding for SCAAP, which is $180 million above the 2000 base level. A detailed description of the 2001 SCAAP enhancement request can be found in the Current Investments Initiative on page 122.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Current Investment
PROGRAM/ORG UNIT: State Criminal Alien Assistance Program (SCAAP)/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.6) Support improved criminal capabilities at the state level by providing direct operational support for resolving unusual crime problems.
MISSION: To provide federal assistance to states and localities for the costs of incarcerating certain criminal aliens who are being held as a result of state or local convictions.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$585M a/	$500M	$585M a/	$585M a/	$600M
	2. Number of applications received	b/	297	320	336	320	350
Output/ Activity	3. Number of applications reviewed	b/	297	320	336	320	350
	4. Number of awards made	b/	297	300	336	300	350
End Outcome	5. Number of inmate days for which payment is made	b/	66,690	70,000	69,673 c/	70,000	75,000
	6. Average payout per dollar of claim for qualifying alien inmates	b/	40 cents	35 cents	39 cents	35 cents	41 cents

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ Reflects $420M in direct SCAAP appropriations plus $165M earmark from Correctional/State Prison Grants.
b/ Information is obtained from grantee applications, BJA automated SCAAP systems, and INS databases.
c/ Artificial calculation based on the total number of days divided by 365.

B. Issues Affecting 1999 Program Performance.
Congress mandated that funds be awarded in the same year as appropriated. An abbreviated process was used whereby 1998 data was the basis for determining 1999 awards.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In FY 2000, the normal application/award process will resume with subsequent awards in the spring of the year appropriated.

D. Validation and Verification.
Data is generated and verified from SCAAP applications, BJA automated SCAAP systems, and INS databases.

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2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Correctional Facilities Grants Program is to enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time and to ensure that the actual time served by Part 1 violent offenders is accurately reflected in their sentences. The Correctional Facilities Grants Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, the goal of 5,000 new prison, jail or alternative beds constructed was significantly surpassed. With the reported construction of 12,427 new beds, this is a landmark year reflecting tremendous progress toward the program goal of increasing bed space for violent offenders. The numbers of beds are anticipated to increase dramatically over the next 2 years as some multi-year construction projects are nearing completion. Additionally, the number of states qualifying under the Truth-in-Sentencing Grant Program increased from 25 in 1996 to 30 in 1999.

During 1999, OJP's Corrections Program Office (CPO) provided extensive technical assistance and guidance, not only through on-site technical assistance visits, but through extensive workshops, symposiums, and conferences for grantees and the criminal justice community at large. This training and technical assistance provided essential information to corrections practitioners and policymakers to enable them to make informed decisions about the management of violent offenders within prison and jail systems. Two examples of CPO sponsored and co-sponsored events held in 1999 are as follows:

- **National Corrections Conference on Cost Effective Interventions for Substance Abusing Offenders.** This conference continued the assistance to state policymakers in making informed decisions about state policies related to substance abusing offenders. It focused on state efforts to achieve systems integration and to maximize resources across state agencies to create drug-free prisons and drug testing, treatment, and sanctions programs that are effective in reducing drug use and related crime among offenders in institutions and in the community following release.

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- **National Workshop on Privatization.** This workshop brought together correctional administrators and other key policymakers in the states to help them make informed decisions about privatization of correctional operations and support services and to effectively manage these activities if the state decides to pursue privatization.

- **Training on Planning and Designing Juvenile Correctional Institutions.** This training was a series of three week-long workshops provided by the National Institute of Corrections with support from the CPO and the Office of Juvenile Justice and Delinquency Prevention. The training was designed to assist state juvenile corrections agencies and local and tribal jurisdictions in planning and designing correctional facilities and detention centers that meet their needs. Topics addressed include the following: the facility development process, planning team role clarification and decision-making process, mission statement, using data for facility planning, building in space for programs and services, new facility staffing, development of a space program, direct supervision, site evaluation, and transition and activation.

FY 2001 Performance Goals and Indicators

The Correctional Facilities Grants Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Correctional Facilities Grants Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Correctional Facilities Grants Program	**Amount**
2000 Enacted	$653,533
2001 Base	686,500
2001 Estimate	75,000
Increase/Decrease	($611,500)

BASE PROGRAM DESCRIPTION

The Corrections Program Office (CPO) was established within the Office of Justice Programs (OJP) in 1995 to implement the correctional grant programs created by the Violent Crime Control and Law Enforcement Act of 1994, as amended (Crime Act). The Violent Offender Incarceration and Truth-in-Sentencing Incentive Formula Grant (VOI/TIS) Program is the vehicle used by CPO to administer the correctional grant program.

The Violent Crime Control and Law Enforcement Act of 1994 (Crime Act) addressed the need for additional prison and jail capacity so that violent offenders can be removed from the community and the public can be assured that the offenders will serve substantial portions of their sentences. Through the VOI/TIS, created under Title II, Subtitle A of the Crime Act, Pub.L. 103-322, as amended, formula grant funding is available to states to build or expand correctional facilities and jails to increase secure confinement space for violent offenders. Half of the funds are available for Violent Offender Incarceration Grants and half as incentive awards to states that implement Truth-in-Sentencing. States may apply for grants in both categories. States may make sub-awards to state agencies and units of local government. Between 1996 and 1998, over $1.3 billion was distributed to jurisdictions under the VOI/TIS Program. In 1999, $481 million was awarded to states through formula grant programs and an additional $34 million was provided to Indian Tribes to construct jails on tribal lands.

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The VOI/TIS program goals include:

- Provide assistance to states to build or expand correctional facilities to increase the bed capacity for the confinement of violent offenders.

- Promote the implementation of truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed.

Although, the federal government has strongly encouraged states to participate in this program, it is not anticipated that any additional states will adopt the Truth-In Sentencing (TIS) legislative provisions beyond the 30 states participating at the end of 1999. Three years have elapsed since the inception of the TIS program in which states have had ample time to evaluate its costs and benefits and whether or not to adopt.

To date, CPO's efforts to build capacity for violent offenders has been successful. Research indicates that a more cost effective means of building capacity for violent offenders is to stop the criminal justice revolving door by treating substance abuse offenders, especially non-violent offenders. Research findings also determined that as a nation we cannot build our way out of this paradigm. Now that the program has reached its maximum potential and target audience, funding should be redirected to other federal prison building efforts.

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2001 Program Changes:

In 2001, a total of $75 million is requested for the VOI/TIS program. Of this amount, $34 million is for construction of detention facilities on Tribal lands, $35 million for the continuation of the USMS Cooperative Agreement Program (CAP), which is a $10 million increase over the 1999 appropriation; and $6 million for Mental Health of Offenders Program. A detailed description of the Mental Health of Offenders Program can be found under the New Challenges Initiative request, which begins on page 101.

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grants/Corrections Program Office
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth in sentencing laws.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report	Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$509M	$561M	$490M	$686.5M	$75M
	2. Number of applications received	CPO Records	112	110	111	112	56
	3. Number of requests for on-site or host-site technical assistance received from state or local jurisdictions/projects	CPO Records	110	110	76	TBD*	TBD*
Output/ Activity	4. Number of awards made	CPO Records	112	110	111	112	56
	5. Number of technical assistance workshops and national technical assistance conferences for grantees	CPO Records	11	4	4	TBD*	TBD*
Intermediate Outcome	6. Number of states that are implementing truth in sentencing	CPO Records	28	28	30	30	30
	7. Number of new prison, jail or alternative beds under construction	CPO Records	8,000	10,000	21,559	TBD*	TBD*
	8. Number of new prison, jail or alternative beds constructed	CPO Records	4,333	5,000	12,427	TBD*	TBD*
	9. Number of beds leased under the privatization provisions	CPO Records	675	500	1,423	TBD*	TBD*
	10. Number of policy makers or practitioners that received technical assistance, training, or information	CPO Records	2,905	1,500	2,703	TBD*	TBD*
End Outcome	11. Average percent of sentence served by Part 1 violent offenders released from state prison	BJS Report	54%	54%	TBD**	TBD**	TBD**
	12. Percent of admissions to state prison for Part 1 violent offenses sentenced under a truth in sentencing law that requires the offender to serve at least 85% of the sentence imposed	BJS Report	42%	42%	TBD**	TBD**	TBD**

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined. * Information should be available mid-2002,after grant awards have been made.

** Indicators 11 & 12 - Updated data for the end outcome measures will be provided when it becomes available from the Bureau of Justice Statistics. Given the long term nature of the construction projects (most take 3 - 7 years), it has taken the states time to effectively plan and utilize the money and, therefore, CPO will see more beds constructed and in use in the outgoing years. Additionally, many states will not receive enough funds in any one year to complete a construction project and will therefore, accumulate several awards prior to building.
Note: data reflects beds funded by OJP only.

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B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2000, a total of $653.5 million is requested, of which $25 million is for the USMS Cooperative Agreement Program (CAP) and $34 million is for Indian Country.
In 2001, a total of $75M is requested for the State Corrections Program. The Violent Offender Incarceration and Truth in Sentencing Incentive (VOI/TIS) Grant Program is administered by the Corrections Program Office (CPO). Of the $75 million, $34 million is for construction of detention facilities on Tribal lands, $35 million for the continuation of the USMS Cooperative Agreement Program (CAP), which is a $10 million increase over the 1999 appropriation; and $6 million for Mental Health of Offenders Program.

D. Validation and Verification:
Information is validated through technical assistance onsite visits.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Indian Tribal Courts Program
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of this program is to assist tribal governments in the development, enhancement and continuing operation of tribal judicial systems by providing resources for the necessary tools to sustain safer and more peaceful communities, by focusing on juvenile and family issues as well as non-traditional approaches to justice, to enhance the administration of civil and criminal justice on Indian lands, and to encourage the implementation of the Indian Civil Rights Act by tribal governments. While promoting greater cooperation among tribal, state, and federal justice systems, this Initiative will assist tribal justice systems to coordinate programs and services within its tribal structure with law enforcement, victims services, treatment providers and others. The Initiative will also assist with technology development to ensure that tribal justice systems can communicate within the tribal and non-tribal justice community. The Department will consult with tribal leaders and court personnel on the development of this initiative.

This 2001 program request and performance plan directly support the Department of Justice's (DOJ) Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments**. In addition, this Initiative is consistent with the DOJ policy on Indian Sovereignty and government to government relations with Indian tribes and the Indian Tribes law enforcement initiative.

Highlights of 1999 Mission Critical Results

Through the Indian Tribal Courts Program, tribal communities receive assistance in developing justice systems through a combination of technical assistance and direct funding for specific projects. To date, 1999 data for the indicator "number of cases handled by tribal courts" is unavailable as awards have not been made. The solicitation process for the Indian Tribal Courts Program could not begin prior to Congressional approval of the funding plan in May 1999. The Bureau of Justice Assistance (BJA) disseminated the program solicitation in June 1999, and 184 tribes submitted concept papers in early August 1999. BJA anticipates awarding 70 Tribal Courts Program grants in March 2000.

The 1999 Tribal Courts Program was part of the Department of Justice's initiative to Improve Indian Country Law Enforcement, which provided funding to tribal communities for purposes such as hiring, equipping, and training law enforcement officers and

building new jails and detention facilities in Indian Territory. This comprehensive Indian Law Enforcement Initiative is aimed at improving criminal justice services and reducing the rate of crime among the 1.4 million Native Americans living on or near Indian lands.

FY 2001 Performance Goals and Indicators

The Indian Tribal Courts Program is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Indian Tribal Courts Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Indian Tribal Courts Program	**Amount**
2000 Enacted	$5,000
2001 Base	5,000
2001 Estimate	15,000
Increase/Decrease	$10,000

BASE PROGRAM DESCRIPTION

"Today, in the United States, we have three types of sovereign entities--the Federal government, the States, and the Indian tribes. Each of the three, sovereigns has its own judicial system, and each plays an important role in the administration of justice in this country," (Supreme Court Justice Sandra Day O'Connor).

Tribal courts have existed in one form or another for several hundred years. The last ten years, however, have witnessed an unparalleled growth in their vitality, importance, and workload. This is due to a number of factors including economic growth and development on many reservations. This growth has increased the need for reliable means of settling disputes that arise in the ordinary course of business. This is especially true when business responds to the changing needs of the communities that they serve raising issues, such as how to appropriately regulate complex matters like gaming, air and water pollution control, mining, banking, and toxic waste disposal. Just as in other parts of the country, crime has spread on reservations at a rapid rate, thereby increasing the need for criminal adjudication in tribal courts.

Because of these challenges and a lack of funds, tribal court judges and court personnel handle astounding caseloads. For example, in 1996 the Navajo Nation court system handled over 25,000 cases; the much smaller Gila River Tribal Court in Arizona handled over

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3,000 cases; the Colville Tribal Court in Washington handled approximately 1,700; the Ft. Peck Tribal Court in Montana, approximately 3,100; and the Ft. Hall Tribal Court in Idaho, approximately 4,000.

This is a new program that was first appropriated to OJP in 1999, at a level of $5 million. BJA has used some of its discretionary funds to support improvements in Indian Tribes, including funding, in 1997, for the National Indian Justice Center to provide technical assistance and training for tribal court judges in the areas of domestic violence, child abuse, and gang violence. Another program, the Tribal Strategies Against Violence (TSAV) Program, in 1997 and 1998 provided direct funding and technical assistance to a number of individual tribes, emphasizing crime prevention initiatives.

In 2000, the Tribal Court Program will (1) provide financial and technical assistance for federally recognized Indian Tribal governments to further development, enhancement and continuing operation of tribal judicial systems; (2) provide education and training for tribal court personnel; and (3) promote cooperation and coordination among tribal justice systems and the federal and State judiciary systems. Also in 2000, BJA anticipates funding the development of new tribal courts, the implementation of recently developed tribal courts, as well as the enhancement of existing tribal courts. In addition, BJA anticipates the development and enhancement of tribal judicial and inter-tribal court systems. This program will be competitive, based on the extent and urgency of the need of each applicant. As directed by Congress, BJA will fund the Wapka Sica Historical Society of South Dakota and the Winnebago tribe of Nebraska to assist in the enhancement of their tribal judicial systems. These tribal courts will enable Native American and Alaskan Native communities to sustain safer communities and enhance the administration of civil and criminal justice on Indian lands, and promote cooperation among tribal, state, and federal judicial systems.

The Indian Tribal Court Initiative complements the White House law enforcement initiative and addresses findings of the U.S. Commission on Civil Rights. First, the White House has acknowledged the rise of violent crime on Indian reservations, and directed the Department of Justice and department of Interior's Bureau of Indian Affairs to work with tribal leaders on the law enforcement problems on Indian lands. The White House cites that during the past five years, as the homicide rates nationwide have dropped as much as 22 percent, on Indian lands crime rates have increased dramatically. Second, the U.S. Commission on Civil Rights found that tribal justice systems were inadequately funded by the federal government--as the judiciary of the third sovereign nation, tribal justice systems make significant contributions not only to Indian communities but to our national administration of justice.

2001 Program Change

The 2001 request for this program is $15 million, an increase of $10 million above the 2000 appropriated level. A detailed description of the 2001 initiative can be found in the New Challenges Initiative on page 117.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: New Challenges
PROGRAM/ORG UNIT: Indian Tribal Courts/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.4) Indian Country
MISSION: To promote coordination and cooperation among tribal justice systems and the federal and state judiciary systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.		$5M	$5M	$5M	*$15M
Output/ Activity	2. Number of planning grants awarded	BJA Reports		45	45	15	TBD
	3. Number of enhancement grants awarded	BJA Reports		30	30	15	TBD
	4. Number of implementation grants awarded	BJA Reports		0	0	45	TBD
Intermediate Outcome	5. Number of tribal courts implemented with planning grant funds	BJA Reports		TBD	TBD	TBD	TBD
	6. Number of training seminars held for sites awarded planning grants	BJA Reports		TBD	TBD	TBD	TBD
	7. Number of on-site technical assistance visits to tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	8. Number of court personnel trained and educated in tribal court procedure	BJA Reports		TBD	TBD	TBD	TBD
End Outcome	9. Number of cases handled by tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	10. Ratio of cases heard to cases closed by tribal courts	BJA Reports		TBD	TBD	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To Be Determined (See Section B for explanation).

B. Issues Affecting 1999 Program Performance: Congress did not approve a funding plan for tribal courts until May 1999 and therefore the grant solicitation process did not begin until June 1999. Grants will not be awarded until March, 2000 and therefore actual intermediate and end outcomes will not be available until 2001.

C. Issues Affecting Selection of 2000 and 2001 Plans: * In 1999 and 2000, OJP was appropriated $5 million for this program. In 2001, OJP requests an enhancement of $10 million, bringing total funding to $15 million. In 2000, additional planning grants will be made, as well as implementation grants to those tribes who received planning grants in 1999. Enhancement grants will be made to those tribes who already have courts. Tribal courts have existed in one form or another for several hundred years. The last 11 years, however, have witnessed an unparalleled growth in their vitality, importance, and workload. This is due to a number of factors such as economic growth and development on reservations. This growth has increased the need for a reliable means of settling disputes that arise in the ordinary course of business. This enhancement will allow for enhancement and continued operations of existing tribal courts and for development and awarding of planning grants to tribes who wish to start a tribal court.

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Court Appointed Special Advocates
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The rates of child abuse and neglect continue to increase every year with over one million confirmed cases of abuse and neglect in 1995. The Court Appointed Special Advocates (CASA) Program's mission is to provide for a Court Appointed Special Advocate to every victim of child abuse or neglect in the United States that needs such an advocate. This project recognizes the need for technical assistance in program development and public relations, so that CASA programs can effectively complement the services provided to children and their families through the existing juvenile court and social service delivery system.

The Court Appointed Special Advocates (CASA) Program request/performance plan directly supports the overall assistance to State and local governments mission priorities, general goals and strategic approaches that are included in the Department of Justice's (DOJ) Strategic Plan: **Assistance to Tribal, State and Local Governments:**

Highlights of 1999 Mission Critical Results

The 1999 goals of all indicators under CASA program were exceeded. The CASA program is a national program that supports volunteer advocates to represent abused and neglected children's interests in court. In 1999, this program served 906 jurisdictions across the United States. This reflects a significant increase from the 810 jurisdictions served in 1998. Although this number represents only 27% of the total US jurisdictions, CASA programs have been established in jurisdictions where 72% of the US population reside. Similarly, the number of children served increased by over 10,000 in 1999. These two program outcomes along with the increase in the number of state and local CASA programs, demonstrate the significant national impact of this program.

FY 2001 Performance Goals and Indicators

CASA is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Court Appointed Special Advocates
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Court Appointed Special Advocate Program	**Amount**
1999 Enacted	$10,000
2000 Base	10,000
2000 Estimate	9,000
Increase/Decrease	(1,000)

BASE PROGRAM DESCRIPTION

The Court Appointed Special Advocate (CASA) Program is authorized by Section 218(a) of the Victims of Child Abuse Act of 1992, 42 U.S.C. 13014(a), and Section 261(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5665. This program is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Beginning in 1996, the CASA program was funded under the Violent Crime Reduction Programs Trust Fund. This project recognizes the need for training, technical assistance in program development, data collection and evaluation, public relations and resource development, so that CASA programs can effectively complement the services provided to children and their families through the existing juvenile court and social service delivery systems.

To advance program services/growth objectives of the project, the National Court Appointed Special Advocate Association (NCASAA) provides ongoing direct consultation and referral to CASA programs and other resources. NCASAA encourages the development of unified, strong organizations at the State level for the purpose of support for new programs, communication among existing programs, training, support for program quality and consistency, and advocacy with their State legislatures. NCASAA also promotes and enhances effective, well-managed local CASA programs providing volunteer representation of children.

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Program Activities:

Children - One of the CASA primary objectives is to increase the number of abused and neglected children receiving representation through indigenous CASA programs in tribal and State courts.

Technical Assistance - A variety of technical assistance services are provided to CASA programs to support their program operations, volunteer representation of children, and promote excellence and consistency in CASA programs.

Training - The objectives of training are to provide specialized training for CASA program staff; to promote use of a comprehensive training curriculum; and to provide interdisciplinary training and discuss issues affecting abused children.

Grants Program - In 1998, NCASAA was able to provide grants to all State CASA organizations who qualify, for the first time. This was also the first year that CASA was able to award demonstration grants. A grant was made for a kinship care project, to establish permanence in the lives of the children served. Another demonstration grant was for a prevention program, identifying children in school who are neglected, and providing assistance to help these families before they enter the abuse and neglect system.

Public Awareness - The objectives of public awareness are to support programs in their community outreach and volunteer recruitment efforts.

2001 Program Change

The 2001 request of $9 million is $1 million less than the 2000 enacted appropriation.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Base Program
PROGRAM/ORG UNIT: Court Appointed Special Advocate Program/Office of Juvenile Crime Control and Prevention
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1.3) To emphasize both enforcement and prevention strategies to counter youth violence through targeted programs that provide funding and specialized assistance to states and localities.
MISSION: To provide a Court Appointed Special Advocate (CASA) for every victim of child abuse or neglect in the U.S. that needs one.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$7M	$9M	$9M	$10M	$9M
	2. Applications received	OJJDP Reports	150	240	240	260	260
Output/ Activity	3. Number of awards made	OJJDP Reports	100	100	107	100	100
	4. Issuance of program guidelines by grantee	Grantee Reports	1	1	1	1	1
	5. Developments/refinement of core curriculum	Grantee Reports	1	1	1	1	1
	6. Number of collaborative events sponsored or supported	Grantee Reports	100	100	67	100	100
Intermediate Outcome	7. Number of monitoring site visits made (grantee visits)	Grantee Reports	22	22	20	30	30
	8. Number of training conferences conducted	Grantee Reports	2	1	2	1	1
	9. Number of technical assistance consultations provided	Grantee Reports	1,500	2,000	35,934	36,000	36,000
	10. Number of membership services provided	Grantee Reports	180,000	197,000	211,868	220,000	220,000
End Outcome	11. Number of children served	Grantee Reports	172,000	180,000	183,340	198,000	198,000
	12. Number of jurisdictions served	Grantee Reports	810	840	906	912	912
	13. Number of local CASA programs	Grantee Reports	770	806	843	851	851
	14. Number of state-wide CASA programs	Grantee Reports	44	41	45	46	46
	15. Number of training events conducted	Grantee Reports	16	18	119	120	120
	16. Number of CASA volunteers recruited	Grantee Reports	50,000	50,000	47,107	51,000	51,000
	17. Number of documents disseminated	Grantee Reports	75,000	84,700	87,000	93,000	93,000

A. Definitions of Terms or Explanations for Indicators and Data Sources:
#2 and #3 - applications and awards are based on a physical count of applications and awards made.
#4 - program guidelines - remains a constant for the national CASA standards.
#5 - core curiculum - Remains a constant, referring to the standardized national volunteer training curriculum. Revision of the core curriculum is a three-year project.
#6 - 10 - are based on an actual count of individual activities by national CASA staff and reported semi-annually to OJJDP.
#11 - number of children served - is based upon self-reporting by individual CASA programs in response to a national survey conducted in 1999. The count is reflective of the number as of 1/99.
#12 - is based upon an actual count of all US counties which are served by a CASA/GAL program.
 # 13, 14, 16 - are based upon responses received from CASA programs in a survey conducted in 1999. He count is reflective of the number as of 1/99.
 # 15 and 17 are based upon an actual count of these activities by National CASA staff and reported semi-annually to OJJDP.

B. Issues Affecting 1999 Program Performance. #9 - Technical assistance consultations appear as a substantial increase in 1999 actual, because it also accounts for telephonic and electronic consultations, which were not accounted in previous years.
#15 - Training events conducted increased substantially in 1999, because of the addition of two field staff. These staff are better positioned to attend and participate in state training and local program training events.

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Validation and Verification.
Implementation of performance measures will be validated and verified through a review of progress reports submitted by grantees; telephone contact and monitoring of grantees' performance by grant program managers.

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Child Abuse Training Programs for Judicial Personnel and Practitioners
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of this program is to develop, refine and implement model training and technical assistance programs to improve the juvenile and family courts' handling of abuse and neglect cases and the design of model programs to improve State court systems.

The Child Abuse Training Programs for Judicial Personnel and Practitioners program request and performance plan directly supports the overall assistance to State and local governments mission priorities, general goals and strategic approaches that are included in the Department of Justice's (DOJ) Strategic Plan: **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

Program Activities of the National Council of Juvenile and Family Court Judges Permanency Planning for Children Department's (PPCD) Model Court Project:

- Conducted 47 planning and dissemination conferences.
- Provided 67 jurisdictions with technical assistance.
- PPCD continues to develop and publish a National Permanency Planning Judicial Training Curriculum. This curriculum was the basis for training conducted at the second Annual Child Abuse and Neglect Institute.
- PPCD staff participated in a work group sponsored by Department of Health and Human Services and OJJDP to produce guidelines for state compliance with the Adoption and Safe Families Act of 1997, the development of which many NCJFCJ member judges contributed.
- PPCD is and will continue to seek support for a nationwide appellate training initiative.

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- PPCD is proposing a 15 month effort to study information management systems and devise performance measures for application in court improvement programs. Also, PPCD is becoming involved with family group conferencing and experimental learning techniques with judicial applications.

FY 2001 Performance Goals and Indicators

The Child Abuse Training Programs for Judicial Personnel and Practitioners program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Training for Judicial Personnel
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Training for Judicial Personnel	Amount
2000 Enacted	$2,000
2001 Base	2,000
2001 Estimate	2,000
Increase/Decrease	0

BASE PROGRAM DESCRIPTION

The increased demands on juvenile and family court calendars for expanded and increased hearings on increasingly complex child abuse and neglect matters have strained judicial resources to the limit. The Judicial Child Abuse Training program is authorized by Section 223(a) of the Victims of Child Abuse Act of 1990, P.L. 101-647, as amended, and administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), provides for a grant to the National Council of Juvenile and Family Court Judges (NCJFCJ) to develop, refine and implement model technical assistance and training programs to improve the court system's handling of child abuse and neglect cases and the design of model programs to improve State court systems.

In 1997, Congress enacted the Adoption and Safe Families Act (P.L. 105-89) significantly shortening federally mandated time frames for court handling of child abuse and neglect cases. The impact of statutes bringing states into compliance with this legislation is being realized in individual jurisdictions and courtrooms nationwide. The NCJFCJ's Permanency Planning for Children Department is working in 17 Model Courts in 16 states, where judges are taking leadership roles in permanency planning. Each Model Court is making unique, court-specific changes to reduce the length of time children spend in foster care and to improve the timeliness and quality of judicial decision making. The Model Court focuses on the following objectives:

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- increased community-based services and outreach to vulnerable children and families
- increased institutionalization of alternative dispute resolution such as court-based mediation services and family conferencing to keep inappropriate cases from reaching litigation
- reorganized court calendars to allow more substantive, expanded hearings through which permanency planning for children can begin as early as possible
- increased collaboration with social services to safely speed case processing
- increased representation for families and children
- increase frequency of court-led meetings and training programs for all individuals involved in child abuse and neglect cases

The model programs and approaches documented by NCJFCJ will assist courts to achieve: (1) improved cooperation among juvenile and family courts, child welfare systems and related agencies to establish and maintain linkages to avoid duplication of resources and prevent further victimization of children; (2) careful, complete and fundamentally fair hearings for every child victim at all stages of court proceedings involving abuse or neglect; and (3) training and technical assistance to judicial personnel, attorneys and other key people in juvenile and family courts to achieve expedient yet thorough adjudication of child abuse and neglect cases. The overall goals of the project are to disseminate information, offer court improvement training programs and provide technical assistance widely at the national and State levels on permanency planning and on Model Court achievements for purposes of increasing the number of dependency courts that improve administrative practice in child abuse and neglect cases.

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2001 Program Change

The 2001 request of $2 million is equal to the 2000 enacted appropriation.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Child Abuse Training for Judicial Personnel and Practitioners/Office of Juvenile Crime Control and Prevention **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.4) Uphold the rights to, and improve services to, America's crime victims.
ANNUAL PERFORMANCE GOAL: (2.4.1) Continue full implementation of programs supported through the Crime Victims Fund, as well as other initiatives designed to ensure the safety of, and assistance to, all victims and witnesses.
MISSION: To develop, refine, and implement model training and technical assistance programs to improve the juvenile and family courts handling of abuse and neglectcases and the design of model programs to improve state court systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$2M	$2M	$2M	$2M	$2M
	2. Applications received and awarded	OJJDP Reports	1	1	1	1	1
Output/ Activity	3. Number of information packets developed	Grantee Reports	7	8	10	8	7
Intermediate Outcome	4. Number of monitoring site visits made	Site Visit Reports	3	3	4	3	3
	5. Number of planning/dissemination conferences held	Grantee Reports	30	30	47	40	30
End Outcome	6. Number of jurisdictions receiving technical assistance	Grantee Reports	63	65	67	65	70
	7. Number of program models developed	Grantee Reports	2	2	2	2	1
	8. Number of new publications developed and distributed	Grantee Reports	7	6	5	6	5
	9. Number of training curricula developed	Grantee Reports	2	2	2	1	2

A. Definitions of Terms or Explanations for Indicators and Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Verification and Validation:
OJJDP will validate and verify information through a review of semi-annual progress reports submitted by grantees, on-site monitoring of grantee performance, telephone contacts and training sessions in conjunction with larger programs with feedback from the state-based conference coordinators. Technical assistance requests and dissemination of publications are tracked on a regular basis through a user-friendly management information system which provides various information including: the number of requests/requestors, training sessions, conferences, etc.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Law Enforcement and Prosecution Grants
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of OJP's Violence Against Women Grants Office (VAWO) is to restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian Tribal governments, and other public and private entities in rural states. A related responsibility is to ensure that domestic violence is recognized and treated as a serious violation of criminal law. The Violence Against Women Act Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, the Violence Against Women Office (VAWO) did not meet any of its planned goals. This is due to the fact that, in 1999, VAWO made a policy decision to make more continuation grant awards than originally estimated, decreasing the number of new awards that could be made. This was particularly evident under the Grants to Encourage Arrest Polices Program. This was done because the grant programs created by the Violence Against Women Act (VAWA) require the initiation and institutionalization of changes throughout local and state criminal justice systems (e.g., the creation of special units within police departments, the creation of vertical prosecution teams within prosecution offices, enhanced victims' services, domestic violence courts, and the development of new information system to gather cumulative data on the impact of VAWA).

These major changes cannot be accomplished in 1 or even 2 year's time. Most jurisdictions have requested continuation funds for 2 and 3 years running so that they can sustain and enhance the systemic change the grant programs require. In 2000, this will be addressed by an adjustment in the estimates. In addition, 2000 solicitations will require the submission of a plan on how grantees will begin to gradually absorb some or all of the costs of their VAWO programs.

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Also, it is important to note that under the indicator "Number of jurisdictions that implement new policies and procedures to supervise and manage cases involving release of sex offenders," there was an unanticipated need for additional technical assistance in many states. Even after receiving technical assistance in 1997 and 1998, many states were not ready to put new policies and procedures into place.

In 1999, there were **66 states, territories, and Indian tribal governments that introduced coordinated justice approaches to address violent crimes against women.** Success under this indicator can be measured by the important work that is being done at the tribal level. The following examples demonstrate this success:

- **Northern Cheyenne Special Prosecutors Unit**: This special unit, established under a 1997 grant, has a 90 percent conviction rate. As a result of this unit's work, the number of domestic violence incidents declined sharply among a population of 6,000 people. The success of this unit can be attributed in part to the following:
  - revision of the Tribal Code, which was fundamental to increasing prosecutions;
  - training personnel to properly handle domestic violence cases;
  - adoption of a pro-prosecution policy, which is also changing social tolerance of domestic violence; and
  - coordination with the Bureau of Indian Affairs and the U.S. Attorney's Office, which has been crucial to the successful transfer of cases.
- **Intertribal Council of California**: The Intertribal Council of California's (ITCC) Taking Responsibility project fosters a strong tribal community commitment toward prevention and intervention of domestic violence and child victimization for individuals residing in isolated communities. The project encourages collaboration between tribal and nontribal agencies and promotes culturally relevant prevention to enhance the safety of California Indian women. These goals are achieved through community forums, educational workshops, and emergency services. The project currently reaches 16 tribes from 11 counties in northern and central California.

  ITCC worked with consortium-member tribes to develop tribal codes and ordinances and establish domestic violence coordinating councils. It developed educational materials and implemented a "Domestic Violence is a Tribal Responsibility"

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campaign. To provide comprehensive emergency services to tribal consortium members, ITCC helped establish food and clothing banks and staffed three Family Liaison Specialists to provide outreach to women and children.

FY 2001 Performance Goals and Indicators

The VAWO is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Law Enforcement and Prosecution Grants
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Law Enforcement and Prosecution Grants	**Amount**
2000 Enacted	$206,750
2001 Base	206,750
2001 Estimate	220,000
Increase/Decrease	$13,250

BASE PROGRAM DESCRIPTIONS

The Violence Against Women Office of the Office of Justice Programs was created in 1995 to implement the 1994 Violence Against Women Act (VAWA) and to lead the national effort to stop domestic violence, sexual assault, and stalking of women. The Violence Against Women Office (VAWO) works with U.S. Attorneys to ensure enforcement of the federal criminal statutes contained in the 1994 Act, assists the Attorney General in formulating policy related to civil and criminal justice for women, and administers more than $270 million a year in grants to help states, tribes, and local communities transform the way in which criminal justice systems respond to violent crimes against women.

The VAWO works with victim advocates and law enforcement in developing grant programs that support a wide range of services for women, including: advocacy, emergency shelter, law enforcement protection, and legal aid. Additionally, the VAWO is leading efforts nationally and abroad to intervene in and prosecute crimes of trafficking in women and children and is addressing domestic violence issues in international fora. The VAWO works with the National Advisory Council on Violence Against Women to prepare public information strategies and materials and to carry out special projects, such as writing an Agenda for the Nation on Violence Against Women scheduled for release in the year 2000. Guiding the work of the VAWO is the understanding that eradicating crimes of violence against women calls for coordinated community-based responses. The VAWO administers four programs: (1) The Law

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Enforcement and Prosecution Grant Program (S•T•O•P); (2) Grants to Encourage Arrest Policies; (3) Rural Domestic Violence and Child Victimization Enforcement Program; and (4) the Sex Offender Training Program, which are described in detail below:

- **Law Enforcement and Prosecution Grant Program.** This program is commonly referred to as the **S•T•O•P (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program.** S•T•O•P grants are awarded to the states, District of Columbia, and territories to develop and strengthen their criminal justice system's response to violence against women and to support and enhance services for victims. Each grantee must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, and 25 percent to victim services. The remaining 25 percent can be allocated at each grantee's discretion within the broad parameters established by VAWA. In 2000, Congress appropriated $206.75 million for S•T•O•P. This included $28 million to strengthen civil legal assistance for battered women; $5.2 million for research and evaluation of domestic violence programs; $10 million for Campus Safety; $10 million for Project Safe Start; and $1.2 million to support an enhanced domestic violence prosecution unit within the District of Columbia.

  This program is designed to create a coordinated, integrated response to violent crimes against women that actively involves all components of the criminal justice system, victim advocates and service providers, and the community as a whole. The development of coordinated and integrated strategies requires collaboration among police, prosecutors, the courts, and victim services providers. The purposes for which these grants may be used by states, units of local government, and Indian Tribal governments include: training for police officers, prosecutors, and other criminal justice practitioners to enable them to respond more effectively to violent crimes against women; the creation or enlargement of special units of police officers and prosecutors to handle cases involving violence against women; the creation or enhancement of services for victims of such violence; the development and implementation of more effective police and prosecution policies and procedures, protocols, orders, and services specifically dedicated to preventing, identifying, and responding to violent crimes against women; and the creation of programs addressing stalking.

  Additionally, VAWO will continue to administer the S•T•O•P Violence Against Indian Women discretionary grant program. The Violence Against Women Act stipulates that four percent of the funds available each year for the S•T•O•P Violence Against Women formula grants must be set aside for grants to Indian Tribal governments. The purpose of this program is to develop and strengthen tribal law enforcement and prosecutorial strategies to combat violent crimes against Indian women and develop and enhance services for the victims of such crimes. Tribes that have law enforcement and prosecution activities must allocate 25 percent of the funds they receive to tribal law enforcement; 25 percent to tribal prosecution; and 25 percent to nonprofit, non0governmental victim services. The S•T•O•P Violence Against Indian Women discretionary grants may be used for the same general purposes as the S•T•O•P formula grants.

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Grants to Support Civil Legal Assistance for Victims of Domestic Violence. Battered women seeking to escape violent relationships face a myriad of legal problems. Assistance in obtaining a protection order, representation to ensure that child custody and visitation arrangements will not endanger them or their children, and access to public benefits to enable them to maintain economic independence are examples of some of their most immediate needs. Abusers often use economic coercion as a means of punishing their victims. They frequently forbid their partners to work or deny them access to money. Women in these situations cannot afford to mount legal challenges to protracted litigation. Victims who are middle class -- earning too much to qualify for free lawyer assistance programs but still struggling to support themselves and their children -- are still unable to pay attorney's fees.

In 1998, $12 million was available under the S•T•O•P program for civil legal assistance. VAWO received approximately 350 applications requesting a total of $80 million. From this pool of applicants, VAWO awarded 57 grants at an average of $190,500. In 1999, $23 million of S•T•O•P funding was available to strengthen civil legal assistance programs for domestic violence victims. VAWO awarded 94 new grants with these funds. Recipients of these grants were selected from applications that could not be funded in 1998 because of the limited amount appropriated for the program that year.

In 2000, $23 million was made available from S•T•O•P to continue to support law school legal clinics assisting battered women, as well as legal services provided by other entities and domestic violence victim assistance programs. Up to two-thirds of the funding in 2000 will support continuation of the successful grants awarded in 1998 at their current levels. At the same average level of funding, approximately 20 new grants will be supported in 2000. Given the number of applications submitted in 1998 when the program began, this amount would not begin to address the needs of states and local communities.

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2001 Program Change

In 2001, VAWO is requesting an enhancement of $13.25 million under the S•T•O•P formula grants program for a total of $284 million. Of this amount, $7.25 million is requested to expand efforts to strengthen Civil Legal Assistance to domestic violence victims; $1 million for the Bureau of Justice Statistics (BJS) to collect data on the justice system's processing of domestic violence cases; and the remaining $5 million for an NIJ Family Violence Research Program. Details for each 2001 program change is as follows:

- $7.25 million for Civil Legal Assistance -- program details are included under Current Investments Initiative, page 124;
- $1 million for BJS to collect data on the justice system's processing of domestic violence cases -- program details are included under Current Investments Initiative, page 125; and
- $5 million for an NIJ Family Violence Research Program -- program details are included under the Current Investments Initiative, page 126.

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PERFORMANCE MEASU[illegible]NT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Law Enforcement and Prosecution (STOP) Grants/Violence Against Women Office (VAWO) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family Violence, including Domestic Violence and Child Victimization
MISSION: To restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian tribal governments, and other public and private entities.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORTS AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$172M	$206.75 M	$206.75M	$270.75M	$284M
	2. Number of applications received	VAWO Records					
Output/Activity	3. Number of dem. site visits for grantees	TA Awards	0	3	3	3	3
	4. Number of national technical assistance conferences for state grantees	TA Awards	1	0	0	0	0
	5. Number of workshops for tribal grantees	TA Awards	5	6	4	5	5
	6. Number of national TA conferences for Indian grantees	VAWO Records	0	2	1	2	2
	7. Number of regular workshops for state grantees and sub-grantees	VAWO Records	0	6	6	6	6
Intermediate Outcome	8. Grantee level of satisfaction with VAWO:						
	- Program content	VAWO Records	75%	85%	85%	85%	85%
	- Application kits	VAWO Records	75%	85%	85%	85%	85%
	- Publications	VAWO Records	79%	85%	85%	85%	85%
	- Conferences	VAWO Records	70%	85%	85%	85%	85%
	- Training and technical assistance	VAWO Records	77%	85%	85%	85%	85%
	9. Number of states and territories that fully achieved goals of implementation plans	VAWO Records	56	56	56	56	56
	10. Number of Indian grantees that developed or revised tribal codes relating to violence against women	VAWO Records	14	15	40	15	15
	11. Number of Indian tribes that developed a computerized database to track domestic violence calls and violations of protection orders	VAWO Records	8	10	10	10	10
	12. Number of services available to previously underserved Indian women	VAWO Records	25	20	23	20	20
	13. Number of organizations that are able to provide civil legal assistance to previously unserved or underserved domestic violence victims	VAWO Records	54	54	54	100	100
	14. Number of attorneys and law students trained to handle civil legal matters for domestic violence victims	VAWO Records	TBD	500	TBD	500	500
	15. Number of states and territories that introduced coordinated criminal justice approaches to	VAWO Records	56	56	56	56	56
	16. Number of states and territories that report a decrease in violent crime against women as a result of this program address violent crimes against women	VAWO Records	TBD	TBD	TBD	TBD	TBD

End Outcome	17. Number of Indian tribal governments that introduced coordinated tribal justice approaches to address violent crimes against women	VAWO Records	117	137	137	157	157
	18. Number of institutions of higher education that implement enhanced policies and procedures to address violence against women on campuses	VAWO Records	N/A	25	21	25	25
	19. Number of collaborative efforts initiated to deliver civil legal assistance to domestic violence victims	VAWO Records	47	25	TBD	25	25

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined.
Indicators for 2000 will not be available until 2001. Indicators for 2001 will not be available until 2002.

In 1998, the total included $12M for Civil Legal Assistance;$6.8M Indian Tribal Grants; $17.223M Technical Assistance, Training and Evaluation; and $135.9M Formula Grants.

The plan and actual measurements for performance indicator #16 for all years are dependent upon an on-going national program evaluation. Results are expected in 2001.

B. Issues Affecting 1999 Program Performance.
In 1999, the total included $23M Civil Legal Assistance; $8.2M Indian Tribal Grants; $10M Safe Start; $1.196M U.S. Attorney-D.C.; $5.2M NIJ research; and $10M Safety on College Campuses. 1999 actuals for performance indicators #14 and #19 are dependent upon an NIJ study of the Civil Legal Assistance Program which will be completed at the end of 2001 or the beginning of 2002.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In 2000, the $270.75M includes $28M for Civil Legal Assistance; $5.2M for NIJ research and evaluation of domestic violence programs;$10M for Project Safe Start; $10M for Campus Safety; and approximately $1.2M to support an enhanced domestic violence prosecution unit within the District of Columbia.

In 2001, the $284M request includes $35.25M for Civil Legal Assistance; $5M for NIJ Family Violence Research; $5.2M for NIJ research and evaluation;$10M for Project Safe Start; and $1M for BJS statistics.

D. Validation and Verification: VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, onsite monitoring, and telephone contact. Through these tracking mechanisms, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

PROGRAM	1998 $	1998 # OF GRANTS	1999 $	1999 # OF GRANTS	2000 $	2000 # OF GRANTS	2001 $	2001 # OF GRANTS
CIVIL LEGAL ASSISTANCE	12M	57	23M	94	28M	TBD	35.25M	TBD
INDIAN TRIBAL GRANTS	6.8	64	8.2	45	8.2	TBD	8.2	TBD
TECHNICAL ASSISTANCE, TRAINING & EVALUATION	10.97	N/A	14.85	N/A	TBD	N/A	TBD	N/A
FORMULA GRANTS	135.897	56	145	56	145	56	145	56
SAFE START/OJJDP	10	N/A	10	N/A	10	N/A	10	N/A
U.S. ATTORNEY- D.C.	0.853	N/A	1.196	N/A	1.2	N/A	NA	N/A
NIJ RESEARCH	2.35	N/A	1.95	N/A	TBD	N/A	TBD	N/A
SAFETY ON COLLEGE CAMPUSES	0	N/A	10	21	10	N/A	N/A	TBD
RESEARCH & EVALUATION OF DOMESTIC VIOLENCE PROGRAMS	7	N/A	5.2	N/A	5.2	N/A	5.2	N/A
FAMILY VIOLENCE RESEARCH PROGRAM	N/A	N/A	N/A	N/A	NA	N/A	5	N/A
BJS D[illegible]STIC VIOLENCE CA[illegible]ESSING STUDY	N/A		N/A	N/A	N/A	N/A	1	N/A

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Grants to Encourage Arrest Policies
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Grants to Encourage Arrest Policies Program is to ensure victim safety and offender accountability by encouraging states, units of local government, and Indian Tribal governments to treat domestic violence as a serious violation of criminal law. The scope of the Grants to Encourage Arrest Policies Program includes the statutory program purposes and the special interest categories. An example of a current special interest category is Enforcement of protection orders and implementation of the full faith and credit provision of the Violence Against Women Act. The Grants to Encourage Arrest Policies Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

All of the currently-supported projects under this program are meeting their objectives and progressing toward the project's goal. In 1999, eight new grantees received funding to implement mandatory or pro-arrest policies as part of a coordinated response to violence against women. This level of new grants was greatly reduced by the policy decision to fund requested continuation grants, to stabilize existing grantees before expanding to new ones.

Success under this indicator can also be measured by the outstanding projects funded. The following examples illustrate this success at the local level:

- **Baltimore City, MD:** Baltimore City, MD, enhanced its police department's response to domestic violence. Components of this project included advanced training on domestic violence for police department command personnel and development of a quality-compliance procedure to ensure the proper investigation of all domestic violence cases. Baltimore strengthened the Internal Investigation Division's ability to investigate cases of police officers who commit acts of domestic violence, administratively prosecute police offenders, and share information with other jurisdictions to learn of abusive officers who live outside of Baltimore City.

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- **Milwaukee County, WI:** Milwaukee County expanded the availability of services for victims of domestic violence by hiring three additional assistant district attorneys and victim liaisons for its Domestic Violence Unit. Additionally, nonprofit, non-governmental victim advocacy services have been made available on weekends. This enhanced the implementation of Wisconsin's mandatory arrest law (for perpetrators of domestic violence) by ensuring, thorough investigations and evidence gathering, proper case preparation and ongoing contact with victims in domestic violence cases.

- **Town of Greenwich, CT:** Greenwich, CT, created a multi-disciplinary team to address domestic violence in a coordinated, comprehensive manner. The team works through the Domestic Violence Prevention Unit as a partnership of the criminal justice system, domestic violence support services, and local community organizations and agencies.

FY 2001 Performance Goals and Indicators

The Grants to Encourage Arrest Policies Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Grants to Encourage Arrest Policies
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Grants to Encourage Arrest Policies	Amount
2000 Enacted	$34,000
2001 Base	34,000
2001 Estimate	34,000
Increase/Decrease	$0

BASE PROGRAM DESCRIPTIONS

VAWO will continue to administer this discretionary grant program, designed to encourage states, units of local government, and Indian Tribal governments to treat domestic violence as a serious violation of criminal law. Although the title emphasizes arrest, the scope of the program actually is much broader. If arrest is to be an effective response to domestic violence, police, pretrial service professionals, prosecutors, judges, probation and parole officers, and victim advocates and service providers must be poised to follow through in a coordinated and integrated manner that will enhance the safety of victims and hold offenders accountable for their violent behavior. Grants therefore may support the following purposes:

- Implementation of mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest or pro-arrest programs and policies for protection order violations;
- Development of policies and training in police departments and other criminal justice agencies to improve tracking of cases involving domestic violence;

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- Creation of centralized and coordinated police enforcement, prosecution, probation, parole, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers, or judges;
- Development of coordinated computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts;
- Strengthening of legal advocacy service programs for victims of domestic violence; and
- Education for judges and others responsible for judicial handling of domestic violence cases in criminal, tribal, and other courts about domestic violence and to improve judicial handling of such cases.

The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders. Arrest, accompanied by a thorough investigation and meaningful sanctions, demonstrates to the offender that he has committed a serious crime and communicates to the victim that she does not have to endure the offender's abuse. Arrest must be followed by immediate arraignment and a thorough investigation. Orders of protection and conditions of release must be proactively monitored. Cases must be vigorously prosecuted. Designated dockets must be created to enhance the management of offender behavior and expedite the scheduling of trials. The violent behavior of domestic violence offenders must be managed through frequent judicial monitoring and appropriate sanctions. Probation and parole agencies must develop strategies--in collaboration with local law enforcement--for monitoring offenders and strictly ensuring that the terms and conditions of probation or parole are met.

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At each juncture in the criminal justice process, the actions of all partners in the system should be guided by concerns for victim safety. Mechanisms should be put in place to allow the voices and experiences of women who are victims of domestic violence, particularly those who have sought assistance from the criminal justice system, to inform the development of policies, protocols, procedures, and programs. These mechanisms should ensure that the diverse experiences of abused women are considered--particularly the experiences of women of color, immigrant women, the elderly, the disabled and women from other traditionally underserved parts of the community.

Criminal justice agencies must collaborate among themselves and in formal partnership with victim advocates from nonprofit, nongovernmental domestic violence programs, including local shelters, advocacy organizations and domestic violence coalitions to ensure that victim safety is of paramount consideration in the development of any strategy to address domestic violence. Grants to Encourage Arrest Policies challenge victim advocates, police officers, pre-trial service personnel, prosecutors, judges and other court personnel, probation and parole officers, and community members to work together to craft solutions to overcome domestic violence.

With 1999 funding, VAWO continued grants awarded with 1996 and 1997 funding, and supported a limited number of carefully selected new jurisdictions. Also in 1999, 52 grantee implemented mandatory or pro-arrest policies as part of their coordinated response to violence against women. The 2000 requested funding will continue to be used by states, Indian Tribal governments, and units of local government to shape and solidify a unified, coordinated response to domestic violence that includes aggressive enforcement of protection orders, arrest and prosecution of barterers, appropriate supervision of and intervention with batterers in the community, and legal and support services for domestic violence victims as the cases against their batterers proceed through the criminal justice system.

2001 Program Change

In 2001, VAWO requests $34 million for this program, which is the same amount appropriated in 2000.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Grants to Encourage Arrest Policies/Violence Against Women Office (VAWO) **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family Violence, including Domestic Violence and Child Victimization
MISSION: To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$63.9M	$34M	$34M	$34M	$34M
Output/ Activity	2. Number of workshops for grantees	VAWO Records	6	8	8	10	10
Intermediate Outcome	3. *Grantee level of satisfaction with* VAWO:	National Evaluation	TBD b/				
	Program Content			85%	TBD b/	TBD b/	TBD b/
	Application Kits			85%	TBD b/	TBD b/	TBD b/
	Publications			85%	TBD b/	TBD b/	TBD b/
	Training and Technical Assistance			85%	TBD b/	TBD b/	TBD b/
	4. Number of grantees that implement mandatory or pro-arrest policy as part of a coordinated response to violence against women	Reports from grantees	134	60	52	60	60
End Outcome	5. Number of grantees that report a decrease in domestic violence calls as a result of mandatory or pro-arrest programs	Reports from grantees and the National Evaluation	TBD a/	TBD a/	TBD a/	TBD a/	TBD a/

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ In the long term, this end outcome is expected to decrease. However, as women are encourage to report domestic violence, it is expected that interim figures will increase before dropping. Numbers are a part of the on-going national program evaluation. Results are expected end of 2001.
b/ These performance indicators will be addressed as part of an on-going national evaluation of the program. Results are expected at the end of 2001.

B. Issues Affecting 1999 Program Performance. NA

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Validation and Verification: VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, onsite monitoring and telephone contact. Through these tracking mechanisms, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Rural Domestic Violence and Child Victimization Enforcement Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Rural Domestic Violence and Child Victimization Enforcement Grant Program, hereinafter referred to as the Rural Program, is to focus on the needs and unique characteristics of rural communities in addressing domestic violence and child victimization. The Rural Program addresses these issues in collaborative ways that improve and increase the services available to women and children, and enhance community involvement in developing a jurisdiction's response to domestic violence and child victimization. The Rural Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, 53 new jurisdictions received funding to provide services to previously under served populations in rural communities. Success under this indicator is demonstrated in that funded projects are achieving their goals:

- Isolated rural and tribal communities are using funds to develop services for battered women and children where previously there were none.
- Grant funds have allowed communities to provide services to diverse and traditionally under served populations: battered immigrant women, migrant farm worker women, and women of color.
- People living in rural areas often state that battering of women and children is not a problem in their community. The Rural Program supported the creation of community awareness campaigns on the dynamics of domestic violence and the availability of services.
- Children are present in nearly half of reported incidents of domestic violence and batterers use children to maintain control over their victims. Children are traumatized by witnessing domestic violence, can be hurt during a violent episode, and are

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intended victims of the batterer. Jurisdictions are using funds to create shelter-based programs for children, provide supervised visitation centers, and support partnerships between the domestic violence and child abuse prevention advocates.

The following exemplary local programs further demonstrate performance under this indicator.

- **North Carolina Governor's Crime Commission:** The Governor's Crime Commission received funding in support of the Family Violence and Rape Crisis Services (FVRCS), located in a rural section of North Carolina. Under this program, FVRCS efforts include: enhancing safety and access to services for Latinos; increasing community awareness of domestic violence and services among Latinos; and increasing the capacity of community agencies to address the needs of battered Latinas.

- **Missoula County, MT:** Missoula County supports a victim assistance satellite program in Seeley Lake, an extremely isolated, under served community in the county. The program provides legal advocacy, crisis counseling, and transportation to victims of domestic violence, as well as public education about the issue. The grantee established services in this under served community following a grassroots model: holding focus group meetings, interviewing key players in the community, and forming a task force, the entire community has been involved in development and implementation of the program.
  In 1999, Missoula expanded its Rural Program by reaching out to people in the Hmong and Russian communities using this same grassroots model. The project team, which includes women from the Hmong and Russian communities, is translating and developing materials, teaching domestic violence classes, dialoguing with the community members and elders, and providing direct services to battered women and their children.

  While the project does not include an evaluation component, anecdotal information shows progress. For example, between January 1, 1999, through June 30, 1999, eleven domestic violence classes were held in the Hmong community, in which a total of 95 community members attended.

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FY 2001 Performance Goals and Indicators

The Rural Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Rural Domestic Violence and Child Victimization Enforcement Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Rural Program	**Amount**
2000 Enacted	$25,000
2001 Base	25,000
2001 Estimate	25,000
Increase/Decrease	$0

BASE PROGRAM DESCRIPTIONS

The Rural Domestic Violence and Child Victimization Enforcement program is designed to implement, expand, and establish cooperative efforts and projects among law enforcement officers, prosecutors, victim advocates and service providers, and other related parties to investigate and prosecute incidents of domestic violence and child abuse; provide treatment and counseling to victims of these crimes; and work in cooperation with the community to develop education and prevention strategies directed toward such issues.

The Rural Program provides an opportunity for law enforcement and prosecution agencies, the courts, non-governmental victim services agencies, community organizations and businesses in rural communities and Indian Nations to collaborate in creating protocols and strategies tailored specifically to meet the needs of rural populations. The goals of the Rural Program are to:

- Develop and implement policies, protocols, and services designed to promote the early identification, intervention, and prevention of domestic violence and child victimization;
- Increase victims' safety and access to treatment and counseling;

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- Enhance the investigation and prosecution of domestic violence and child abuse cases; and

- Develop and implement comprehensive strategies that draw on a rural jurisdiction's unique characteristics and resources to enhance community understanding of the phenomenon of domestic violence and child victimization.

A 1997 study by the Center for Policy Research (supported by the National Institute of Justice) indicates that 1 in 7 women has been raped in her lifetime; 1 in 13 women has been stalked; 1 in 3 adult women was physically abused as a child; and 1 of 3 has been physically assaulted by an adult. The national sample of 8,000 women was representative of rural as well as urban communities. The University of Maryland report referenced previously also noted that battered women's shelters are a promising means to ensure women's safety. The report indicates a stay at a battered women's shelter can improve a woman's personal safety. Unfortunately, the report also notes that there are not enough battered women's shelters in the United States -- in New York City alone, a March 1995 study showed that 300 women and children per week were turned away due to lack of space. If there is limited access to shelters in urban areas, the problem is exacerbated in rural areas. If there is a shelter at all, it may serve a large geographic area and be located in a town or city miles from a battered woman's home. Even if a woman can find transportation to get there, she may be very reluctant to leave her immediate community to seek shelter or assistance. This program expands the services available in rural communities to abused women and children, including increasing the availability of shelters. In 1999, VAWO awarded 50 new grants, 10 planning grants, and 15 continuation grants. In addition, 68 jurisdictions provided services to previously under served populations. In 2000, Congress appropriated $25 million for this program and VAWO anticipates continuing support for the most successful projects and also awarding a limited number of new grants.

Public awareness of the prevalence of violence against women, particularly domestic violence and sexual assault, has increased dramatically in recent years. The resulting attention, however, has focused largely on urban areas, making them the primary beneficiaries of the comprehensive research and enhanced victim services. Although there is a dearth of information about violence against rural women, results of the National Crime Victimization Survey indicate that there is little variation in the extent to which urban, suburban, and rural women experience violence by intimates.

Unlike their urban and suburban contemporaries, rural victims of domestic abuse often face additional obstacles: Fewer law enforcement resources, a shortage of victim services, lack of privacy in tight-knit communities, geographic isolation, cultural pressures to keep family matters private, and an inability to keep locations of shelters confidential. All of these barriers can seriously complicate rural women's access to legal remedies and social services.

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Rural and tribal criminal justice practitioners must work in partnership with social services agencies, local service providers and community leaders to send a strong message that domestic violence and child victimization are serious criminal offenses that will not be tolerated and that ending such violence is the responsibility of the entire community. Creating partnerships that include nonprofits and governmental agencies, as well as local volunteer and membership organizations, will augment available resources and enhance the capacity of rural jurisdictions to respond to domestic violence and child victimization incidents.

2001 Program Change

In 2001, VAWO requests $25 million for this program, which is the same amount appropriated in 2000.

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PERFORMANCE MEASUREMEN. .ABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Rural Domestic Violence and Child Abuse Enforcement Assistance/Violence Against Women Office (VAWO) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women.
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family violence, including Domestic Violence and Child Victimization
MISSION: To enhance the capability of states, Indian tribal government, local governments, and public and private entities in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$22M	$25M	$25M	$25M	$25M
Output/ Activity	2. Number of technical assistance workshops for grantees	VAWO Records	0	8	8	4	4
	3. Number of grants awarded:						
	Planning Grants	VAWO Records	0	10	10	10	10
	Continuation Grants	VAWO Records	30	15	15	15	15
	New Grants	VAWO Records	33	50	50	50	50
Intermediate Outcome	4. Grantee level of satisfaction with VAWO:	Survey of grantees and					
	Program Content	National Evaluation	75% a/	85%	TBD b/	85%	85%
	Application Kits	"	75% a/	85%	TBD b/	85%	85%
	Publications	"	75% a/	85%	TBD b/	85%	85%
	Training and Technical Assistance	"	75% a/	85%	TBD b/	85%	85%
	5. Number of jurisdictions that provide services to previously under served populations in rural communities	Grantee Reports	49	60	68	60	60
End Outcome	6. Number of jurisdictions reporting improved response to domestic violence and child abuse calls as a result of community-wide approach to domestic violence and child abuse	Grantee Reports	75	60	60	60	60

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
In 1998, planning grants were approved but not awarded until 1999. In addition, the solicitation for technical assistance applications was released later in the year than anticipated, so no workshops were offered in 1998.
a/ A 1998 survey of grantees by VAWO staff revealed that a 75% of the grantees were satisfied. Future years will be determined by the national program evaluation. Results are expected by the end of 2001.

B. Issues Affecting 1999 Program Performance.
b/ These performance indicators will be addressed as part of an on-going national evaluation of the program. Results are expected at the end of 2001.

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Validation and Verification: VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, on-site monitoring and telephone contact. Through these tracking mechanism, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Violence Against Women's Office Training Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Violence Against Women's Office Sex Offender Training Program, is to provide training and technical assistance that focuses on case management, supervision techniques, and relapse prevention. It is designed to emphasize offender accountability and at the same time enhance community safety by strengthening collaboration among those agencies responsible for community-based sex offender management. The Sex Offender Training Program mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, 28 new jurisdictions received funding to implement new polices and procedures on sex offender management. In additional, 1,500 probation and parole officers were trained. The program's success is demonstrated by the activities of the **Center for Sex Offender Management (CSOM).** CSOM provides support, training, and technical assistance on managing violent sex offenders to jurisdictions. CSOM is achieving the following:

- Developing a comprehensive training curriculum for those who are managing sex offenders in the communities. The curriculum will address sex-offender supervision, treatment, assessment, and other management issues and will include 15 training modules.

- Identifying and providing technical assistance to two tribal resource sites, documenting their work, and building the capacity of these sites to serve as resources for other tribal jurisdictions. The Navajo Nation in Arizona and the Yankton-Sioux Tribe in South Dakota were selected and are currently providing services to other tribes.

- In single and multi-disciplinary settings, providing basic knowledge of sex offender management issues to the field. CSOM developed and delivered a Risk Assessment Video Conference and provided intensive training on sex offender management at the American Probation and Parole Association.

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- Providing access to information through the Internet as a means of efficient and broad information dissemination. The CSOM website was established in November 1998. The website has been accessed approximately 31,500 times since then.

FY 2001 Performance Goals and Indicators

The Violence Against Women's Office Sex Offender Training Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Violence Against Women's Office Training Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Sex Offender Training Program	**Amount**
2000 Enacted	$5,000
2001 Base	5,000
2001 Estimate	5,000
Increase/Decrease	$0

BASE PROGRAM DESCRIPTIONS

Under this program, VAWO provides training and technical assistance that focuses on case management, supervision techniques, and relapse prevention. It is designed to emphasize offender accountability and at the same time enhance community safety by strengthening collaboration among those agencies responsible for community-based sex offender management.

According to a report released in February 1997, by the Bureau of Justice Statistics (BJS), on any given day in 1994, almost 60 percent of the 234,000 convicted sex offenders under the care, custody, or control of corrections officials in the United States were on parole or probation. Prior BJS follow-up studies of sex offenders discharged from prison or sentenced to probation showed that while these offenders have a generally lower rate of rearrest than other violent offenders, they are substantially more likely than other violent offenders to be rearrested for a new violent sex offense. Released rapists were found to be 10.5 times as likely as non-rapists to be rearrested for rape. Offenders who served time for sexual assault were 7.5 times as likely as those convicted of other crimes to be rearrested for a new sexual assault. Within three years of prison release, about 52 percent of released rapists and 48 percent of those convicted of other sexual assault were rearrested for a new crime. To coordinate these efforts, the Center for Sex Offender Management (CSOM) was established in June, 1997.

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In 1999, $5 million was appropriated for this program. Of this amount, $2 million was targeted to continue support for technical assistance and training through the Center for Sex Offender Management. For the first time, in 1999, the remaining $3 million was targeted to fund demonstration grants including planning, implementation, and enhancement grants.

In 2000, plans include the continuation of CSOM's activities, along with additional support to the demonstration grant recipients.

2001 Program Change

In 2001, VAWO requests $5 million for this program, which is the same amount appropriated in 2000.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: VAWO Training Program/Violence Against Women Office (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.5) Reduce the incidence of violence against women
ANNUAL PERFORMANCE GOAL: (2.5.1) Reduce Family violence, including Domestic Violence and Child Victimization
MISSION: To enhance the capacity of probation and parole officers and other personnel who work with released sex offenders to better manage this difficult offender population and help ensure public safety.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$2M	$5M	$5M	$5M	$5M
Output/ Activity	2. Number of regional workshops offered for probation and parole officers	VAWO Records	7	12	12	12	12
Intermediate Outcome	3. Number of probation and parole officers trained	VAWO Records	750	1,500	1,500	2017	1,500
	4. Participant level of satisfaction with training and technical assistance	Survey	75%	85%	85%		85%
End Outcome	5. Number of jurisdictions that implement new policies and procedures to supervise and manage cases involving released sex offenders as a result of training	VAWO Records	30	50	28	50	50

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Validation and Verification: VAWO closely monitors grantees to validate and verify performance measures by using progress reports submitted by grantees, on-site monitoring and telephone contact. Through this tracking mechanism, VAWO keeps highly accurate records to assess their programs and determine "lessons learned" and "best practices."

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Closed-Circuit Televising of Child Victims of Abuse
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Closed-Circuit Televising of Child Victims of Abuse (CCTV) Program is to reduce the trauma related to testifying at a hearing and/or trial by children who are victims of abuse. Its planned program activities support OJP and DOJ goals and initiatives as they relate to providing assistance to state and local governments. CCTV's mission directly supports DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

During 1999, Closed-Circuit Televising of Child Victim Testimony (CCTV) grant funds were instrumental in providing the necessary videotape and/or closed-circuit equipment for a central child interview center; developing inter-agency protocols coordinating child maltreatment investigations among social workers, prosecutors and law enforcement; training 12 officials (4 social workers, 4 prosecutors, and 4 law enforcement staff) in the use of the equipment; supporting a workshop on the legal requirements of CCTV utilization, training a total of 65 court and prosecutor staff; and educating officials in human service and criminal justice areas, and the general public on the utilization of the CCTV equipment.

1999 CCTV funds also supported an award to the American Bar Association (ABA) to evaluate the FY 1998 CCTV projects to determine their effectiveness and impact on reducing the trauma to child abuse victims during criminal hearings or trials. Currently, the ABA is conducting visits to the 13 1998 CCTV projects. Of the 13 visits planned, three projects were visited in the areas of Wisconsin, Florida, and California. These site visits consisted of interviews of all key personnel; case file data extraction, observation, and group meetings with non-offending parents. Case studies will provide the basis for a future report which will include both quantitative and qualitative data assessing the impact of the use of the CCTV equipment in reducing the trauma experienced by child victims during hearings and criminal proceedings.

In 2000, $1 million is available for this program. These funds will be combined with the remaining 1999 funds to award 27 grants in 2000.

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FY 2001 Performance Goals and Indicators

BJA is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Closed-Circuit Televising of Child Victims of Abuse
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Closed-Circuit Televising of Child Victims of Abuse	**Amount**
2000 Enacted	$1,000
2001 Base	1,000
2001 Estimate	1,000
Increase/Decrease	$0

BASE PROGRAM DESCRIPTION

The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1990, created Part N--Grants for Closed-Circuit Televising of Testimony of Children Who are Victims of Abuse. The Director of the Bureau of Justice Assistance (BJA) is authorized to make grants to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children. The CCTV program seeks to reduce the trauma related to testifying at a hearing or at trial by children who are victims of abuse. It encourages states to pass laws that allow the use of closed-circuit televising or video taping of testimony of children in criminal proceedings against those charged with violation of laws relating to child abuse. Funding can also be used to assist courts or other system agencies to establish procedures, obtain equipment, and conduct the types of training necessary to televise or videotape the interviews and testimony of child victims and witnesses.

This program was originally established as a formula grant program, with each participating state slated to receive a base award of $50,000 and the remaining balance to be distributed to participating states on the basis of population. However, funds appropriated were not sufficient to achieve the base distribution. Section 40156 of the 1994 Crime Act modified this program, converting it to a discretionary grant program.

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The goals of the CCTV Program are (1) to encourage states to pass laws that promote the use of closed-circuit televising and video taping the testimony of children in criminal proceedings for the violation of laws relating to child abuse and (2) to assist courts in establishing procedures and programs for televised testimony in cases where the judge determines that a child witness will be traumatized by the presence of the defendant.

2001 Program Change

The 2001 request of $1 million is the same as the 2000 enacted appropriation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

PROGRAM/ ORG UNIT: Closed Circuit Televising of Child Victims of Abuse (CCTV)/Bureau of Justice Assistance **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To reduce the trauma related to testifying at a hearing and/or trial by children who are victims of crime.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$1M	$1M	$1M	$1M	$1M
Output/ Activity	2. Number of applications received	BJA files	13	20	24	27 (c/)	24
	3. Number of awards	BJA files	12	20	2 (b/)	27	8 (d/)
	4. Number of on-site monitoring visits	BJA files	0	20	5	5	5
Intermediate Outcome	5. Number of state and local personnel trained regarding aspects of CCTV program	Grantee reports	65	56	60	60	60
End Outcome	6. Number of grantees establishing CCTV units serving more than one jurisdiction (a/)	Grantee reports	8	10	10	10	10

A. Definitions of Terms or Explanations for Indicators and Other Data Sources. This program was modified by the 1994 Crime Act from a formula to a discretionary grant program.
a/ Indicator #6 from last year's GPRA was removed because it did not yield information relevant to the grant. The new indicator measures the program goal of replicating projects in multiple jurisdictions.

B. Issues Affecting 1999 Program Performance.
b/ Only 2 of 24 received were awarded. The remainder are pending until they can meet the required 25% cash match. Funds from FY 1999 and FY 2000 will be combined in order to be able to make awards to all 24 FY 1999 applicants.

C. Issues Affecting Selection of 2000 and 2001 Plans.
c/ Of the funds remaining after funding the 24 applications received in FY 1999, three more will be funded to total 27 awards in FY 2000.
d/ Fewer awards are anticipated for FY 2001 because, at the current time, it is recommended that awards be made for demonstration projects. Demonstration projects require more resources. The goals of the CCTV Program are to (encourage states to pass laws that encourage the use of closed-circuit televising and video taping the testimony of children in criminal proceedings for the violation of laws relating to child abuse and (2) assist courts in establishing procedures and programs for televised testimony in cases where the judge determines that a child witness will be traumatized by the presence of the defendant.

D. Validation and Verification. The Program Development Division (PDD) validates and verifies performance measures through progress reports submitted by the grantee, PDD internal files, and Technical Assistance Logs. Indicators 2 - 4 will be documented through records maintained on the number of applications received and awarded. Indicators 5 - 6 will be documented through grantee progress reports and verified by on-site monitoring visits.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Residential Substance Abuse Treatment for State Prisoners
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Residential Substance Abuse Treatment (RSAT) Program's mission is to provide support to the states to enhance their capabilities to provide residential substance abuse treatment for incarcerated inmates. The RSAT Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

Increased number of substance abuse treatment programs and number of offenders who received treatment. 18,893 offenders received treatment from 114 programs initiated or expanded with 1999 funds. The CPO monitors and collects data on the number of treatment programs that are established and the number of offenders that are treated. The following are the major performance indicators for measuring program success and projected outcomes:

Provided technical assistance. CPO continued to conduct technical assistance workshops and conferences on effective treatment programs and strategies to convince policymakers that treating offenders is one of the most effective means of reducing recidivism among offenders and reducing management problems within institutions. These workshops and conferences provided more intensive training for corrections practitioners on the essential elements of an effective program and how to implement such a program. In 1999, 5 workshops or conferences were held and 950 policymakers, correctional practitioners, and treatment practitioners received training.

FY 2001 Performance Goals and Indicators

The CPO is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Residential Substance Abuse Treatment Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

State Prison Drug Treatment Program	Amount
2000 Enacted	$63,000
2001 Base	63,000
2001 Estimate	65,000
Increase/Decrease	$2,000

BASE PROGRAM DESCRIPTION

The Residential Substance Abuse Treatment for State Prisoners (RSAT) Formula Grant Program assists states and units of local government in developing and implementing residential substance abuse treatment programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment. The RSAT Program was created by the Violent Crime Control and Law Enforcement Act of 1994, Pub.L. 103-322 which amended Title I of the Omnibus Crime Control and Safe Streets Act

The demand for treatment services is tremendous. According to the Bureau of Justice Statistics, at least 80 percent, or approximately 980,000 of the 1.4 million inmates in state prisons have used drugs in the past. Only about 11 percent of prison inmates and a smaller percentage of jail inmates participate in drug treatment programs. About one in six reported committing their current offense to obtain money for drugs. Lack of substance abuse treatment is recognized as a significant problem among juvenile offenders yet few treatment programs exist and little is known about what types of programs are effective for this population.

To allow states to provide the comprehensive programs needed to appropriately treat inmates with substance abuse problems in 2000, new legislative language is proposed to enable states that have existing in-prison drug treatment programs, which comply with federal

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requirements, to use their RSAT grants to fund a full continuum of drug treatment, which includes treatment and sanctions, both during incarceration and after release.

Programs continue to move through preparation hiring, and training stages to actually admitting clients and operating. In 2000, approximately 22,000 offenders are projected to receive treatment from approximately 130 programs with 2000 funds. The CPO monitors and collects data on the number of treatment programs that are established and the number of offenders that are treated.

2001 Program Change

In 2001, CPO requests a total of $65 million for the RSAT Program. This request represents an increase of $2 million above the 2000 appropriation. A detailed description of the RSAT Program can be found under the Breaking the Cycle Initiative request, which begins on page 27.

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PERFORMANCE MEASUREMENT TABLE: SENTED BY INITIATIVE AND PROGRAM

PROGRAM/ORG UNIT: Residential Substance Abuse Treatment for State Prisoners/Corrections Program Office
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.7) Support Improved Criminal and Juvenile Justice Capabilities at the State and Local Levels
MISSION: To enhance the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$63M	$63M	$63M	$63M	$65M
	2. Number of applications received	Internal Reports	56	56	56	56	56
Output/ Activity	3. Number of awards made	Internal Reports	56	56	56	56	TBD
	4. Number of technical assistance workshops and national technical assistance conferences conducted for state grantees	Internal Reports	6	3	5	3	TBD
Intermediate Outcome	5. Number of residential substance abuse treatment programs initiated or expanded in state and local correctional facilities	Project Reports & Annual Evaluation*	74	120	114	150	TBD
	6. Number of state and local policymakers and correctional and treatment practitioners who receive technical assistance and training	Tech Assistance & Training Reports**	800	800	950	800	TBD
End Outcome	7. Number of offenders treated for substance abuse	Project Reports & Annual Evaluation*	10,220	12,000	18,893	22,000	TBD

A. Definitions of Terms or Explanations for Indicators and Data Source:
Recidivism is defined as reconviction for a crime committed after release from the treatment program.
* - Individual Project Reports and Annual Evaluation Reports submitted by the states.
** - Internal Report of Number of People Receiving Technical Assistance and Survey of Number of Conference Participants.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. OJP requests a $2 million enhancement to RSAT, bringing the total program level in 2001 to $65 million. The RSAT program, which is administered by the Corrections Program Office (CPO), provides formula grants for use by state and local governments to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities where inmates are incarcerated for sufficient time to permit substance abuse treatment. The demand for RSAT treatment services is tremendous and this increased level of funding will address only a small fraction of the need.

D. Validation and Verification. Information is validated and verified through surveys, and technical assistance conferences and workshops.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Juvenile Accountability Block Grants
Mission Statement and 2001 Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Juvenile Accountability Incentives Block Grant (JAIBG) program is to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. The JAIBG program is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The JAIBG program mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, JAIBG Block Grant funds in the amount of $232.25 million were distributed to the states, with allocations ranging from $1.48 million (Wyoming) to $22.6 million (California).

In addition to the Block Grants program, approximately $4.7 million was provided for research, demonstration, and evaluation to focus on examining strategies and programs that target juvenile offenders; providing critical information about juveniles in the juvenile justice system and the impact of accountability-based sanctions; and to enhance the research and evaluation capacity of practitioners.

In 1999, approximately $7 million was provided for training and technical assistance, which reached more than 4,000 participants.

FY 2001 Performance Goals and Indicators

The JAIBG program is proposing a Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
Juvenile Accountability Incentive Block Grants
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Juvenile Incentive Block Grants	Amount
2000 Enacted	$237,995
2001 Base	12,005
2001 Estimate	0
Increase/Decrease	$(250,000)

BASE PROGRAM DESCRIPTION:

The Juvenile Accountability Block Grant (JAIBG) Program was created through the 1998 Commerce, Justice, State and the Judiciary Appropriations Act, P.L. 105-119, to encourage accountability-based reforms in states and local jurisdictions. JAIBG funds, which are administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) can be used for 12 purpose areas, including building juvenile detention facilities, hiring prosecutors, establishing gun courts, improving juvenile probation programs and testing youth in the juvenile justice system for controlled substances.

To qualify, states have to certify that they have adopted, have considered or will consider certain accountability-based reforms, including enabling prosecutors to charge youth 15 or over accused of committing a violent crime as adults; establishing graduated sanctions for juvenile offenders, treating juvenile delinquency records for felony offenders in the same manner as adult records; and ensuring that juvenile court judges are not prohibited from issuing court orders that require parental supervision of juvenile offenders. States are also required to agree to establish a policy of drug testing for appropriate categories of youth in the juvenile justice system.

Absent a waiver, each state must distribute not less than 75 percent of its allocation among units of local government in the state. In making such distribution, the state will allocate funds among units of local government using a formula that combines law enforcement expenditures for each unit of local government and the average annual number of Uniform Crime Report Part I violent

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crime arrests reported by each unit of local government, each for the three most recent calendar years for which data are available. Two-thirds of each unit of local government's allocation is based on the law enforcement expenditure data and one-third on the reported violent crime arrest data, in a ratio based on the aggregate data for all units of general local government in the state. A unit of local government must qualify for a minimum of $5,000 in order to be eligible to receive an award. The state will retain funds allocated to nonqualified units in order to provide services for their benefit or use. The state or local government recipient of a JAIBG award must contribute, in the form of a cash match, at least 10 percent of the total program cost. If JAIBG funds are used to construct a permanent juvenile corrections facility, the cash match must be at least 50 percent of the total costs. JAIBG program funds cannot be used to supplant state or local funds.

States and units of local government eligible to receive JAIBG funds must establish a Coordinated Enforcement Plan (CEP) for reducing juvenile crime developed by a Juvenile Crime Enforcement Coalition (JCEC). State CEP's must be developed by a JCEC consisting of law enforcement and social service agencies involved in juvenile crime prevention. To assist in developing the state's CEP, states may choose to utilize members of the State Advisory Group established by the State's chief executive under the OJJDP Formula Grants program, if appropriate membership exists, or another planning group that constitutes a coalition of law enforcement and social service agencies.

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2001 Program Change

There is no funding requested for this program in 2001.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Juvenile Accountability Incentive Block Grants (JAIBG)/Office of Juvenile Crime Control and Prevention **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) To emphasize both enforcement and prevention strategies to counter youth violence through targeted programs that provide finding and specialized assistance to states and localities.
MISSION: To provide States and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	**Performance Indicators**	**Data Source**	**1998 Actuals**	**1999 Enacted Plan**	**1999 Actuals**	**2000 Enacted Plan**	**2001 Plan**
Input	1. Appropriations (in millions)	P.L.	$250M	$250M	$250M	$237.995M*	$0**
	2. Number of Applications received for JAIBG formula grants	Program Manager	56	56	56	56	
	3. Discretionary grant programs designed and developed	Program Manager	36	41	41	32	
Output/ Activity	4. Number of formula grant awards made	Program Manager	56	56	56	56	
	5. Number of discretionary awards made	Program Manager	36	41	41	32	
Intermediate Outcome	6. Number of on-site monitoring visits to states	Program Manager, Site Visit Reports	26	46	46	56	
	7. Number of monitoring site visits (discretionary)	Program Manager, Site Visit Reports	10	14	14	21	
End Outcome	8. Number of juvenile accountability programs implemented(formula)	Program Manager, Final Grant Report	TBD	TBD	TBD	TBD	
	9. Number of juvenile accountability research, evaluation, and demonstration programs implemented (discretionary)	Program Manager, Final Grant Report	36	25	25	19	

A. Definitions of Terms or Explanations for Indicators and Data Sources: (6) 56 is based on the number of planned on-site visits to Title II Formula Grant States; and (8) TBD (To Be Determined) States will be reporting FY 1998-1999 local program data via Electronic Follow-up Information form beginning 2nd quarter FY 2000.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: ** Funding was not requested in 2001. *This includes an overall DOJ reduction of 3.8% to meet Congressionally mandated budget spending caps.

D. Validation and Verification : Individual Follow-Up Report submitted at the onset of a project and semiannual and final project reports keep OJJDP/SRAD abreast of grantee progress.

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Missing Alzheimer's Disease Patient Alert Program
Mission Statement and 2001 Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Alzheimer's Program's mission is to establish a national Missing Alzheimer's Disease Patient Alert Program to protect and locate missing patients with Alzheimer's disease and related dementia. The Missing Alzheimer's Disease Patient Alert Program's mission directly supports the DOJ's Strategic Plan core function or providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, the Alzheimer's Safe Return Program increased its registration data base to 55,869 individuals and assisted in return of over 4,900 wanderers. In 2000, the program will continue to expand the national registry of memory-impaired persons, support the toll-free telephone service, provide a Fax Alert System, conduct train the trainers programs for law enforcement and emergency personnel, disseminate information and educational materials, and continue a national public awareness campaign.

FY 2001 Performance Goals and Indicators

OJJDP is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Missing Alzheimer's Disease Patient Alert Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Missing Alzheimer's Disease Patient Alert Program	
2000 Appropriation	$900
2001 Base	900
2001 Estimate	900
Increase/Decrease	0

BASE PROGRAM DESCRIPTION:

The Alzheimer's Program provides grants to address materials development, outreach, and training of local law enforcement, public safety, and emergency health personnel in identifying and handling lost Alzheimer's patients. The "Safe Return" program provides a national registry of memory impaired persons, a toll-free telephone service to report missing patients, conducts train-the-trainer programs for law enforcement and emergency personnel, disseminates educational materials, and conducts a national public awareness campaign.

2001 Program Changes:

The 2001 request of $900,000 is the same as the 2000 appropriation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Missing Alzheimer's Disease Patient Alert Program/Office of Juvenile Crime Control and Prevention **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To establish a national Missing Alzheimer's Disease Patient Alert Program to protect and locate patients with Alzheimer's disease and related dementias who are missing.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$.9M	$.9M	$.9M	$.9M	$.9M
	2. Applications received and grants awarded	OJJDP Reports	1	1	1	1	1
Output/Activity	3. Number of pieces of information disseminated on Safe Return Program	Grantee Reports	390,000	420,000	420,000	420,000	420,000
Intermediate Outcome	4. Number of monitoring site visits	Site Visit Report	0	1	1	1	1
	5. Number of Safe Return related calls	Grantee Report	5,058	5,100	5,100	5,100	5,100
End Outcome	6. Number of Safe Return Registrants	Progress Report	44,311	45,000	45,000	55,869	60,000
	7. Missing Alzheimer Persons recovered	Progress Report	3,322	3,400	3,400	4,900	5,300

A. Definitions of Terms or Explanations for Indicators and Data Sources:
The Safe Return Program is a national computerized registry containing information on Alzheimer patients and the care givers and agencies to contact when these individuals are reported missing. This program administers a 24-hour-a-day toll free telephone service to report missing Alzheimer patients. Once an individual is registered with the national center, they receive a unique identification number which is worn on clothing labels or metal bracelets, or carried on a card in a wallet.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Validation and Verification:
Implementation of performance measures will be validated and verified through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers. Additionally, the National Alzheimer Association and their designated contractor, Life Service, Inc. have management information systems, which have the capacity to verify and validate training components and hot line calls, respectively.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Motor Vehicle Theft Prevention
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission the Motor Vehicle Theft Prevention (MVTP) Program is to reduce auto thefts committed primarily during the early morning hours. The 2001 planned activities and priorities support the initiatives of the OJP and DOJ related to improving the justice system by assisting State and local law enforcement. The mission of the MVTP Program is to directly support the DOJ Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments**.

The MTVP Program measures its performance by tracking the number of states implementing the program. In the long-term, program performance will be measured in terms of how well the public responds to what the program offers, the number of vehicles registered in the program, and the overall level of public satisfaction that the program is beneficial and dependable. As end outcomes, we have included performance measures for the number of cars stopped and the number of cars recovered.

Highlights of 1999 Mission Critical Results

In 1999, the Bureau of Justice Assistance (BJA) awarded MVTP grants to the states of Arizona, Colorado, Delaware, Maryland, New York, Tennessee, and Washington in the amount of $950,000. These seven recipients joined Alabama, Connecticut, Massachusetts, Minnesota, North Carolina, and the U.S. Virgin Islands as participants in this national motor vehicle theft prevention program. Colorado, Delaware, Tennessee, and Washington each received new $200,000 implementation awards. Arizona, Maryland, and New York each received supplemental awards of $50,000 to continue their ongoing efforts.

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FY 2001 Performance Goals and Indicators

The MVTP is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Motor Vehicle Theft Prevention
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Motor Vehicle Theft Prevention	**Amount**
2000 Appropriation Enacted	$1,300
2001 Base	1,300
2001 Estimate	1,300
Increase/Decrease	$0

BASE PROGRAM DESCRIPTION

The MVTP was established by the Motor Vehicle Theft Prevention Act authorized under Section 220002 of the Violent Crime Control And Law Enforcement Act of 1994 and is designed to assist states with development of a voluntary motor vehicle theft prevention program. The program encourages motor vehicle owners to voluntarily display a decal or other authorized device on their vehicles to alert police that their vehicles are not normally driven between the hours of 1 a.m. and 5 a.m. Motorists may also choose to display another decal or device to signal that their vehicles are not normally driven across or in the proximity of international land borders or ports. The goals of this program are as follows:

- Improve the interdiction of stolen vehicles, narcotics, firearms, etc., within the United States and at international land borders and international ports.
- Expand the program nationally
- Identify major auto theft rings and develop a strategy to disrupt chop shop operations and the interstate/international trafficking of stolen parts and vehicles
- Develop objectives and timetables that will increase the number of vehicles registered in the program.

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A total of nine states were participating as of the end of 1998, and an additional four will be added in 1999. By 2000, BJA anticipates that a total of 18 states will be participating in the program -- five more states than in 1999.

2001 Program Change

In 2001, BJA requests $1.3 million to implement the fifth year of funding of the MVTP Program. This represents the same level of funding as the 2000 enacted appropriation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Motor Vehicle Theft Prevention Program/Bureau of Justice Assistance/(Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice system capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Development
MISSION: To create a cooperative partnership between car owners and state and local law enforcement to reduce car theft committed primarily by professional auto thieves and to facilitate the recovery of stolen vehicles.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$.75M	$2M	$1.3M	$1.3M	$1.3M
	2. Number of applications received	BJA files	9	10 (a/)	7	7 (b)	12
Output/ Activity	3. Number of awards	BJA files	7	25 (c/)	7	7	7
	4. Number of conferences held by BJA for grantees on auto theft prevention	BJA files	0	3	1	1	1
Intermediate Outcome	5. Number of states implementing program	Grantee reports	12	18	13	18	23
	6. Number of registered vehicles Participating in program	Grantee reports	TBD	TBD	TBD	TBD	TBD
	7. Number of public awareness materials distributed to the public	Grantee reports	TBD	TBD	TBD	TBD	TBD (d/)
	8. Number of events hosted by grantees that exposed the public to this initiative	Grantee reports	TBD	TBD	TBD	TBD	TBD (d/)
	9. Number of people who have their automobiles glass etched with Vehicle Identification Numbers	Grantee reports	TBD	TBD	TBD	TBD	TBD (d/)
End Outcome	10. Percentage of grantees who, at the time of close-out have implemented programs that met the majority of their goals and objectives as defined in their approved applications	Grantee reports	0	N/A	N/A *	TBD (d/)	TBD (d/)

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD= To Be Determined.

B. Issues Affecting 1999 Program Performance.
a/ This number was changed from 1 to 10. 1 was an error.
c/ This number was previously reported in error.

* BJA will not be able to measure the end outcome of the program until each grant has been closed. None closed in FY 1999. Those grants which close in FY 2000 will be measured against this indicator.

C. Issues Affecting Selection of 2000 and 2001 Plans.
Please refer to note in Section B.
b/ This number includes 4 new applications and 3 applications for supplemental funding.
d/ Since this is a new indicator, the program office needs time to develop a plan for tracking this.

D. Validation and Verification.
The Program Development Division maintains files that track the number of applications received and awarded (#2,3), as well as on the number of meetings held on auto theft prevention (#4). Grantee reports will also track the number of states implementing the program (#5) and number of vehicles registered under the program (#6, as well as indicators 7,8 and 9.) Grantee progress reports and division site visits will be used to determine the end outcome measures. This determination will be made through a process of ensuring that the grantee has measurable, attainable, and germane goals and objectives, that grantee reporting requirements are established from the start of the program, and that an assessment is made by the program manager at the time of close-out that the grantee accomplished the majority of its goals and objectives.

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Drug Courts Grants Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Drug Courts Program Office's (DCPO) overall mission is to improve public safety and reduce criminal recidivism through the support of drug court programs that intensively supervise drug treatment for drug addicted, non-violent offenders. DCPO's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

Currently, DCPO measures performance in terms of the numbers of drug courts that come on-line and the percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program. In 1999, 108 new federally funded drug courts, including 16 tribal drug courts were established through support from the DCPO. Eighty percent of drug court program participants in grantee programs did not commit other crimes while participating in the program. Other accomplishments during 1999 included: DCPO conducted 60 site visits and sponsored 22 grantee workshops; all of the 1997 planning grantees (79) attended two training workshops; and DCPO staff and it technical assistance providers have responded to more than 3,100 requests for assistance.

In 1999, DCPO received 215 applications. From this pool of applicants, 81 planning grants were awarded for up to $30,000 each; 119 implementation grants were awarded for up to $200,000 each; and 23 enhancement grants were awarded for up to $100,000 ($300,000 if for multiple jurisdictions) each.

Despite their increasing numbers, drug courts have generated only limited research and evaluation, both locally and nationally. Research shows that substance abuse treatment works and that coerced treatment works in other settings. Evaluations of individual drug court programs are showing promising results. In 1998, Columbia University's National Center on Addiction and Substance Abuse provided the first major academic review and analysis of drug court evaluations. The author reviewed 30 evaluations pertaining to 24 drug courts and concluded, "that drug courts provide closer, more comprehensive supervision and much more frequent drug

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testing and monitoring during the program, than other forms of community supervision. More importantly, drug use and criminal behavior are substantially reduced while offenders are participating in drug courts."

National research activity started slowly due to the slow growth of the drug court movement in the early years --from 1989 to 1993, only about 12 courts were developed. In 1997, NIJ awarded the **Drug Court Evaluation Program I.** Grants were awarded to study four drug courts (Las Vegas, Nevada; Portland, Oregon; Kansas City, Missouri; and Pensacola, Florida) to examine "process" issues such as the operational features of the courts and the dynamics of program development. The impact of the drug courts on criminal recidivism also will be measured, as will the extent of participants' retention in treatment and changes in their life circumstances and productivity. Results from the first phase of this study are currently under review. Results from the second stage are being compiled at this time.

In 1999, NIJ awarded the **Drug Court Evaluation Program II** to evaluate the 16 drug courts that have received implementation grants from the DCPO with 95-96 funds. This phase will take a more in-depth look at program outcomes. The results will form the nucleus of a future publication addressing possible new or improved approaches and techniques to further develop the drug courts.

As of 1998, to ensure that grantees are collecting critical information on their drug courts for evaluation purposes and to assist in the national evaluation of drug courts, grantees that receive funds to implement and enhance a drug court are required to collect, and submit on a semi-annual basis, a minimum data set. This data set was developed with input from the drug court field and the U.S. General Accounting Office.

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FY 2001 Performance Goals and Indicators

The DCPO is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Drug Courts Grants Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Drug Courts Grants Program	**Amount**
2000 Enacted	$ 40,000
2001 Base	40,000
2001 Estimate	50,000
Increase/Decrease	$10,000

BASE PROGRAM DESCRIPTION

The Drug Courts Program Office (DCPO) was created under the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The DCPO provides financial and technical assistance for states, state courts, units of local government, local courts and Indian Tribal governments to develop and implement treatment drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, drug testing, incentives and sanctions to break-the-cycle of substance abuse and crime. Furthermore, Drug Court Program is regarded as one the cornerstones of the Administration's Stop Drugs and Stop Crime Initiatives. In conjunction with the National Institute of Justice, the DCPO is conducting comparative evaluations of drug court programs to identify the most effective program elements and designs to combat drug abuse and crime. The drug court movement began as a grass roots, community-level response to reduce crime and substance abuse among criminal justice offenders. A drug court brings together the court, other criminal justice agencies and the treatment community to create a paradigm shift when intervening with substance abusing offenders. The DCPO fully supports this grass roots, community-level movement by awarding drug court grants, technical assistance and training. The DCPO awards two types of grants:

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- **Implementation Grant.** Awards for jurisdictions with new drug court programs that have already made a commitment to develop a drug court program and have identified the target population to be served and the case processing procedures. These grants are available to either single jurisdictions or multiple jurisdictions planning a joint effort.

- **Enhancement Grant.** Awards to jurisdictions to improve or enhance services in existing drug courts. These awards are available to single jurisdictions or to multiple jurisdictions or statewide or regional entities to coordinate joint improvements, such as information systems, program evaluations, or training.

The DCPO implementation and enhancement grantees use grant funds to support the development of management information systems and the necessary software to accompany these systems. It is critical that drug courts be able to efficiently and effectively share data regarding program participants in a timely manner. Specialized technical assistance is made available by DCPO to assist drug courts with the development of effective information systems.

Implementation and enhancement grantees are required to evaluate their program efforts. A future publication addressing possible new or improved approaches and techniques to further develop the drug courts is being compiled based upon 16 site evaluations completed by the Rand Corporation in 1999. It is anticipated that the results will be released by the end of 2000. DCPO will continue to supplement funding to support evaluations which will produce additional outcome results beyond recidivism and drug use.

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Multi-agency collaboration and cooperation are at the heart of the drug court philosophy. Drug courts work effectively because of the successful linkage between the criminal justice system and substance abuse treatment systems, as well as other community resources. DCPO's implementation and enhancement grantees are required to randomly and frequently drug test participants and to provide comprehensive treatment services. The 2000 Drug Court Grant Program is responsive to, and supportive of, developments in the field. The grant program will support the opening of 40 drug courts.

Additionally, in 2000, DCPO is launching the Drug Court Planning Initiative (DCPI) to assist communities in the process of planning a drug court. DCPI will consist of a series of three workshops for community teams who want to plan drug court. As part of the DCPI, communities will not need to submit an application for a planning grant, provide a 25% local funds match, or compete for funding to receive training and technical assistance on planning an adult, juvenile, or family drug court.

DCPI will pay for the workshops and the planning team's travel cost (airfare, ground transportation, hotel, and meals) based on the federal travel regulations for up to 10 team members. An eligible team must consist of a judge, prosecutor, public defender, treatment representative, coordinator, and a research or management information system specialist. If a community is planning a juvenile drug

court the team must also consist of a school representative. Each workshop will build upon the foundation of the previous workshop. Thus a drug court team must attend all three workshops. There will be specialized series of workshops about how to plan an adult, juvenile, or family drug courts. Technical assistance will also be available at no cost to communities participating in the workshops.

2001 Program Change

In 2001, DCPO is requesting a total of $50 million. This request represents a $10 million increase over the 2000 base level funding. $2 million will be for the dependency court system's response to child abuse and neglect detailed under Building Knowledge, page 65. The remaining $8 million will be needed by the DCPO. A detailed description of the DCPO program enhancement can be found under Breaking the Cycle of Substance Abuse and Crime, page 29.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Drug Courts Program/Drug Court Program Office (DCPO) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.3) Drug Courts
MISSION: To provide financial and technical assistance for states, state courts, units of local government, local courts, and Indian Tribal governments to develop and implement treatment drug courts that employ the coercive power of courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$30M	$40M	$40M	$40M	$50M
	2. Total number of applications received	Office of the Comptroller	291	195	215	150	200
	3. Program Specialist positions to prepare/monitor grants	Personnel Office	8	9	7	7	10
	4. Policy administrator positions to guide program effort	Personnel Office	2	2	1	1	2
Output/ Activity	5. Support communities in the process of planning a drug court	Tech. Ast. Providers - TAP	75	50	81	80	120
	6. Award implementation grants (includes cont.grants)	Office of the Comptroller	58	85	119	45	59
	7. Award enhancement grants	Office of the Comptroller	30	39	23	32	43
Intermediate Outcome	8. Provide training sessions for grantees	TAP	11	16	22	37	50
	9. Provide special training session for tribal grantees	TAP	2	3	9	11	11
	10 Provide technical support and expertise to grantees	TAP & DCPO	1736	750	3,148	750	750
	11. Contact and exchange information with other federal agencies	DCPO	6	6	6	6	6
	12. %of on-site tech. asst. that is evaluated by grantees as good or excellent	TAP	100%	95%	95%	95%	95%
End Outcome	13. Number of DCPO-funded new operational drug courts	Drug Court Clearinghouse	112	115	108	40	54
	14. Establish cooperative programs with other federal agencies	DCPO	1	2	3	1	1
	15. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program (Recidivism)	Drug Court Clearinghouse	85%	80%	80%	80%	80%

A. Definitions of Terms or Explanations for Indicators and Data Source: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2001, $2 million of the $10 million request will be used to help fund the Dependency Court System's Response to Child Abuse and Neglect Initiative (see the Building Knowledge Initiative). The remaining $8 million will be needed for the DCPO to establish 12 new drug courts, assist 8 additional communities in planning a drug court, provide the additional training and technical assistance needed for the new grantees, and further the national evaluation of drug courts.

D. Validation and Verification
Performance measures will be validated and verified through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers. Additionally, the OJP Drug Court Clearinghouse and Technical Assistance Project, a collaborative effort with American University, provides data to measure performance.

#13. Number of DCPO-funded new operational drug courts. The number of DCPO-funded new operational drug courts is obtained with the assistance of a grantee survey conducted by the Drug Court Clearinghouse. It is important to note that the number of DCPO-funded new operational drug courts per FY cannot be obtained by adding the number of planning, implementation, and enhancement grants in one FY, it may not become operational until the next FY. The Drug Court Clearinghouse surveys drug court grantees and obtains information on when a drug court becomes operational. This is the information used to arrive at this performance indicator. This information is verified by DCPO Program Managers through program monitoring.

#15. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program (recidivism). This information is collected through a survey of all operational drug courts. The survey is administered by the Drug Court Clearinghouse and the data is self-reported. This data is not verified by the Drug Court Clearinghouse on or the DCPO through evaluative means.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Law Enforcement Family Support Program
2001 Summary Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The mission of the Law Enforcement Family Support program is to assist State and local law enforcement and correctional agencies in developing and implementing policies and programs to reduce stress and provide appropriate support services for officers and their families through research, training, technical assistance, and financial support. These planned program activities support the goals and initiatives of OJP and DOJ. The Law Enforcement Family Support Program's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

The Law Enforcement Family Support Program is discovering innovative ways to prevent and treat the negative effects of stress experienced by law enforcement and correctional officers and their families. The program consists, among other development activities, of demonstration and research grants which are periodically awarded to state and local law enforcement and corrections agencies, or organizations (i.e., unions and associations) representing law enforcement and corrections personnel. In 1999, fewer grants than expected were awarded due to the decrease in innovative proposals from the field of law enforcement and the requirement for rigorous evaluation of all programs. Proposals that were funded focused primarily on programming for the line staff rather than the managerial staff. There were 6 new employee assistance programs established, 2 grants were awarded for research, and 6 grants were awarded for demonstration and training programs. Also in 1999, 38 managers were trained to establish, operate, or expand stress reduction and family support programs. Through the Law Enforcement Family Support Program, over 5,600 officers and family members were served in 1999.

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FY 2001 Performance Goals and Indicators

The Law Enforcement Family Support Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Law Enforcement Family Support Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Law Enforcement Family Support Program	Amount
2000 Enacted	$1,500
2001 Base	1,500
2001 Estimate	1,500
Increase/Decrease	$0

BASE PROGRAM DESCRIPTION

The Law Enforcement Family Support Program is authorized by section 1001 (a)(21) of the Omnibus Crime Control Act of 1968 Crime Act and directs the Attorney General to: 1) establish and implement family friendly policies within law enforcement related offices of the Department of Justice, and 2) support research, program development, and evaluation; training, technical assistance, and support programs; and information dissemination concerning family support, stress reduction, and psychological services to federal, State, and local law enforcement agencies and related organizations. In 1995, responsibility for developing a guide for research and program development was assigned by the OJP Associate Attorney General to the National Institute of Justice (NIJ).

In 1999, NIJ intensified it's efforts to understand the extent and nature of stress experienced by corrections and law enforcement officers. Their efforts included: a solicitation directed at correctional officers and their families, a grant writing workshop, the completion of an Issues and Practices Report entitled, Correctional Officer Stress, and establishment of several single-site demonstration projects targeting under-served populations (rural areas, regional service models, corrections, etc.).

In 2000, NIJ is using funds to target and expand the program to the corrections field. NIJ's plan is to spend a more substantial percentage of their funding on correctional officer stress reduction programs. In addition, NIJ will sponsor a national symposium on

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the nature, causes and consequences of stress and will identify programs to help prevent and ameliorate those stressors. From the information gained at the national symposium, and in conjunction with other partners (e.g., BJA, COPS Regional Training Centers, etc.), NIJ will build a curriculum to be utilized at regional training sessions. The regional training sessions will focus on general and local/specific issues, stressors and/or programs.

Finally, in 2000, NIJ will coalesce program outcomes into a handbook that can assist law enforcement and corrections agencies in developing successful stress programs. To accomplish this, NIJ will compile and disseminate a compendium of all final program and hypothesis-based evaluation reports filed by Law Enforcement Family Support funded demonstration programs.

2001 Program Change

In 2001, NIJ requests $1.5 million for this program, which is the same amount appropriated in 2000.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Law Enforcement Family Support/National Institute of Justice
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To assist federal, state, and local law enforcement agencies in developing and implementing policies and programs to reduce stress and provide appropriate support services for law enforcement officers and their families through research, training, technical assistance, and financial support.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. *Appropriation (in millions)*	P.L.	$1M	$1.5M	$1.5M	$1.5M	$1.5M
	2. # of applications for research on stress and stress reduction for law enforcement officers and their families	NIJ files	3	5	6	5	5
	3. # of applications for demonstration programs and training programs	NIJ files	39	45	46	45	45
Output/ Activity	4. # of awards for research	NIJ files	1	2	2	2	2
	5. # of new awards for demonstration and training programs	NIJ files	9	10	5	6	8
Intermediate Outcome	6. # of new employee assistance programs established	a/	2	12	6	2	2
	7. # of managers trained to establish and operate or expand stress reduction and family support programs	a/	61	165	38	50	50
	8. # of officers and family members served	a/	984	4,463	5,655	5,000	5,000
End Outcome	9. # of federally initiated programs where states have taken over funding	a/	1	0	0	1	1

A. Definitions of Terms or Explanations for Indicators and Data Sources: a/ Final program reports

B. Issues Affecting 1999 Program Performance. Fewer grants than expected were awarded due to the decrease in innovative proposals from the field of law enforcement and the requirement for rigorous evaluation of all programs. Proposals that were funded focused primarily on programming for line staff rather than managerial staff.

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

D. Verification and Validation. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance by program managers and telephone contact.

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Office of Justice Programs
State and Local Law Enforcement Assistance
Telemarketing Fraud Against Senior Citizens Program
2001 Mission Statement and Performance Plan

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan:

The mission of the Telemarketing Fraud Against Senior Citizens Program is to reduce the incidence of scams perpetrated against senior citizens. The goal of this program is to make grants to states, to state and local law enforcement and prosecutorial agencies and senior citizen advocacy organizations aimed at decreasing the incidence of fraud perpetrated against senior citizens. The Telemarketing Fraud Against Senior Citizens Program's mission directly supports the Department of Justice's (DOJ's) Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

In 1999, 8 grants were awarded under this program and 3 technical assistance training workshops were held for approximately 300 program participants. In the long-term, program impact will be based on the number of telemarketing scams that are investigated and prosecuted as a result of the resources provided by this program.

FY 2001 Performance Goals and Indicators

The Telemarketing Fraud Against Senior Citizens Program is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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OFFICE OF JUSTICE PROGRAMS
State and Local Law Enforcement Assistance
Telemarketing Fraud Against Senior Citizens Program
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Enhanced Penalties for Telemarketing Fraud	**Amount**
2000 Enacted	$2,000
2001 Base	2,000
2001 Estimate	2,000
Increase/Decrease	$0

BASE PROGRAM DESCRIPTION:

This program, authorized by Section 250005 of the VCCLEA, provides grant funding for State and local law enforcement agencies and senior citizen advocacy organizations for public awareness and prevention initiatives, such as seminars and training targeted at fraud against senior citizens.

In 1998, the Bureau of Justice Assistance (BJA) awarded grants to: (1) National Association of Attorneys General; (2) American Prosecutors Research Institute; (3) National White Collar Crime Center and (4) American Association of Retired Persons, which have begun to address the following major challenges to the investigative and prosecutorial efforts of State and local agencies in addressing telemarketing fraud:

1. A multi-agency committee comprised of State and local law enforcement and prosecutorial officials assisted by federal justice divisions to coordinate the planning and provision of criminal law training to State attorneys general, district attorneys and investigators.

2. National and regional training and technical assistance to broaden criminal and civil enforcement efforts by increasing the numbers of State and local telemarketing prosecutions against both companies and individuals.

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3. A case study of up to 10 State and local task forces that have created unique approaches to increasing prevention and prosecution of telemarketing fraud cases.

2001 Program Change:

In 2001, BJA requests $2 million for the continuation of this program, which is equal to the 2000 enacted level.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Telemarketing Fraud Against Senior Citizens/Bureau of Justice Assistance (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice capabilities of Tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To reduce the incidence of telemarketing scams perpetrated against senior citizens.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actual	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$2.5M*	$2M	$2M	$2M	$2M
Output/ Activity	2. Number of applications received	BJA files	5	3	21	20	20
	3. Number of awards made	BJA files	5	4	8	5	5
	4. Number of technical assistance training workshops offered to grantees	BJA files	2	3	3	3	3
Intermediate Outcome	5. Number of training workshop program participants	BJA files	175	3	300	300	300
End Outcome	6. Number of telemarketing fraud cases filed and prosecuted.	Grantee reports	N/A (a/)	N/A (a/)	N/A (a/)	N/A (a/)	N/A (a/)

A. Definitions of Terms or Explanations for Indicators and Data Source:
a/ This measure will be changed in the next cycle. The current indicator does not measure the activities upon which this grant program focuses which are training and the development of task forces in the five demonstration sites. Grantees cannot provide information on this indicator.

B. Issues Affecting 1999 Program Performance: * Of the $2.5 million appropriated in 1998, $300,000 was transferred to the Office for Victims of Crime for continuation of demonstration programs working with senior citizens. These activities are not reflected on the chart.

C. Issues Affecting Selection of 2000 and 2001 Plans: New indicators will be added in the next budget cycle to more accurately reflect the types of activities that are conducted in this grant program.

D. Validation and Verification. The Program Development Division maintains files that track the number of applications received, reviewed and awarded as well as a technical assistance log that records the number of requests and number/type of TA provided. Records are also maintained by the division to track the number of workshops offered and number of participants. Grantee progress reports and division site visits will be used to determine the end outcome measures. This determination will be made through a process of ensuring that the grantee has measurable, attainable, and germane goals and objectives, that grantee reporting requirements are established from the start of the program, and that an assessment is made by the program manager at the time of close-out that the grantee accomplished the majority of its goals and objectives.

Office of Justice Programs
State and Local Law Enforcement Assistance
Financial Analysis - Program Changes
(Dollars in thousands)

	Local Law Enforcement Block Grant	State Criminal Alien Assistance Program	Correctional Facilities	Tribal Court Initiative	Edward Byrne Formula Grants	Edward Byrne Discretionary Grants	Court Appointed Special Advocate
25.2 Other Services	—	—	—	—	—	$900	—
25.3 Purchases of Goods & Services from Gov't Accounts	($13,016)	$8,504	($778)	$511	($3,626)	—	—
41.0 Grants, Subsidies & Contributions	(509,982)	6,496	(447,721)	9,489	(96,374)	6,600	($1,000)
Total, Program obligation changes requested, 2001	($523,000)	15,000	(448,500)	10,000	(100,000)	7,500	(1,000)

	VAWA: STOP Grants	Residential Substance Abuse Treatment	Juvenile Incentive Block Grants	Drug Courts	Indian Country Grant Program	Zero Tolerance and rug Intervention Initiativ	Total
25.2 Other Services	—	—	—	—	—	—	$900
25.3 Purchases of Goods & Services from Gov't Accounts	—	—	—	$852	$715	$2,655	(4,286)
41.0 Grants, Subsidies & Contributions	$13,250	$2,000	($250,000)	9,148	20,285	72,445	(1,183,364)
Total, Program obligation changes requested, 2001	13,250	2,000	(250,000)	10,000	21,000	75,000	(1,186,750)

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Office of Justice Programs
State and Local Law Enforcement Assistance
Priority Ranking
FY 2001

BASE PROGRAM		PROGRAM INCREASES		
Program	**Ranking**	**Program**	**Enhancement**	**Ranking**
VAWA : STOP Grants	1	Zero Tolerance and Drug Intervention Initiative	Zero Tolerance and Drug Intervention Initiative	1
Edward Byrne Formula Grants	2	Edward Byrne Discretionary Grants	Community Demonstration on Alcohol and Crime	2
Drug Courts	3	VAWA : STOP Grants	Civil Legal Assistance	3
Edward Byrne Discretionary Grants	4	Residential Substance Abuse Treatment.	Residential Substance Abuse Treatment.	4
Residential Substance Abuse Treatment.	5	Drug Courts	Drug Court Program	5
VAWA: Encourage Arrest Policies	6	Indian Country Grant Program	Indian Country Alcohol & Substance Abuse Diversion Prograr	6
VAWA: Rural Domestic Violence and Child Abuse Enforcement Assistance	7	Indian Country Grant Program	Tribal Youth Mental Health and Behavioral Problems	7
VAWA: Training Programs to Assist Probation and Parole Officers	8	Tribal Courts Initiative	Tribal Courts Initiative	8
Local Law Enforcement Block Grant.	9	Edward Byrne Discretionary Grants	Tribal Criminal and Civil Legal Assistance	9
Juvenile Incentive Block Grants.	10	VAWA : STOP Grants	Domestic Violence Case Processing Study	10
Tribal Courts Initiative	11	Indian Country Grant Program	Sexual Abuse Nurse Examination Units (SANE)	11
Correctional Facilities.	12	VAWA : STOP Grants	Family Violence Research	12
State Criminal Alien Assistance Program	13	State Criminal Alien Assistance Program	State Criminal Alien Assistance Program	13
Court Appointed Special Advocate	14			
Child Abuse Training Programs for Judicial Personnel	15			
Law Enforcement Family Support	16			
Countering Telemarketing Scams	17			
Motor Vehicle Theft Prevention	18			
Missing Alzheimer's Program	19			
Grants for Closed Circuit Televising	20			

Office of Justice Programs
State and Local Law Enforcement Assistance
Summary of Changes
(Dollars in thousands)

	Amount
2000 Appropriation Enacted	**$1,634,500**
Government-wide Rescission per Public Law 106-113	(58,083)
2000 Availability	**1,576,417**
Add-back of Government-wide Rescission per Public Law 106-113	58,083
Transfer of Violent Crime Reduction Programs to State and Local Law Enforcement Assistance Direct Appropriation	1,194,450
2000 Base	**2,828,950**
Program Changes:	
Local Law Enforcement Block Grants	(523,000)
State Criminal Alien Assistance Program	15,000
Correctional Facilities Grants	(446,500)
Tribal Courts Initiative	10,000
Edward Byrne Formula Grants	(100,000)
Edward Byrne Discretionary Grants	7,500
Court Appointed Special Advocate	(1,000)
VAWA STOP Grants	13,250
Residential Substance Abuse Program	2,000
Juvenile Incentive Block Grants	(250,000)
Drug Courts	10,000
Indian Country Grant Program	21,000
Zero Tolerance and Drug Intervention Initiative	75,000
Total, Program Changes	**(1,166,750)**
2001 Estimate	**1,662,200**

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Office of Justice Programs
State and Local Law Enforcement
Summary of Requirements by Object Class
(Dollars in thousands)

	Object Class	1999 Actual WY	1999 Actual Amount	2000 Availability WY	2000 Availability Amount	2001 Estimate WY	2001 Estimate Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	---	---	---	---	---	---	---	---
11.3	Other Than Full-Time	---	---	---	---	---	---	---	---
11.5	Other Personnel Compensation	---	---	---	---	---	---	---	---
11.8	Special Personnel Services Pymts	---	---	---	---	---	---	---	---
	Total	0.0	---	0.0	---	0.0	---	0.0	---
12	Personnel Benefits	---	---	---	---	---	---	---	---
13	Benefits for Former Personnel	---	---	---	---	---	---	---	---
21	Travel and Transportation of Persons	---	---	---	---	---	---	---	---
22	Transportation of Things	---	---	---	---	---	---	---	---
23.1	GSA Rent	---	---	---	---	---	---	---	---
23.2	Rental Payments to Others	---	---	---	---	---	---	---	---
23.3	Communications, Utilities, and Misc.	---	$90	---	$100	---	$100	---	---
24	Printing and Reproduction	---	82	---	95	---	95	---	---
25.1	Consulting Services	---	66	---	70	---	70	---	---
25.2	Other Services	---	1,675	---	3,600	---	4,500	---	$900
25.3	Purchases of Goods and Services from Government Accounts	---	5,107	---	57,163	---	85,499	---	28,336
26	Supplies and Materials	---	---	---	---	---	---	---	---
31	Equipment	---	---	---	---	---	---	---	---
41	Grants, Subsidies and Contributions	---	560,557	---	1,545,804	---	1,591,936	---	46,132
	Total Obligations	---	567,777	---	1,606,832	---	1,682,200	---	75,368
	Recovery of Prior Year Obligations	---	(9,843)	---	(20,000)	---	(20,000)		
	Unobligated balance, start of year	---	(16,547)	---	(10,414)	---	---		
	Unobligated balance, end of year	---	10,414	---	---	---	---		
	Total Requirements	---	552,000	---	1,576,418	---	1,662,200		
	Relation of Obligations to Outlays:								
	Total Obligations	---	567,777	---	1,606,832	---	1,682,200		
	Obligated balance, start of year	---	677,296	---	921,803	---	1,956,735		
	Obligated balance transferred in	---	---	---	---	---	4,054,688		
	Obligated balance, end of year	---	(921,803)	---	(1,956,735)	---	(4,354,623)		
	Adjustment in unexpired accounts	---	(9,843)	---	(20,000)	---	(20,000)		
	Outlays	---	313,926	---	551,900	---	3,319,000		

Note: Individual column totals may not add due to rounding.

Office of Justice Programs
Violent Crime Reduction Programs
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAMS
Violent Crime Reduction Programs
2001 Summary Statement and Performance Plan

Summary Statement

In 2001, all programs previously requested and funded under the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance appropriation are requested to be funded under the State and Local Law Enforcement Assistance account.

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Office of Justice Programs
Violent Crime Reduction Programs, State and Local Law Enforcement Assistance
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized and language proposed for deletion is bracketed.

[Violent Crime Reduction Programs, State and Local Law Enforcement Assistance]

[For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $1,194,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provision of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided,* That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, $10,000,000 which shall be used exclusively for violence on college campuses, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by Part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7)

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of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act, of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; of which $250,000,00 shall be for Juvenile Accountability Incentive Block Grants, except as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: *Provided further,* That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further,* That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.]

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P. L. 106-113).)

Explanation of Change:

1. Deletes VCRP language. In 2001, funding for these programs are requested under State and Local Law Enforcement Assistance.

Office of Justice Programs
Violent Crime Reduction Programs
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Criminal Records Upgrade Prog.	---	---	$45,000	---	---	---	---	---	---	---	---	$5,296	---	---	$50,296
Correctional Facilities Grants	---	---	555,500	---	---	---	---	---	---	---	---	77,198	---	---	632,698
Drug Courts Grants	---	---	40,000	---	---	---	---	---	---	---	---	1,697	---	---	41,697
Violence Against Women Act Programs	---	---	282,750	---	---	---	---	---	---	---	---	1,572	---	---	284,322
State Criminal Alien Assistance	---	---	585,000	---	---	---	---	---	---	---	---	577,859	---	---	1,162,859
Residential Substance Abuse Treatment	---	---	63,000	---	---	---	---	---	---	---	---	2,187	---	---	65,187
Tribal Court Initiative	---	---	5,000	---	---	---	---	---	---	---	---	---	---	---	5,000
DNA Identification - State Grants	---	---	15,000	---	---	---	---	---	---	---	---	(12) *	---	---	14,988
Local Law Enforcement Block Grant	---	---	523,000	---	---	---	---	---	---	---	---	89,451	---	---	612,451
Juvenile Accountability Incentive Block Grants	---	---	250,000	---	---	---	---	---	---	---	---	6,358	---	---	256,358
Other Crime Control	---	---	5,700	---	---	---	---	---	---	---	---	11,981	---	---	17,681
Total	---	---	2,369,950	---	---	---	---	---	---	---	---	773,587	---	---	3,143,537

* Erroneous entries in the accounting system created a negative unobligated balance. These entries will be corrected in 2000.

Office of Justice Programs
Violent Crime Reduction Programs
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request	Congressional Appropriation Action on 2000 Request	Government-wide .38 Percent Rescission	Reprogrammings	2000 Availability
Byrne Law Enforcement Assistance	$459,950	$92,050	---	---	$552,000
Correctional Facilities Grants	75,000	(75,000)	---	---	---
Drug Courts	50,000	(10,000)	---	---	40,000
Violence Against Women Act Programs	282,750	1,000	---	---	283,750
State Criminal Alien Assistance Program	500,000	(500,000)	---	---	---
Residential Substance Abuse and Treatment Program	65,100	(2,100)	---	---	63,000
Drug Testing and Intervention Initiative	100,000	(100,000)	---	---	---
Tribal Court Initiative	5,000	(5,000)	---	---	---
Executive Office for Weed and Seed	33,500	(33,500)	---	---	---
Juvenile Accountability Incentive Block Grants	---	250,000	($12,006)	---	237,994
Certainty of Punishment	35,000	(35,000)	---	---	---
Other Crime Control Programs	5,700	---	---	---	5,700
Total	1,612,000	(417,550)	(12,006)	---	1,182,444

Congressional Appropriation Action on 2000 Request:

Congress restored the Byrne Program to the 1999 funding level. Although funding was not provided under the "VCRP" account for Correctional Facilities Grants, State Criminal Alien Assistance and the Tribal Court Initiative, a total of $1,078,533,000 was provided for these programs under the "State and Local Law Enforcement Assistance" account. The Drug Court Program was not provided the $10 million increase requested. Congressional action provided an increase of $1 million to the Court Appointed Special Advocate Program within the Violence Against Women Act Programs. Congress restored funding of the Juvenile Accountability Incentive Block Grant Program to $237,944 million.

Other Congressional action included: no funding for the $35 million Certainty of Punishment Program; reduced funding of $2.1 million for the Residential Substance Abuse and Treatment Program; and funding for the Weed and Seed Program was provided under the "Weed and Seed" account.

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	WY	Amount
2000 Appropriation Enacted	474	473	$1,194,450
Transfer to Justice Assistance Appropriation for administrative functions	(474)	(473)	[-56,288] 1/
Government-wide Rescission per Public Law 106-113:			
Juvenile Accountability Incentive Block Grant	---	---	(12,006) 2/
2000 Availability	---	---	1,182,444
Add-back of Government-wide rescission per Public Law 106-113			12,006
Transfer of Violent Crime Reduction Programs to State and Local Law Enforcement Assistance Direct Appropriation	---	---	(1,194,450) 3/
2001 Base	---	---	---
Program Changes	---	---	---
2001 Estimate	---	---	---

1/ Associated funding for personnel is in brackets for display purposes only and is not additive.
2/ Amount shown is rounded to thousands of dollars. The exact amount is $12,005,500.
3/ The 2001 President's Budget proposes eliminating the Violent Crime Reduction Trust Fund. Therefore, proposed 2001 funding levels for the trust fund programs listed below are discussed under the State and Local Law Enforcement Assistance appropriation.

	2000 Availability			2001 Base 1/			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Byrne Law Enforcement Assistance	---	---	$552,000	---	---	---	---	---	---	---	---	---
Drug Courts	---	---	40,000	---	---	---	---	---	---	---	---	---
Violence Against Women Act Programs	---	---	283,750	---	---	---	---	---	---	---	---	---
Residential Substance Abuse Treatment	---	---	63,000	---	---	---	---	---	---	---	---	---
Juvenile Accountability Incentive Block Grants	---	---	237,994	---	---	---	---	---	---	---	---	---
Other Crime Control Programs	---	---	5,700	---	---	---	---	---	---	---	---	---
	---	---	1,182,444	---	---	---	---	---	---	---	---	---

1/ Base funding for these programs appear under the "State and Local Law Enforcement Assistance" account.

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Resources by Program
(Dollars in thousands)

	Final 1999 Availability			1999 Actual			2000 Availability			2001 Base 1/			2001 Estimate			Increase/Decrease		
Estimates by Budget Activity	**Pos.**	**WY**	**Amount**	**Pos.**	**WY**	**Amount**	**Pos.**	**WY**	**Amount**	**Pos.**	**WY**	**Amount**	**Pos.**	**WY**	**Amount**	**Pos.**	**WY**	**Amount**
Byrne Formula	---	---	---	---	---	---	---	---	$500,000	---	---	---	---	---	---	---	---	---
Byrne Discretionary	---	---	---	---	---	---	---	---	52,000	---	---	---	---	---	---	---	---	---
Criminal Records Upgrade Prog	---	---	$50,296	---	---	$48,278	---	---	---	---	---	---	---	---	---	---	---	---
Correctional Facilities	---	---	632,698	---	---	633,382	---	---	---	---	---	---	---	---	---	---	---	---
Drug Courts Grants	---	---	41,697	---	---	40,050	---	---	40,000	---	---	---	---	---	---	---	---	---
Violence Agnt Women Act:																		
STOP Grants	---	---	208,225	---	---	199,832	---	---	206,750	---	---	---	---	---	---	---	---	---
Encouraging Arrest Policies	---	---	37,626	---	---	29,096	---	---	34,000	---	---	---	---	---	---	---	---	---
Rural Dom Violence & Child Abuse Enforcement	---	---	29,101	---	---	25,538	---	---	25,000	---	---	---	---	---	---	---	---	---
Training Programs	---	---	5,238	---	---	3,536	---	---	5,000	---	---	---	---	---	---	---	---	---
Victims of Child Abuse Act:																		
Court Appointed Special Advocate	---	---	9,000	---	---	9,000	---	---	10,000	---	---	---	---	---	---	---	---	---
Training for Judicial Personnel	---	---	2,000	---	---	2,000	---	---	2,000	---	---	---	---	---	---	---	---	---
Grants for Televised Testimony	---	---	1,124	---	---	349	---	---	1,000	---	---	---	---	---	---	---	---	---
State Criminal Alien Assistance	---	---	1,162,859	---	---	1,162,729	---	---	---	---	---	---	---	---	---	---	---	---
Residential Substance Abuse Treatment	---	---	65,187	---	---	61,986	---	---	63,000	---	---	---	---	---	---	---	---	---
Indian Tribal Courts	---	---	5,000	---	---	405	---	---	---	---	---	---	---	---	---	---	---	---
DNA Identification - State Grants	---	---	14,988	---	---	13,634	---	---	---	---	---	---	---	---	---	---	---	---
Local Law Enforcement Block Grant	---	---	612,451	---	---	456,747	---	---	---	---	---	---	---	---	---	---	---	---
Juvenile Incentive Block Grants	---	---	256,356	---	---	249,851	---	---	237,994	---	---	---	---	---	---	---	---	---
Missing Alzheimer's Program	---	---	901	---	---	898	---	---	900	---	---	---	---	---	---	---	---	---
Motor Vehicle Theft Prevention	---	---	1,452	---	---	727	---	---	1,300	---	---	---	---	---	---	---	---	---
Law Enforcement Family Support	---	---	1,977	---	---	978	---	---	1,500	---	---	---	---	---	---	---	---	---
Countering Telemarketing Scams	---	---	2,615	---	---	1,461	---	---	2,000	---	---	---	---	---	---	---	---	---
Other Crime Control	---	---	2,744	---	---	1,028	---	---	---	---	---	---	---	---	---	---	---	---
Total	---	---	3,143,537	---	---	2,941,509	---	---	1,182,444	---	---	---	---	---	---	---	---	---

NOTE: Positions and Workyears are reflected in "Justice Assistance" account.

1/ Base funding for these programs appear under the "State and Local Law Enforcement Assistance" account.

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Office of Justice Programs
Violent Crime Reduction Programs
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source:												
Department of Justice	---	---	$7,318	---	---	$60,000	---	---	---	---	---	($60,000)
Department of Health and Human Services	---	---	375	---	---	250	---	---	---	---	---	(250)
Department of Defense	---	---	500	---	---	—	---	---	---	---	---	—
Department of Treasury	---	---	—	---	---	3,000	---	---	---	---	—	(3,000)
Department of Transportation	---	---	50	---	---	—	---	---	---	---	---	—
Department of Education	---	---	50	---	---	—	---	---	---	---	---	—
Office of National Drug Control Policy	---	---	1,960	---	---	—	---	---	---	---	---	—
Budgetary Resources	---	---	10,253	---	---	63,250	---	---	---	---	---	(63,250)
Obligations by Program:												
National Institute of Justice	---	---	500	---	---	33,000	---	---	---	---	---	(33,000)
Bureau of Justice Statistics	---	---	—	---	---	30,000	---	---	---	---	---	(30,000)
Corrections Program Office	—	---	7,318	---	---	—	---	---	---	---	—	—
Office of Juvenile Justice & Delinquency Prevention	---	---	100	---	---	—	---	---	---	---	---	—
Violence Against Women Grants Office	---	---	375	---	---	250	---	---	---	---	---	(250)
Drug Courts	---	---	1,960	---	---	—	---	---	---	---	---	—
Total	---	---	10,253	---	---	63,250	---	---	---	---	—	(63,250)

Resources from Federal agencies in 1999 provided funds for several program activities that included: DOJ resources of $7.318 million for support to the CIRCLE Project; HHS resources of $375k for Violence Against Women's Domestic Violence programs; DOD resources of $500k to NIJ to support the Southwest Border States Anti Drug Information Systems project for the State of New Mexico; DOE and DOT provided $50k each to support Juvenile Justice Youth Court Programs and ONDCP resources were provided to further development and operation of a national drug court institute.

Estimated resources in 2000 will support the Criminal Record Upgrade Program; DNA Backlog and Crime Laboratory Improvement Program; Money Laundering project; and violence against women activities.

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class		1999 Actual WY	1999 Actual Amount	2000 Availability WY	2000 Availability Amount	2001 Estimate WY	2001 Estimate Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	---	---	---	---	---	---	---	---
11.3	Other Than Full-Time	---	---	---	---	---	---	---	---
11.5	Other Personnel Compensation	---	---	---	---	---	---	---	---
11.8	Special Personnel Services Pymts	---	---	---	---	---	---	---	---
	Total	0.0	---	0.0	---	0.0	---	0.0	---
12	Personnel Benefits	---	---	---	---	---	---	---	---
13	Benefits for Former Personnel	---	---	---	---	---	---	---	---
21	Travel and Transportation of Persons	---	$997	---	$997	---	---	---	($997)
22	Transportation of Things	---	---	---	---	---	---	---	---
23.1	GSA Rent	---	---	---	---	---	---	---	---
23.2	Rental Payments to Others	---	---	---	---	---	---	---	---
23.3	Communications, Utilities, and Misc	---	93	---	93	---	---	---	(93)
24	Printing and Reproduction	---	31	---	31	---	---	---	(31)
25.1	Consulting Services	---	1,494	---	1,500	---	---	---	(1,500)
25.2	Other Services	---	8,385	---	8,400	---	---	---	(8,400)
25.3	Purchases of Goods and Services from Government Accounts	---	82,487	---	25,376	---	---	---	(25,376)
26.00	Supplies and Materials	---	24	---	24	---	---	---	---
31.00	Equipment	---	6	---	6	---	---	---	---
41.00	Grants, Subsidies and Contributions	---	2,847,993	---	1,370,546	---	---	---	(1,370,546)
	Total Obligations	---	2,941,509	---	1,406,973	---	---	---	(1,406,943)
	Recovery of Prior Year Obligations		(83,416)		(22,500)		---		
	Unobligated Balance, start of year		(690,171)		(202,028)		---		
	Unobligated Balance, end of year		202,028		---		---		
	Total Requirements		2,369,950		1,182,444		---		
	Relation of Obligations to Outlays:								
	Total Obligations		2,941,509		1,406,973		---		
	Obligated Balance, start of year		3,165,175		3,757,248		4,054,988		
	Obligated Balance, end of year		(3,757,248)		(4,054,988)		---		
	Obligated Balance, transferred out		---		---		(4,054,988)		
	Adjustments in Unexpired Accounts		(83,416)		(22,500)		---		
	Outlays		2,266,020		1,086,732		---		

Note: Individual column totals may not add due to rounding.

Office of Justice Programs
Weed and Seed Program
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAMS
Executive Office for Weed and Seed
2001 Summary Statement and Performance Plan

Summary Statement

Weed and Seed represents the Department's **premier, neighborhood-based** comprehensive crime control initiative. The Executive Office for Weed and Seed (EOWS) is accordingly requesting a total of $42 million as a direct appropriation for the Weed and Seed Program. This request represents an increase of $8.5 million over the 2000 base funding level of $33.5 million. Major elements of the requested increase include funds to replace current DOJ supersurplus asset forfeiture funds with appropriated funds ($6.5 million), and raise the existing site funding level to support local evaluations ($2 million). EOWS's total request for 2001 will support the goals and priorities of the Administration, the Department of Justice, and the Office of Justice Programs.

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Executive Office for Weed and Seed's (EOWS) mission is to assist communities in the development and implementation of comprehensive strategies to "weed out" violent crime, illegal drug and gun trafficking, and illegal gang activity and to "seed" their communities with crime prevention programs. To achieve this mission, EOWS provides assistance to sites in designing comprehensive strategies to prevent and control crime, coordinates federal participation in cooperation with the U.S. Attorneys Offices and Federal law enforcement agencies and other Federal departments, and provides grant funding to communities to further their strategies. EOWS' mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

Since 1991, the Weed and Seed Program has grown from three to over 200 sites nationwide. The Weed and Seed Program assists communities in establishing strategies that link federal, state and local law enforcement and criminal justice efforts with private sector and community efforts. It assists communities in "weeding out" violent crime, gang activity, drug use and drug trafficking in targeted neighborhoods and then "seeding" the targeted areas with programs that lead to social and economic rehabilitation and revitalization.

In 1999, Abt. Associates published a National Impact Evaluation on the Weed and Seed Program, which focused on eight sites (Akron, OH; Hartford, CT; Las Vegas, NV; Manatee and Sarasota Counties, FL; Pittsburgh, PA; Salt Lake City, UT; Seattle, WA; and

Shreveport, LA) exemplifying different aspects of the program. In six of the eight Weed and Seed sites studied, clear evidence exists that Part I crime (homicide, rape, robbery, aggregated assault, burglary, larceny, and auto theft) declined more rapidly than in comparable areas over the course of the program and that this was attributable to the Weed and Seed Program efforts. Furthermore, the evaluation found that Weed and Seed funding acted as a significant catalyst for general community revitalization efforts and that most target area communities have undertaken programs and created beneficial community organizations that likely would not have come into existence without Weed and Seed.

In addition to the evaluation described above, in July 1999, GAO issued a report on its review of EOWS operations for efficiency and effectiveness. EOWS is currently working with the National Institute of Justice to enhance data collection and performance assessment capacity so that existing sites can better evaluate the effectiveness of their Weed and Seed strategies. Locally collected data will be useful to sites in helping them identify what is working and what is not, so that it can be corrected or duplicated. As a result of both the GAO findings and the work that has been completed with NIJ on improving performance measurements, EOWS has requested an enhancement in 2001 to further improve Weed and Seed site strategies.

FY 2001 Performance Goals and Indicators

EOWS is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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Office of Justice Programs
Weed and Seed Program Fund
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized, and language proposed for deletion is bracketed.

Weed and Seed Program Fund

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, [$33,500,000] *$42,000,000*, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P. L. 106-113).)

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Office of Justice Programs
Weed and Seed Program
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Weed and Seed Program.....	---	---	$33,500	---	---	---	---	---	---	---	---	$5,391	---	---	$38,891

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Office of Justice Programs
Weed and Seed Program
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Weed and Seed Program.....	---	---	---	---	---	$33,500	---	---	---	---	---	$33,500

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Congressional Appropriation Action on 2000 Request

In 2000, funds had been proposed to be reimbursed from the "VCRP State and Local Law Enforcement Assistance" account. Congress provided a direct appropriation for this activity, as well as direction to use $6.5 million from Asset Forfeiture Funds.

Office of Justice Programs
Weed and Seed Program
Summary of Requirements
(Dollars in thousands)

Adjustment to Base:	Perm Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$33,500
2001 Base	...	...	33,500
Program Changes	...	...	8,500
2001 Estimate	...	...	42,000

Estimates by budget activity	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Weed and Seed Program	...	...	$33,500	...	...	$33,500	...	...	$42,000	...	...	$8,500

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Office of Justice Programs
Weed and Seed Program
Summary of Resources by Program
(Dollars in thousands)

Estimates by Budget Activity	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Weed and Seed Program.....	—	—	$38,891	---	---	$34,760	---	---	$33,500	---	---	$33,500	---	---	$42,000	---	---	$8,500

Office of Justice Programs
Weed and Seed Program
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Estimate			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source												
Department of Justice	---	---	$6,600	---	---	$6,500	---	---	---	---	---	($6,500)
Budgetary Resources	---	---	6,600	---	---	6,500	---	---	---	---	---	(6,500)
Obligations by Program:												
Weed and Seed	---	---	6,600	---	---	6,500	---	---	---	---	---	(6,500)
Total	---	---	6,600	---	---	6,500	---	---	---	---	---	(6,500)

Resources provided funds to support Weed and Seed program activity.

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OFFICE OF JUSTICE PROGRAMS
Executive Office for Weed and Seed
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Weed and Seed Program	**Amount**
2000 Enacted	$33,500
2001 Base	33,500
2001 Estimate	42,000
Increase/Decrease	8,500

BASE PROGRAM DESCRIPTION:

Begun in 1991, the Weed and Seed program continues to pioneer the nationwide adoption of community-based comprehensive crime prevention and control strategies. Site funding generally tends to be evenly split between "weeding" and "seeding." "Weeding" activities encompass joint law enforcement operations and community policing, while "seeding" activities range from prevention activities located in Safe Havens to neighborhood physical improvement and economic development.

Since 1995, Weed and Seed sites have been funded with resources available through direct appropriations and funds available from the DOJ's Asset Forfeiture Fund Super Surplus. By 1995, 36 Weed and Seed sites were supported by an appropriation of $23.5 million, plus Asset Forfeiture Funds; and by 1996, 79 sites were supported by an appropriation of $18 million, plus Asset Forfeiture Funds. In 1997, Weed and Seed funding was provided to almost 120 sites supported by an annual appropriation of $28.5 million plus Asset Forfeiture Funds. In 1998, Weed and Seed funding was provided to 176 sites. As the number of sites has increased by almost 400 percent, while overall program resources have increased by only 43 percent, EOWS has reduced the base level of support to each site from $750,000 to between $200,000 to $300,000. The decision to provide smaller grant resources to more sites reflects Weed and Seed program experience that the federal dollars are useful as a catalyst in bringing people to the table to work together. The effect sought and expected is that sites will reach out to local partners early on to leverage resources from other government and private sources. By reducing the award amount, EOWS is able to more effectively reach a larger population of needy sites. In 1999 and 2000, Weed and Seed received $33.5 million in appropriated funds plus $6.5 million in Asset Forfeiture Super Surplus Funds for a total of $40 million. This funding level has enabled the program to grow to 201 sites. In 2001, $42 million is requested as a direct appropriation with no funding provided from Asset Forfeiture. Of the $8.5 million requested, $6.5 million will be used to replace Asset Forfeiture Super Surplus Funds with appropriated funds. This will return the program to reliance on the appropriation process

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rather than uncertainty of dependence on Asset Forfeiture Super Surplus Funds.

In addition to providing funding directly to sites, the Weed and Seed appropriation has supported many multi-site activities. In cooperation with AmeriCorps, Weed and Seed has supported hundreds of AmeriCorps participants contributing to public safety-oriented projects in a growing number of Weed and Seed sites. In cooperation with the U.S. Navy Drug Demand Reduction Task Force and other military partners, Weed and Seed is supporting the implementation of the successful year-long "Drug Education For Youth" (DEFY) program in Weed and Seed communities. The number of DEFY programs in Weed and Seed sites increased from 3 in 1996 to 30 in 1997. DEFY programs were fielded in 60 Weed and Seed sites in each 1998 and 1999. This level will be maintained in 2000.

Weed and Seed sites are provided funding and training to implement programs that will help them deal with serious crime problems in their communities such as: gun abatement; community empowerment; truancy prevention; conflict resolution; justice innovations; jobs for at-risk youth; anti-gang crime initiatives; prevention through the arts; mentoring; and anti-drug and alcohol abuse strategies. Consistent with the program's emphasis on flexibility and customer orientation, sites were invited to select the programs that fit their needs. Increasingly, funds are being used to marshal the experience of older sites by making them peer-to-peer training sites that showed potential new sites what to do and what to avoid to have a successful program. The Weed and Seed program has proven to be an effective Federal program, which works at the grass roots level and is tremendously popular.

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2001 Program Changes:

In 2001, EOWS requests a total of $42 million, which is $8.5 million above the 2000 base. Of the $8.5 million requested, $6.5 million will be used to replace the Asset Forfeiture Fund Super Surplus with appropriated funds. The remaining $2 million will be used to enhance data collection and performance assessment capacity so that existing sites can evaluate the effectiveness of their Weed and Seed strategies. A description of this enhancement can be found under the Community Justice Initiative beginning on page 11.

PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Executive Office for Weed and Seed (EOWS) (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) Encourage community-based approaches to crime and justice at the state and local level
MISSION: To provide grant funding to communities to help develop and implement comprehensive strategies to "weed out" violent crime, drug and gun trafficking, and gang activity and "seed" the neighborhood with programs that achieve and maintain crime prevention and economic revitalization.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$44.8M*	$33.5M	$40M*	$33.5M	$42M
Output/ Activity	2. Number of Sites Funded	EOWS Files	176	201	201	201	201
Intermediate Outcome	3. Grantee expressing satisfaction with Weed and Seed program overall	Survey	98%	90%	95%	90%	90%
	Application kit	Survey	100%	90%	97%	90%	90%
	Publications	Survey	100%	90%	96%	90%	90%
	Conferences	Survey	100%	90%	95%	90%	90%
	Technical Assistance and Training	Survey	70%	90%	94%	80%	80%
End Outcome	4. Participants who feel that community policing is working to reduce crime (% of responses, customer survey)	Survey	81%	80%	88%	TBD	TBD
	New Reporting Requirements: 5. Law Enforcement - Total Number of Homicides in the Site (average # for all sites reporting)**	Site Reporting	5	TBD	TBD***	TBD	TBD
	6. Number of sites using the following community policing activities:**						
	a. Foot Patrols	Site Reporting	117	TBD	TBD***	TBD	TBD
	b. Bike Patrols		131	TBD	TBD***	TBD	TBD
	c. Substations		119	TBD	TBD***	TBD	TBD
	d. Crime Watch		142	TBD	TBD***	TBD	TBD
	e. Participation in community meetings		150	TBD	TBD***	TBD	TBD

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End Outcome (cont'd.)	7. Safe Havens - Participants who feel that Safe Havens are working to reduce crime (% of responses, customer survey)	Site Reporting	81%	80%	93%	80%	80%
	8. Total unduplicated Safe HavensAttendance for all services/ activities during one typical week during January 1 - March 31, 1999 (total for all sites reporting)**	Site Reporting	—	—	50,485	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD -To Be Determined
* Actual appropriations include carryover and Super Surplus Asset Forfeiture.

B. Issues Affecting 1999 Program Performance.
** GPRA data category revised for FY 1999; law enforcement data reported in FY 1999 reflects FY 1998 performance. For end outcomes #5 and #8, approximately 50% of sites reported. Data is unavailable from new sites.

*** These data will be available with sites' FY2000 funding applications, expected May 2000.

In 1999, $33.5 million was appropriated and $6.5 million in Super Surplus of the Asset Forfeiture Fund (AFF) was provided to Weed and Seed. Within DOJ, other funding sources have included the Executive Office for U.S. Attorneys, the Bureau of Justice Assistance Byrne Grant Program, and Asset Forfeiture Funds under 28 USC 524(c)(1)(I) (approximately $8 million in 1994 and $9 million in each year thereafter). A variety of factors beyond the control of the federal government may affect performance indicators, for example: local capacity and commitment to implement the program; and societal trends of a regional or national nature.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In 2000, funding sources include the appropriated amount of $33.5M. As in years past, plan to receive additional funding of $6.5M in Super Surplus of the AFF.

In 2001, $42 million is requested as a direct appropriation. The typical level of site funding as of 1997 and thereafter is approximately $200,000 - $300,000 per site, down from $750,000 per site for the original demonstration sites. This reflects a program decision to spread program resources over a larger number of sites. Also note that most sites awards are made toward the end of the fiscal year, so that outcomes will extend into the subsequent fiscal year.

The NIJ impact evaluation final report and the GAO findings have assisted EOWS in improving data collection efforts. Of the $8.5 million enhancement requested for 2001, $2 million will be used to enhance data collection and performance assessment capacity so that existing sites can evaluate the effectiveness of the Weed and Seed strategies. EOWS will help sites improve their capacity to do small-scale evaluations by providing technical assistance and examine 22 different variables, such as household income, truancy rates, out-of-wedlock births and other measures to get a better sense of the impact the Weed and Seed program has had at its over 200 sites.

D. Validation and Verification. EOWS validates and verifies performance measures through a review of progress reports submitted by grantees; telephone contact, and onsite monitoring of grantees' performance by grant program managers.

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Office of Justice Programs
Weed and Seed Program
Financial Analysis - Program Changes
(Dollars in thousands)

	Weed and Seed Program		Total	
	Pos.	Amount	Pos.	Amount
Grants, Subsidies and Contributions.....	---	$8,500	---	$8,500
Total Program workyears and obligation changes requested 2001	---	8,500	---	8,500

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Office of Justice Programs
Weed and Seed Program
Summary of Change
(Dollars in thousands)

	Amount
2000 Appropriation Enacted	$33,500
2001 Base	33,500
Program Change	8,500
2001 Estimate	42,000

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Office of Justice Programs
Weed and Seed Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class		1999 Actuals WY	1999 Actuals Amount	2000 Estimate WY	2000 Estimate Amount	2001 Estimate WY	2001 Estimate Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	—	—	—	—	—	—	—	—
11.3	Other Than Full-Time	—	—	—	—	—	—	—	—
11.5	Other Personnel Compensation	—	—	—	—	—	—	—	—
11.8	Special Personnel Services Pymts.	—	—	—	—	—	—	—	—
	Total	—	—	—	—	—	—	—	—
12	Personnel Benefits	—	—	—	—	—	—	—	—
13	Benefits for Former Personnel	—	—	—	—	—	—	—	—
21	Travel and Transportation of Persons	—	$968	—	$970	—	$970	—	—
22	Transportation of Things	—	—	—	—	—	—	—	—
23.1	GSA Rent	—	—	—	—	—	—	—	—
23.2	Rental Payments to Others	—	—	—	—	—	—	—	—
23.3	Communications, Utilities, and Miscell.	—	3	—	3	—	3	—	—
24	Printing and Reproduction	—	12	—	12	—	12	—	—
25.2	Other Services	—	4,047	—	4,048	—	4,048	—	—
25.3	Purchases of Goods and Services from Government Accounts	—	—	—	—	—	—	—	—
26	Supplies and Materials	—	33	—	33	—	33	—	—
31	Equipment	—	—	—	—	—	—	—	—
41	Grants, Subsidies and Contributions	—	29,697	—	33,064	—	36,934	—	$3,870
42	Insurance Claims and Indemnities	—	—	—	—	—	—	—	—
	Total Obligations	—	34,760	—	38,130	—	42,000	—	3,870
Recovery of prior year obligations		—	(1,268)	—	($00)	—	—		
Unobligated balance, start of year		—	(4,123)	—	(4,130)	—	—		
Unobligated balance, end of year		—	4,130	—	—	—	—		
	Total Requirements	—	33,499	—	33,500	—	42,000		
Relation of Obligations to Outlays:									
Total Obligations		—	34,760	—	38,130	—	42,000		
Obligated balance, start of year		—	57,799	—	62,977	—	78,473		
Obligated balance, end of year		—	(62,977)	—	(78,473)	—	(73,002)		
Adjustments in unexpired accounts		—	(1,268)	—	(500)	—	—		
	Outlays		28,314		22,134		47,471		

NOTE: Individual column totals may not add due to rounding.

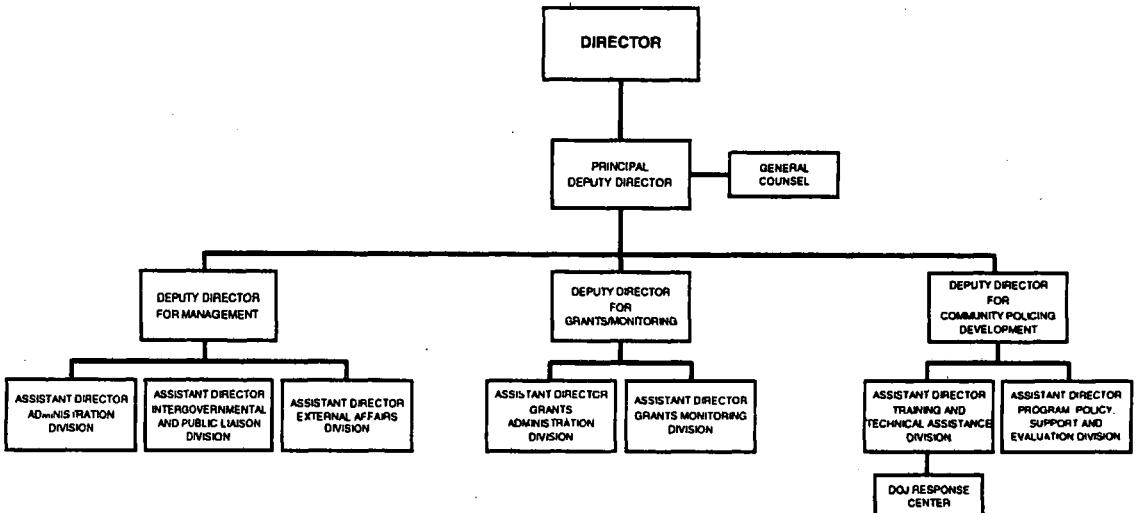
Department of Justice
COMMUNITY ORIENTED POLICING SERVICES
Estimates for Fiscal Year 2001
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OFFICE OF COMMUNITY ORIENTED POLICING SERVICES



Approved by _____ Date 2/25/2000
JANET RENO
Attorney General

COMMUNITY ORIENTED POLICING SERVICES
Summary Statement and Performance Plan
Fiscal Year 2001

The Office of Community Oriented Policing Services (COPS) is requesting a total of 366 permanent positions, 301 workyears, and $1,335,000,000. This request represents an overall increase of $740,000,000 above the 2000 enacted level, as well as an increase of 131 positions and 66 workyears to support new and enhanced initiatives further identified within this document. Of the 131 positions and 66 workyears supporting COPS programs, 31 will be derived from Management and Administration funds. The 2001 requested level supports continued implementation of the Violent Crime Control and Law Enforcement Act of 1994.

The COPS Office is requesting an additional $225,393,000 for the Public Safety and Community Policing Grant programs. The COPS Office will continue to provide grants to state and local law enforcement agencies to hire and redeploy police officers, as well as encourage the institutionalization of community policing practices.

The Management and Administration increase for 2001 (31 positions, 16 workyears, and $5,282,000) will support continued management oversight, administrative support, and will ensure that the goals of the COPS Office are achieved. Five positions and 5 workyears will be used to support the Justice Management Division's (JMD) Global Program. The remainder of the staffing increase, 95 positions and 45 workyears, will support new Office of Justice Programs (OJP) administered programs proposed under the COPS program. These OJP positions will be funded with $5,016,000 from program dollars.

The COPS Office is requesting an increase of $190,000,000 to enhance the Community Based Prosecutors Program. Additional funding will assist states and localities to hire prosecutors dedicated to addressing community crime problems through identifying and prosecuting criminals.

The COPS Office is requesting an increase of $99,325,000 in 2001 to enhance and expand upon COPS current crime suppression and community building efforts. Additional funding will support several 2001 initiatives including School Safety programs and Police Integrity Training.

To assist law enforcement agencies in obtaining the latest crime technologies COPS is requesting an increase of $220,000,000 to enhance Crime Technology programs, including the COPS CONECT initiative. Additional funding will give COPS the ability to

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promote interoperability among law enforcement agencies' telecommunications and computer systems and the uses of crime analysis tools to detect, prevent, and solve crimes.

2001 Component Performance Plan and 1999 Accountability Report

A. Component Mission and Goals, and Relationships to DOJ Strategic Plan

The COPS Office 2001 request is a critical component of the Administration's Crime Control Strategy, and fully supports the Assistance to State and Local Governments core function included in the Department of Justice's (DOJ) Strategic Plan, 1997-2001. The COPS program directly supports Strategic Goal 2 and 3, under Core Function 2: Strengthen and improve community policing services, and, by the year 2000, increase the number of officers funded by 100,000 over 1992 levels and support innovative, community-based strategies aimed at reducing crime, and violence in our communities. COPS supports these goals by substantially increasing the number of officers on-the-beat practicing community policing, through Public Safety and Community Policing Grant programs, Community Crime Prevention efforts, and Crime Technologies initiatives. COPS Indian Country grant program directly supports Strategic Goal 1, under Core Function 2: Improve criminal and juvenile justice system improvements in Indian country by providing grants to Indian tribes to develop and enhance their judicial systems, train local court personnel, support youth anti-violence initiatives and for basic law enforcement needs.

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COPS Mission

The Office of Community Oriented Policing Services is dedicated, through partnerships with communities, policing agencies, and other public and private organizations, to significantly improve public safety in neighborhoods and communities throughout the country.

We will accomplish this mission by funding up to 150,000 additional officers by the end of 2005, expanding the use of current technology, and continuing to put into practice the concepts of community policing in order to maintain and reduce levels of disorder, violence and crime through the application of proven, effective programs and strategies. We will meet the needs of our customers through innovation and responsiveness. We will create a workplace that encourages creativity, open communication, full participation, and problem solving.

We will carry out these responsibilities through a set of core values that reflect our commitment to the highest standard of excellence and integrity in public service.

B. Highlights of 1999 Mission Critical Results

- On May 12, 1999, the COPS Office reached its goal, established in 1994 at the Office's inception, to provide funding for 100,000 additional community-policing law enforcement officers. This was accomplished with a total of 24,141 grants for hiring, redeployment, technology equipment, and support systems announced to 11,558 grantees. The federal share of these awards total over $5 billion.

- In response to an alarming number of violent crimes recently committed in the nation's schools, the COPS Office awarded $178 million to hire over 1,500 school resource officers deployed to work in and around schools in 1999. In addition, COPS awarded over $13 million in 1999 to provide policing agencies with an opportunity to work with schools and community-based organizations to address persistent school-related crime problems. Grants funded such items as computer technology, crime analysis personnel, collaborative problem-solving training, community organizers, school personnel, and student-involved projects.

- In 1999, the COPS Office continued to support comprehensive on-site and in-house monitoring activities consisting of in-depth reviews of grant compliance and implementation of community policing. The COPS Monitoring Division conducted 809 monitoring site visits and, along with the Legal Division and Office of the Comptroller, was involved in eleven planned regional training sessions nationwide that addressed issues such as supplanting and retention.

- In 1999, the COPS Office continued support to the 28 Regional Community Policing Institutes (RCPIs). The RCPIs trained 50,000 individuals including 8,500 community members in advanced community policing strategies. To expand training opportunities the Training and Technical Assistance Division, through the RCPIs, partnered with domestic violence advocacy groups, police departments, and other providers of social and health services to utilize community based strategies to combat domestic violence throughout the United States. The COPS Office also provided 155 School-Based Partnership grantees with training in implementing problem-solving efforts to reduce and prevent crime and disorder in and around public schools.

- COPS provided $33 million to enhance law enforcement on Indian lands in 1999. Grants were awarded for hiring uniformed officers and for the purchase of equipment and training for new and existing officers. This included the development and delivery

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of culturally sensitive community policing training for Indian Country through the RCPIs. Of the $33 million, COPS provided $7.3 million for the Comprehensive Indian Resources for Communities and Law Enforcement (CIRCLE) project in coordination with the Office of Justice Programs.

- In 1999, COPS awarded nearly $4 million for the implementation of a voluntary 3 digit non-emergency system. These systems provide communities with an easy way to reach local law enforcement agencies for non-emergencies, thus relieving the burden on the 9-1-1 emergency system.

- In 1999, COPS provided funding for state and local projects to combat methamphetamine production, distribution, and use, as well as training funds to the Drug Enforcement Agency (DEA). A total of $34.9 million was provided under the COPS Methamphetamine Program designed to fight this escalating methamphetamine problem.

C. 2001 Performance Goals and Indicators

The COPS Office will continue to support its two primary goals of significantly increasing the number of officers on the beat and advancing community policing. The goals are attainable within the requested level of resources and with demonstrable results, as shown below. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act (GPRA). The key COPS performance goals for 2001 are listed below:

COPS Long Range Goal: Fund up to 50,000 additional officers

In FY 2001, COPS will continue its progress toward funding up to 50,000 additional officers by funding approximately 6,000 to 7,000 additional law enforcement officers in 2001 through the Universal Hiring and MORE programs.

Summary Level Performance Indicators

- Number of grants awarded
- Number of additional police officers funded
- Cumulative total police officers funded

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COPS Long Range Goal: Strengthen and improve community police services

In FY 2001, COPS will conduct 660 site visits to examine grantees' records and practices to insure that COPS funds are being used properly to fund additional officers and implement community policing.

Summary Level Performance Indicators

- Number of on-site comprehensive monitoring evaluations of COPS grantees

COPS Long Range Goal: Strengthen and improve community police services

COPS will host or attend 7 conferences on community policing where researchers, academics, and law enforcement officials can exchange information and ideas. We will increase the availability of COPS-generated information to the law enforcement and research communities by 50 percent.

Summary Level Performance Indicators

- Number of conferences hosted or attended to disseminate information about community policing
- Percentage increase of the availability of COPS-generated information to the law enforcement or research communities

COPS Long Range Goal: Strengthen and improve community police services

COPS will increase efforts to enhance police integrity by implementing a nationwide training program that will focus on police ethics and community policing. COPS will also develop and implement the Police Recruitment Initiative, which aims to diversify the workforce in law enforcement agencies.

Summary Level Performance Indicators

- Number of grants awarded to provide technology and technical assistance (to Police Integrity grantees)
- Number of training products that are available for police agencies (under the Recruitment Initiative)

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COPS Long Range Goal: Strengthen and improve community police services

COPS will make up to 50 CONECT program awards to law enforcement agency consortia working together to enhance interconnectivity in a region.

Summary Level Performance Indicators

- Number of CONECT grants awarded

D. New 2001 Initiatives

The COPS Office total requested program increases (131 positions, 66 workyears, and $740,000,000) can be grouped into five distinct initiatives, each of which supports a key component of the Administration's commitment to community policing.

Initiative: Public Safety and Community Policing Grants ($225,393,000)

- **Hiring Programs: ($68.393 million)**

  The COPS Office will continue to provide grants to state and local law enforcement agencies to hire and redeploy police officers, as well as encourage the institutionalization of community policing practices. The Universal Hiring Program will continue to be the COPS Office's primary hiring grant program. COPS is requesting an increase of $68,393,000 to the Public Safety and Community Policing Grant programs to fund up to 150,000 additional law enforcement officers, including continued funding of school resources officers through the COPS-in-Schools program, from 1994 through 2005.

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- **Non-Hiring Programs: ($157 million)**

  The 2001 budget requests $157,000,000 for non-hiring programs including Police Corp, Bulletproof Vests, Safe Schools, DC Court Services and Offender Supervision, Indian Country, and National Police Officer Scholarships. These on-going programs have been funded from unobligated balances, in the hiring programs, in prior years.

This initiative directly relates to Goals 1, 2, and 3 under the Core Function 2 in the DOJ Strategic Plan: 1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state, and local governments; 2) Strengthen and improve community police services and, by the year 2000, increase the number of officers funded by 100,000 over 1992 levels; and 3) Support innovative, community-based strategies aimed at reducing crime, and violence in our communities.

Initiative: Management and Administration (131 positions and $5,282,000)

Management and Administration (M&A) is responsible for funding management oversight and administrative support for the COPS Office. These responsibilities include labor-intensive tasks such as processing grant applications, assisting grantees, compliance assessment, and programmatic and financial closure. Due to the rising numbers of maturing grants, the need for grant compliance monitoring, site visits, non-compliance resolution, and grant closure have increased. These responsibilities require substantial interaction with grantees, a final programmatic compliance assessment, and records archiving. COPS continues to review and award new grants at the same time as they are addressing these issues. This situation has caused the need for an increase in the management and administration of the COPS Office. Of the 131 increased positions, 5 are requested for the Justice Management Division, 95 are requested for the Office of Justice Programs, and 31 will be dedicated to COPS.

This initiative directly relates to the following goal in the DOJ Strategic Plan: Strengthen and improve community police services and, by the year 2000, increase the number of officers funded by 100,000 over 1992 levels.

Initiative: Community and Local Prosecutors ($190 million)

This program will be administered by the Office of Justice Programs and will make discretionary grants to state, local, and tribal jurisdictions and prosecutors' offices to substantially increase the number of local prosecutors interacting directly with members of the community and to encourage local prosecutors to reorient their emphasis to tough enforcement at a community level. Of this amount,

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$150 million will be used to hire 1,000 state and local gun prosecutors and $50 million to hire up to 300 community prosecutors. In addition, funding will also be available for training and technical assistance as well as program research and evaluation.

This initiative directly relates to goal 3 under Core Function 2 in the DOJ Strategic Plan: Support innovative, community-based strategies aimed at reducing crime, and violence in our communities.

Initiative: Community Crime Prevention ($99,325,000)

- **Police Integrity and Hate Crimes Training: ($20 million)**

  Public concern over police integrity threatens the trust between the police and the community that is essential to effective policing. In response to these problems, the COPS Office, in coordination with the Office of Civil Rights and the Office of Justice Programs will administer this initiative.

  The COPS Office will encourage greater professionalism in the ranks of local law enforcement by providing training and technical assistance grants to develop and implement new policing methods and strategies that encourage a more professional police force. Departments seeking to prevent problems such as use of excessive force, racial profiling, overtime abuse, and/or other egregious methods that raise questions about department integrity will be eligible to receive training and technical assistance under these grants.

- **Police Recruitment: ($5 million)**

  COPS will assist local law enforcement agencies with recruiting a diverse body of qualified applicants. Police agencies have struggled for many years to recruit and hire minority and women officers, knowing that by reflecting the demographics of the community they serve, police agencies are better able to reach those communities, as well as minority groups that have historically been excluded. The lack of diversity has hindered police agencies' community policing efforts. The Community Police Recruitment Initiative is designed to assist agencies in the development of officer recruitment standards, collaboration with their stakeholders, and provide training for law enforcement personnel professionals on effective recruitment techniques.

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- **Citizen's Problem-Solving Academies/One America Race Dialogues: ($5 million)**

  The primary goal of this program is to provide citizens with the tools and training necessary for them to work collaboratively with policing agencies to use problem solving techniques to reduce crime. A secondary objective of the Citizen's Academies is to help institutionalize the practice of community policing in jurisdictions throughout the nation, through substantive citizen participation in crime prevention efforts.

  In addition, COPS will coordinate with the Department of Justice's Community Relations Service to provide support and technical assistance to state and local governments and community-based and other organizations to promote and facilitate dialogues on racial diversity and understanding.

- **Value-Based Program Between Youth and Police: ($5 million)**

  The Value-Based Community Policing Partnerships Initiative is designed to encourage and support the development of relationships between police, youth, and local value-based organizations and entities. These organizations will work collaboratively to develop programs that address youth issues such as street violence and gangs, drug abuse, school failure, child abuse and neglect, teen pregnancy, incarceration, chronic joblessness, lack of cultural values, and hopelessness about the future.

- **School-Based Partnership Program: ($10 million)**

  Recent school violence has generated intense public concern about the safety and security of our nation's youth. As part of the Administration's commitment to combat and prevent crime in and around America's schools, the COPS Office will expand its existing School-Based Partnership Program. This $30,000,000 program ($20,000,000 is derived from the Safe Schools program mentioned under the Public Safety and Community Policing Grants section) provides grants to local law enforcement agencies to reduce school-related crime through enhanced community policing strategies. COPS School-Based Partnership Program emphasizes the fostering of partnerships among police, community organizations, and local boards of education. These collaborative teams will be responsible for problem identification, as well as developing effective responses, including prevention and intervention strategies.

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- **Safe Schools/Healthy Students: ($20 million)**

  In partnership with other offices within the U.S. Departments of Justice, Education, and Health and Human Services, OJJDP plans to fund Safe Schools/Healthy Students continuation grants to 54 sites awarded in 1999 and a projected 18 additional sites in 2000. Through a cooperative agreement with the Research Triangle Institute, OJJDP is collaborating with the Departments of Education and Health and Human Services to conduct a national evaluation of this program and will provide continuation funding for this activity in 2001, as well as transfer continuation funding to the National Mental Health Association to provide training and technical assistance to the sites through the Safe Schools/Healthy Students Action Center. With the 2001 request, the Safe Schools/Healthy Students program will continue to fund the 72 sites from 1999 and 2000, as well as provide funding for an additional 40 new sites.

- **Community Supervision Program – Project Reentry: ($35 million)**

  This initiative, Project Reentry, will help reduce recidivism and improve public safety by awarding discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners. Project Reentry will enable states and local communities to create broad partnerships that will use their combined resources to provide the necessary combination of surveillance, sanctions, incentives, and support services in ways that afford increased protection to communities that experience unusually high returns of inmates. The Department of Justice will administer the program in partnership with the Department of Labor, who will develop and operate jobs-related programs in the same communities, and the Department of Health and Human Services, who will dedicate funds for substance abuse and mental health treatment service.

- **Police Firearms Surplus Safety Program: ($10 million)**

  The goal of this initiative is to prevent guns from being circulated into the population from state and local law enforcement agencies. The program funding will provide one-time grants to state and local law enforcement agencies to help meet budgetary constraints associated with selling used and seized firearms. Law enforcement agencies must certify that they will use the funding to end the practice of reselling used police firearms and confiscated weapons on civilian markets.

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- **Building Blocks: ($15 million)**

  The short-term goal of the Building Blocks program is to help communities identify and respond to immediate and pressing community problems. The long-term goals are to institutionalize the skills gained from short-term activities and to integrate lasting problem solving capabilities. This program will provide assistance to communities in the following five core areas: (1) Collaborative Teams for Technical Assistance; (2) Data Driven Assessment and Planning; (3) Community-Based Intervention; (4) Long Term Infrastructure; and (5) National Evaluations. The goals of the program apply equally to adult and juvenile justice issues, and to enforcement and prevention efforts.

- **Strategic Approaches to Community Safety Initiative (SACSI): ($10 million)**

  SACSI resources will be used to implement a collaborative, information-driven approach to crime reduction in 50 communities across the country. Under U.S. Attorney leadership, this Strategic Approaches to Community Safety Initiative (SACSI) model -- which partners federal, state and local law enforcement, researchers, criminal justice personnel, elected officials and community members to critically examine and overcome a targeted crime problem -- is extraordinarily promising and offers the potential of real success in terms of reducing crime and saving lives.

- **Methamphetamine Program: (Decrease $35.675 million)**

  The $35,675,000 decrease in COPS funding is to eliminate the earmarks for methamphetamine and drug hot spots. In 2000, the funding was included from direct appropriations for state and local law enforcement programs to combat methamphetamine production, distribution, and use (with over $35 million earmarked for specific state and local projects). In addition, the funding was used to reimburse the Drug Enforcement Administration for assistance to state and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The funding was also used for policing activities in "hot spots".

This initiative directly relates to goal 3 under Core Function 2 in the DOJ Strategic Plan: Support innovative, community-based strategies aimed at reducing crime, and violence in our communities.

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Initiative: Crime Technology ($220,000,000)

- **Crime Identification Technology Assistance Act: ($69 million)**

The following six programs comprise the CITA request in 2001, totaling $199,000,000:

- **COPS Community Oriented Networking and Enhanced Communications Technology (CONECT): ($89 million)**

The COPS Community Oriented Networking and Enhanced Communications Technology (CONECT) program will help state and local law enforcement agencies purchase and implement new technologies to fight crime more effectively. Unlike the COPS MORE program, CONECT will not require agencies to redeploy officers as a condition of this grant. COPS CONECT will enable agencies to employ state-of-the-art technology to address interoperability issues, improve information flow between criminal justice agencies, and provide access to fully-integrated information systems required for successful field operations, investigations, and problem-solving. The ability to purchase enhanced technology will allow multiple agencies to work collaboratively to analyze, prevent, and fight crime through the development of regionally based law enforcement information networks or consortia.

- **National Integrated Ballistic Identification Network (NIBIN): ($10 million)**

The National Integrated Ballistic Identification Network (NIBIN) is comprised of approximately 229 computer installations in federal, state, and local forensic laboratories. At the present time, there are approximately 1 million ballistics images in this system. There have been over 8,000 matches (cold hits) linking two or more images that would not have otherwise have been linked. The President has proposed the goal of being able to identify every bullet in every crime with a gun through the expanded use of this network.

- **OJP Global Criminal Justice Information Network Initiative (OJP Global): ($18 million)**

The goal of the Global Initiative is to improve state and local criminal justice through the development of a nationwide network of criminal justice information systems where state and local authorities with responsibilities for law enforcement, courts, prosecution, public defense, corrections, probation and parole will have immediate access to information necessary to respond to and resolve the consequences of criminal activity. The Global Initiative is being coordinated with two other

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interoperability efforts in DOJ -- the NIJ's Advanced Generation of Interoperability for Law Enforcement (AGILE) Project and the Public Safety Wireless Network (PSWN).

- **JMD GLOBAL: ($7 million)**

  The mission of the Global Justice Information Network (Global) project is to facilitate mission critical information exchange among law enforcement, courts, corrections, and other justice-related entities at the federal, state, local, tribal, and international levels. The Global initiative was established in Initiative A07 of Vice President Gore's "Access America: Reengineering Through Information Technology".

- **Advanced Generation of Interoperability for Law Enforcement (AGILE): ($5 million)**

  The goal of the National Institute of Justice's (NIJ) Advanced Generation of Interoperability for Law Enforcement (AGILE) program is to address the lack of communication interoperability among state and local criminal justice and public safety communities. The AGILE program is the only federal interoperability program that will address both wireless communication and information sharing technology.

- **Public Safety Telecommunications Assistance Program (PSWIN): ($70 million)**

  This initiative will provide for planning grants to states and eligible territories for the purposes of encouraging these jurisdictions to include several criteria in their planning process, including interoperability across all local, state, and federal public safety agencies. In addition, PSWIN will seek to administer a technical assistance program to assist states and municipalities in the planning and design of improved public safety communications systems, structured to account for states at differing stages of systems development. Finally, the program will provide the National Telecommunications Information Administration (NTIA) with funds for demonstration grants that will assist a limited number of states and municipalities in implementing public safety communication systems.

- **National Law Enforcement and Corrections Technology Centers: ($10 million)**

  The National Law Enforcement and Corrections Technology Center system was established in 1999 by the Office of Justice Program's National Institute of Justice to offer technology information, support, research findings, and technological expertise to

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help state and local law enforcement and corrections personnel perform their jobs more safely and efficiently. The NLECTC system consists of facilities located around the country that are co-located with an organization or agency that specializes in one or more specific areas of research and development. This arrangement is particularly cost effective and beneficial to the field because it allows for leveraging structures and expertise already in place in these organizations or agencies, and in which taxpayers have already made significant investments.

- **DNA Technology Research and Development: ($5 million)**

  The challenge for forensic DNA testing in the 21st Century is to be able to identify offenders quickly, with high discriminatory power and lower cost from minuscule sources of physical evidence. This program, previously funded by the Department of Justice's NIJ, directs research toward the development of highly discriminating, less costly, reliable, rapid, and portable DNA testing technology tools for the investigation of violent crime. NIJ anticipates that this initiative will result in the development of at least two acceptable DNA testing technologies complete with training and validation necessary for court acceptance. These innovations will provide new tools for suspect identification or exclusion in violent crime cases and for development of a nationwide DNA database system, increasing the likelihood that the guilty will be identified and reducing the likelihood that the innocent will be charged or convicted.

- **Criminal Records Upgrade: ($70 million)**

  The Criminal Records Upgrade Program, also referred to as the National Criminal History Improvement Program (NCHIP), assists states in the upgrade of criminal history, criminal justice, and identification record systems; promotes capability and participation in national, state, and local systems; and captures information for statistical and research purposes. Among other things, NCHIP will improve the speed and accuracy of Brady background checks for firearm purchases.

- **Crime Laboratory Improvement Program (CLIP): ($35 million)**

  CLIP will improve the analytic and technological resources of forensic labs servicing all 50 states. This program will also increase forensic laboratory access to specialized forensic services, strengthen the network of cross-jurisdictional learning among local, state and regional labs; and establish a steering group for the intelligent allocation of scarce, yet high priority, forensic capabilities to critical investigations. In a decade when high profile cases have called the accuracy, reliability and integrity of the nation's

forensic laboratories into question, CLIP will provide immediately appreciable results: more crimes solved, more criminals brought to justice, and better administration of justice through the presentation of strong, reliable forensic evidence at trial.

- **DNA Backlog Elimination: ($15 million)**

  Funding for this program will provide DNA laboratories with the technology to dramatically improve analytic capacity, thereby reducing the backlog and freeing up laboratory resources for the analysis of new DNA and other types of forensic evidence. The requested resources will assist state and local DNA labs in eliminating their backlog of statutorily mandated convicted offender DNA samples while keeping pace with current DNA casework needs.

- **COMPASS: ($10 million)**

  The Department of Justice requests $10 million to build local crime data collection and analysis capacity in urban, suburban, and rural communities, to improve models for predicting crime in neighborhoods with the use of advanced crime mapping techniques, and to test the effectiveness of selected community crime prevention interventions. This initiative, which will be administered by the National Institute of Justice (NIJ), will develop a new way of understanding crime in its local context, and will arm practitioners with the tools they need to help them adapt to changing crime patterns.

- **Computer Forensic Crime Laboratory Enhancement Program: ($6 million)**

  The criminal justice community has an immediate need for greater investigative resources to combat the rising levels of electronic crime. Because of the unique nature of electronic crime - it involves the use of rapidly changing technology, and its perpetrators can strike instantly from everywhere in the world - most state and local law enforcement agencies, which typically have a very limited capacity to respond to such crimes, face severe hardships in responding adequately. NIJ will address the electronic crime forensics challenge through the development of a computer forensic laboratory system, including up to ten dedicated regional computer forensics labs, and will engage in strategic activities to enhance state and local law enforcement's capabilities to respond to the most common electronic crimes.

This initiative directly relates to goal 1 under Core Function 2 in the DOJ Strategic Plan: Improve the crime-fighting criminal/juvenile justice system capabilities of tribal state and local governments.

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For a more extensive discussion of these initiatives and how they relate to DOJ's longer-term strategic goals, begins on page 29 of this submission.

E. Data Validation and Verification Issues

Data Collection and Storage:

The COPS Management System (CMS), an in-house database, is an integral part of the grant award process, tracking every application from the date it is received to the date of announcement. CMS contains detailed data on each grantee, including the type of awards held and the number of officers funded. This system yields grant processing information that can be tracked and verified.

In the past year, we have implemented a new section of CMS called the Issue Resolution Module which for the first time gathers in one place all the compliance issues found by various divisions on specific grantees. The Legal, Grants Administration, and Grant Monitoring Divisions are now jointly tracking compliance issues which has enhanced our ability to report on those efforts.

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Data Validation and Verification:

The COPS Office's primary vehicle for measuring the number of officers hired and practicing community policing as a result of COPS funding has been the COPS Count Survey. This survey, conducted three times a year by a contractor, is a labor-intensive process that involves contacting every single COPS grantee. In an effort to enhance the accuracy of the count, as well as reduce costs, COPS is evaluating the benefits of conducting limited surveys using representative samples of MORE grantees contacted by COPS employees familiar with the program. In addition, COPS will continue contacting the entire UHP population through the use of the existing contract.

Data Limitations:

COPS collects data on the number of officers, citizens, and agencies trained from the Regional Community Policing Institutes. The office believes that the data is reliable; however, to enhance accuracy and standardize data collection among the Institutes,

COPS is considering asking the institutes to report on the number of training hours delivered as well as the number of attendees at each training session.

F. Resources

Under Core Function 2, Assistance to Tribal, State and Local Governments, the COPS Office supports three DOJ Strategic Goals. Strategic Goal 2.1 is to Improve the Crime-Fighting and Criminal/Juvenile Justice System Capabilities, Goal 2.2 is to Strengthen and Improve Community Policing Services, and Goal 2.3 to Support Innovative, Community-Based Strategies Aimed at Reducing Crime, and Violence in our Communities.

Strategic Goal	1999			2000			2001		
	Dollars	Positions	FTE	Dollars	Positions	FTE	Dollars	Positions	FTE
Improve Crime-Fighting and Criminal/Juvenile Justice System Capabilities	143 million	23	19	130 million			420 million	46	23
Strengthen and Improve Community Police Services	1.194 billion	228	197	419 million	235	235	543 million	240	238
Support innovative, community-based strategies aimed at reducing crime, and violence in our communities	81 million	15	13	46 million			372 million	80	40

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G. DOJ Summary Performance Plan, Performance Goals, Targets, and Actuals

Core Function 2: Assistance to Tribal, State and Local Governments.

DOJ Strategic Goal 2.1: Improve the Crime-Fighting and Criminal/Juvenile Justice System Capabilities of Tribal, State and Local Governments.

DOJ Strategic Goal 2.2: Strengthen and Improve Community Policing Services and, by the year 2000, increase the number of officers funded by 100,000 over 1992 levels.

DOJ Strategic Goal 2.3: Support Innovative, Community-Based Strategies Aimed at Reducing Crime, and Violence in our Communities.

Key Summary Level Indicators	1998 Actual	1999 Actual	2000 Planned	2001 Planned
Number of standardized packages of materials developed for grantees to provide guidance and implement community policing	12,000	500*	12,700	13,000
Number of law enforcement agencies that have received COPS grants	11,075	11,853	12,564	13,317
Cumulative number of new police officers funded as a result of COPS funding:	88,030	103,720	109,353	115,353 – 116,353

* FLETC delayed dissemination of 10,000 training packages to COPS grantees until 2000.

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COMMUNITY ORIENTED POLICING SERVICES
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and bolded with deleted matter enclosed in brackets.

[For Activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), $595,000,000, to remain available until expended, including $45,000,000 which shall be derived from the Violent Crime Reduction Trust Funds; of which $130,000,000 shall be available to the Office of Justice programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $15,000,000 is for the National Institute of Justice to develop school safety technologies, and of which $30,000,000 shall be for state and local DNA laboratories as authorized by section 1001 (a)(22) of the 1968 Act, as well as for improvements to the state and local forensic laboratory general forensic science capabilities and to reduce their DNA convicted offender database sample backlog; of which $419,325,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $180,000,000 shall available for school resource officers; of which $35,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots"; and of which $10,000,000 shall be used for the Community Prosecutors program: *Provided,* That of the amount provided for Public Safety and Community Policing Grants, not to exceed $29,825,000 shall be expended for program management and administration: *Provided further,* That of the unobligated balances available in this program, $210,000,000 shall be used for innovative community policing programs, of which $100,000,000 shall be used for a law enforcement technology program, $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (" the 1968 Act"), as amended, $30,000,000 shall be used for Police Corps education, training, and service asset forth in sections 200101-200113 of the 1994 Act, $40,000,000 shall be available to improve tribal law enforcement including equipment and training, and $15,000,000 shall be used to combat violence in schools.] **For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ('the 1994 Act') $1,335,000,000, to remain available until expended: Provided, That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the "State and Local Law Enforcement Assistance" account, to be available for the purposes stated under this heading: Provided further, That administrative expenses associated with such transferred amounts may be transferred to the "Justice Assistance" account. Of the amounts provided:**

1) **for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $650,000,000 as follows: not to exceed $36,000,000 for program management and administration; $20,000,000 for programs to combat violence in schools; $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; $17,064,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; $45,000,000 to improve tribal law enforcement including equipment and training; $20,000,000 for National Police Officer Scholarships; and $30,000,000 for Police Corps education, training, and service under sections 200101-200113 of the 1994 Act;**

2) **for crime technology, $350,000,000 as follows: $70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601; $15,000,000 for state and local forensic labs to reduce their convicted offender DNA sample backlog; $35,000,000 for state, tribal and local DNA laboratories as authorized by section 1001 (a)(22) of the 1968 Act, as well as**

improvements to state, tribal and local forensic laboratory general forensic science capabilities; $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; $5,000,000 for DNA technology research and development; $10,000,000 for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; $6,000,000 to establish regional forensic computer labs; and $199,000,000 for discretionary grants, including planning grants, to states under section 102b of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

3) for a Community Prosecution Program, $200,000,000, of which $150,000,000 shall be for grants to states and units of local government to address gun violence "hot spots";

4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $135,000,000 as follows: $35,000,000 for a youth and school safety program; $5,000,000 for citizen academies and One America race dialogues; $35,000,000 for an offender re-entry program; $25,000,000 for a Building Blocks Program, including $10,000,000 for the Strategic Approaches to Community Safety Initiatives; $20,000,000 for police integrity and hate crimes training; $5,000,000 for police recruitment; and $10,000,000 for police firearms surplus safety.

(Department of Justice Appropriations Act, 2000, as enacted by section 1000 (a) (1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

Explanation of changes

1. Language is proposed to provide the Attorney General the authority to transfer any 2000 COPS funds, and balances for programs funded under this heading in 2000, to the "State and Local Law Enforcement Assistance" account, and to allow administrative expenses associated with such transferred amounts to be further transferred to the "Justice Assistance" account. This language will provide optimum flexibility in the operation of these programs.

2. Language is proposed to delete reference to the use of unobligated balances in 2000 language. Language is proposed for funding Public Safety and Community Policing Grants, including programs to combat violence in schools, matching grant program for Law Enforcement Armor vests, for program support for the Court Services and Offender Agency for the District of Columbia, and improve tribal law enforcement, funding for National Police Officer Scholarships, and for Police Corps education, training, and service. Similar language was provided in 2000. The current proposal is intended to make language proposals more easily used.

3. Language is proposed to fund innovative programs to combat crime, including $70,000,000 for grants to upgrade criminal records, $15,000,000 for State and local forensic labs to reduce convicted offender DNA sample backlog, $35,000,000 for State, Tribal and local DNA laboratories, $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers, $10,000,000 for assistance to use and improve crime-solving, data sharing and crime forecasting technologies, $6,000,000 to establish regional forensic computer labs and $199,000,000 for discretionary grants. The discretionary grants language, including planning grants, to States, under section 102b of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grant to law enforcement agencies.

4. Language is proposed for a Community Prosecutor Program, including $150,000,000 for grants to States and local government to address gun violence "hot spots".

5. Language is proposed for funding $135,000,000 for grants, training, and technical assistance in support of community crime prevention efforts.

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COMMUNITY ORIENTED POLICING SERVICES
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Reprogrammings			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Public Safety and Community Policing Grants	0	0	1,367,977	0	0	0	0	0	246,267	0	0	1,614,244
2. Police Corps	0	0	30,000	0	0	0	0	0	53,787	0	0	83,787
3. Crime Technology	0	0	0	0	0	0	0	0		0	0	0
4. Community Based Prosecutors	0	0	0	0	0	0	0	0	5,000	0	0	5,000
5. Community Crime Prevention	0	0	0	0	0	0	0	0		0	0	0
6. Management and Administration	266	266	32,023	0	0	0	0	0	2,087	266	266	34,110
Total	266	266	1,430,000	0	0	0	0	0	307,140	266	266	1,737,140
Reimbursable Workyears		0			0			0			0	
Total Workyears		266			0			0			266	
Other Workyears:												
LEAP		0			0			0			0	
Overtime		4			0			0			4	
Total Compensable:												
Workyears		270			0			0			270	

Reprogrammings. The COPS Office did not request reprogrammings in 1999.

Unobligated Balance Brought Forward. The COPS Office brought forward $165,193,331 from funds provided in 1998 and recovered $141,946,645 from previous years during 1999.

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COMMUNITY ORIENTED POLICING SERVICES
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Public Safety and Community Policing Grants	5	3	564,008	-5	-3	-174,508	0	0	0	0	0	389,500
2. Crime Technology	66	33	350,000	-66	-33	-220,000	0	0	0	0	0	130,000
3. Community Based Prosecutors	30	15	200,000	-30	-15	-190,000	0	0	0	0	0	10,000
4. Community Crime Prevention	20	10	125,000	-20	-10	-89,325	0	0	0	0	0	35,675
5. Management and Administration	266	266	35,992	-31	-31	-6,167	0	0	0	235	235	29,825
Total	387	327	1,275,000	-152	-92	-680,000	0	0	0	235	235	595,000

Congressional Appropriation Action on 2000 Request. Congress did not approve 152 positions, 92 workyears, and the following requested increases: $174,508,000 in Public Safety and Community Policing Grants; $220,000,000 in Crime Fighting Technologies; $190,000,000 in Community Based Prosecutors; $89,325,000 in Crime Prevention; and $6,167,000 in M&A funding.

Reprogrammings. The COPS Office did not request reprogrammings in 1999.

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Requirements
(Dollars in thousands)

Adjustments-to-Base:

	Pos.	WY	Amount
2000 Appropriation Enacted	235	235	595,000
Transfer from	0	0	0
2000 Availability	235	235	595,000
Transfers to and from other accounts:			
Increases (Automatic, non-policy): Management and Administration	0	0	893 1/
Decreases (Automatic, non-policy): Public Safety and Community Policing Grants	0	0	-893
2001 Base	235	235	595,000
Program Changes (See Program Narrative for Details)	131	66	740,000
2001 Estimate	366	301	1,335,000

Estimates by budget activity:	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Public Safety and Community Policing Grants	0	0	389,500	0	0	388,607	0	0	614,000	0	0	225,393
2. Crime Technology	0	0	130,000	0	0	130,000	0	0	350,000	0	0	220,000
3. Community Based Prosecutors	0	0	10,000	0	0	10,000	0	0	200,000	0	0	190,000
4. Community Crime Prevention	0	0	35,675	0	0	35,675	0	0	135,000	0	0	99,325
5. Management and Administration	235	235	29,825	235	235	30,718	366	301	36,000	131	66	5,282
Total	235	235	595,000	235	235	595,000	366	301	1,335,000	131	66	740,000

NOTES:

1/ **Funding to support Management and Administration is derived from the total appropriation and, therefore, does not change the amount of direct base funding requests.**

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Resources by Program
(Dollars in thousands)

Estimates by budget activity:	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decreases		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Public Safety and Community Policing Grants	0	0	1,614,244	0	0	1,298,114	0	0	389,500	0	0	388,607	0	0	614,000	0	0	225,393
2. Police Corps	0	0	83,787	0	0	84,000 1/	0	0	0 2/	0	0	0	0	0	0	0	0	0
3. Crime Technology	0	0	0	0	0	0	0	0	130,000	0	0	130,000	0	0	350,000	0	0	220,000
4. Community Based Prosecutors	0	0	5,000	0	0	5,000	0	0	10,000	0	0	10,000	0	0	200,000	0	0	190,000
5. Community Crime Prevention	0	0	0	0	0	0	0	0	35,675	0	0	35,675	0	0	135,000	0	0	99,325
6. Management and Administration	266	266	34,110	266	229	31,654	235	235	29,825	235	235	30,718	366	301	36,000	131	66	5,282
Total	266	266	1,737,140	266	229	1,418,768	235	235	595,000	235	235	595,000	366	301	1,335,000	131	66	740,000
Reimbursable Workyears		0			0			0			0			0			0	
Total, Workyears		266			229			235			235			301			66	
Other Workyears																		
LEAP		0			0			0			0			0			0	
Overtime		4			4			6			6			6			0	
Total Compensable Workyears		270			233			241			241			307			66	

NOTES:
1/ $250,000 incorrectly obligated to Police Corp; corrected in 2000
2/ In 2000 the Police Corps program is realigned to Public Safety and Community Policing Grants

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COMMUNITY ORIENTED POLICING SERVICES
Program Performance Information
(Dollars in thousands)

ACTIVITY: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS

	Perm. Pos.	FTE	Amount
Public Safety and Community Policing Grants (in thousands)			
2000 Enacted	...	...	**$389,500**
2001 Base	...	...	**388,607**
2001 Estimate	...	...	**614,000**
Increase/Decrease	...	...	**225,393**

BASE PROGRAM DESCRIPTION: The 2001 requested level will provide sufficient funding to continue the COPS program. Funds will be used to hire and redeploy as well as train and educate law enforcement officers. The COPS Office is requesting $614,000,000 for Public Safety and Community Policing Grant programs.

The Public Safety and Community Policing Grants decision unit includes the following critical program areas, in addition to the hiring-related program: Police Corps ($30,000,000), Bulletproof Vests ($25,000,000), Safe Schools ($20,000,000), D.C. Offender/D.C. Courts ($17,064,000), Indian Country initiatives ($45,000,000), and National Police Officers Scholarships ($20,000,000).

PROGRAM CHANGES:

COPS Hiring Programs: (Increase $68.329 million)

The goals of the hiring programs are to design, implement, and support discretionary grant programs that significantly increase the number of law enforcement officers and sheriffs' deputies in communities throughout America. Funds are to be applied to grants for the hiring and redeployment of officers through procurement of related equipment and technology, or civilian hiring. COPS funded a

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total of 103,720 officers by the end of 1999 and anticipates reaching 109,353 at the end of 2000. Based on requested funding levels, COPS estimates between approximately 6,000 and 7,000 additional officers will be funded in 2001.

COPS Universal Hiring Program (UHP). The COPS Universal Hiring Program was announced in June 1995. The COPS Office will continue the Universal Hiring Program as its primary hiring grant mechanism. This program is open to all policing agencies that have primary law enforcement responsibility and to applicants seeking to start a new department. These resources will be used to fund officers to work with communities to fight back against school violence, drugs, gangs, and other crime as well as continue to fund school resource officers through the COPS-in-Schools program. The Universal Hiring Program accepts applications submitted by agencies or communities that are not currently COPS grantees as well as current COPS grantees seeking additional resources.

In 2001 COPS will target up to $50,000,000 of its UHP hiring funds for the hiring of community police officers to work with local prosecutor officers. Officers hired under this initiative will be counted toward the COPS Office hiring goal of up to 150,000 officers funded by the year 2005. It is estimated that up to 670 officers will be hired under this initiative in 2001.

The COPS Office has begun to develop a new program to fund officers in crime hot spots. At this point, it is anticipated that this program will be initiated after congressional notification sometime in 2000 and will be continued in future years. In order to implement this program, a change in the application of the waiver criteria would be required. Under the program, any law enforcement agency would be eligible for a waiver when a community-policing officer is assigned to an area designated as a crime hot spot. The waiver will guarantee that fiscal constraints will not exclude any community from participating in the program.

COPS Making Officer Redeployment Effective (MORE) Program. COPS MORE was announced in December 1994 as a program designed to expand the time available for community policing by current law enforcement officers. These grants are used both to purchase equipment and technology and to procure support resources (including civilian personnel). Applicants are required to demonstrate how funds will result in actual increases in the number of officers deployed in community policing equal to, or greater than, the number of officers which would result from grants of the same amount for hiring new officers.

Training and Technical Assistance. This program area includes Training and Technical Assistance as well as Program, Policy, Support, and Evaluation. The goal of Training and Technical Assistance is to design, implement, and support programs that reinforce partnerships and activities to deliver training and technical assistance that will help in permanently sustaining community policing. The objective of Training and Technical Assistance will be achieved by integrating community partnerships, problem-solving, and organizational transformation into regional, state, local, and Indian tribal police and community groups and activities. Through the Regional Community Policing Institutes training in community policing will be available to every state in the nation. The goal of

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Program, Policy, Support, and Evaluation is to evaluate the practice of community policing nationwide, promote its adoption, and determine the effectiveness of various strategies.

COPS Non-Hiring Programs: (Increase $157.064 million)

In 2001, the total requested increase for non-hiring programs includes the following new program:

National Law Enforcement Scholarship Program. Of the $20,000,000 requested, eighty percent will be dedicated to improve the retention of dedicated officers while creating a better-educated police force. In addition, twenty percent of the available funds will be used to support internships and part-time positions for students as a way for them to gain an understanding of the duties performed by law enforcement agencies.

The following on-going programs, funded in previous years out of carryover funds, are requested increases in 2001:

Police Corps. In 2001, $30 million is requested for the Police Corps Program, which will be administered by the Office of Justice Programs (OJP). In each 1999 and 2000, $30 million has been appropriated under COPS to be administered by OJP for this program, which is designed to address violent crime by helping police and sheriff's departments increase the number of officers with advanced education and training assigned to community patrol. The program, which operates within states that have submitted an approved state plan, is designed to motivate highly qualified young people to serve cities and counties as police officers and sheriff's deputies. It does this by offering federal scholarships on a competitive basis to college students who agree to serve as police for at least 4 years. The scholarship funds cover educational expenses, including tuition, fees, books, supplies, transportation, room and board, and miscellaneous expenses. Participants who seek baccalaureate degrees begin their work as police upon graduation from college. Those participants pursuing graduate study complete their service in advance. Participants become members of state and local police departments in geographic areas that have the greatest need for additional police officers. All serve on community patrol.

BulletProof Vests. In 2001, $25 million is requested for the Bulletproof Vest Partnership (BVP) Program, which will be administered by the Office of Justice Programs (OJP). In each 1999 and 2000, $25 million has been appropriated under COPS to be administered by OJP for this program, which helps to protect the lives of law enforcement officers by providing funds to units of state and local government and Indian tribes for the purchase of bulletproof vests that meet National Institute of Justice (NIJ) standards. The chief executive officer (CEO) of a jurisdiction may request funds to help purchase one bulletproof vest per law enforcement officer per fiscal year. The program provides up to 50 percent of the cost of each jurisdiction's vests. Each jurisdiction's CEO coordinates vest needs among all law enforcement agencies (police, sheriff, correction, probation/parole, etc.) in a jurisdiction and submits one

comprehensive application per year through the Internet. While online, applicants can read about NIJ standards for armor vest and link to vest vendors.

In March 1999, OJP's Bureau of Justice Assistance (BJA) successfully brought on-line the Bulletproof Vests Partnership Program -- a paperless, Internet-based grant application and award process. This state-of-the-art innovation was a cooperative effort between BJA, NIJ and BJS, COPS, the National Aeronautics and Space Administration, the U.S. Bureau of the Census, and private industry. This collaborative effort lead to the development of an Internet-based technology that allowed the potentially 39,000 jurisdictions nationwide easy access to grant application and award instructions, as well as information about different types of vests, vest vendors and vest manufacturers. Under this partnership, states and units of local and tribal governments request federal assistance in equipping their law enforcement officers with armor vests. The partnership provided that each eligible jurisdictions could request federal funds to help cover up to 50 percent of the cost of purchasing one bulletproof vest per law enforcement officer per fiscal year. Jurisdictions were required to purchase only those vest models meeting the standards developed by OJP's NIJ. By September 30, 1999, BJA approved a total of 3,510 jurisdictions to share in the $23 million in 1999 available funding. It is estimated that these jurisdictions will have sufficient resources to purchase 167,000 vests.

The success of this important program was formally recognized in June 1999, when the Bulletproof Vest Partnership Program received the gold award from the Federation of Government Information Processing Councils, which recognizes innovative efforts in the use of technology to provide government services.

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Safe Schools. This program area was developed in response to an alarming increase in the number of violent crimes committed in the nation's schools. $20,000,000 from the Public Safety and Community Policing Grants will be used to continue funding of the COPS School-Based Partnership. An additional $10,000,000 will be used for this initiative, and is to be derived from the School-Based Partnership Program identified under the Crime Prevention section of this document.

District of Columbia Court Services and Offender Supervision. This program has been developed to reduce crime, enhance public safety, and restore confidence in the criminal justice system in the District of Columbia. COPS will provide $17,064,000 to strengthen and increase the level and quality of supervision of released offenders and pretrial defendants, as well as provide additional drug testing, treatment, and sanctions facilities to increase offender and agency accountability.

Indian Country. COPS will provide $45,000,000 in grants to Indian Country to be used for hiring tribal law enforcement officers, the purchasing of equipment, and providing training to new and existing tribal law enforcement personnel.

DECISION UNIT/PROGRAM: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS/ COPS HIRING PROGRAMS (1/4/00)

Department of Justice Core Function: Assistance to State and Local Governments

Strategic Goal: Strengthen and Improve Community Police Services

Annual Performance Goal: Providing funding for the hiring and redeployment of additional law enforcement officers

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	COPS Hiring Programs:							
	1. Number of applications received and reviewed by COPS staff	COPS Management System (internal database)						
	Universal Hiring Program		6,000	3,853	6,000	3981	3,900	2,000
	MORE		2,500	3,125	2,500	1325	2,250	2,250
	Total		8,500	6,978	9,500	5306	6,150	4,250
Output/Activity	2. Number of grant awards	COPS Management System						
	Universal Hiring Program		5,500	3,633	4,500	3284	1,715	1,034
	MORE		1,000	628	1,800	1610	150	375
	Indian Tribes						200	150
	Total		6,500	4,261	6,300	4894	2,065	1,559
Intermediate Outcome	3. Number of police agencies funded	COPS Management System	12,278	11,075	13,842	11,853	12,564	13,317
	4. Number of additional police officers funded	COPS Management System	16,967	22,330	18,772	19,797	5,633	6,000 – 7,000
	5. Cumulative total police officers funded	COPS Management System	82,667	88,030	107,573	103,720	109,353	115,353–116,353
	6. Number of officers on the street	COPS Count Survey	47,869	46,544	60,474	59,103	84,500	91,000
	7. Percentage of grantees in compliance with programmatic reporting requirements (progress reports) for the current year	COPS Management System			TBD		98%	98%
End Outcome								
Productivity/Efficiency								

A. Definitions of Terms or Explanations for Indicators:

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and 2001 Plans:

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DECISION UNIT/PROGRAM: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS/ PROGRAM POLICY SUPPORT AND EVALUATION 11/17/99

Department of Justice Core Function: Assistance to State and Local Governments

Strategic Goal: Increase availability of COPS generated information.

Annual Performance Goal: Improve the accessibility of both information and training on community policing.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	Program/Policy Support and Evaluation:							
	1. Research fellows and interns	Internal Records	4	6	7	7	6	4
	2. Number of hours needed to collect data, perform analyses, write reports, coordinate external research, etc.	Internal Records	22,968	20,064	25,056	18,792 (9 FTEs filled)	25,056	25,056
Output/Activity	3. Number of types of surveys conducted	Internal Records	4	7	2	6	2	1
	4. Number of site visits for data collection/analysis	Internal Records	61	39	35	16	40	40
	5. Number of reports/papers/publications/ information prepared by PPSE staff for law enforcement agencies or the research community	Internal Records	20	28	19	14	20	10
	6. Number of cooperative agreements/MOUs/ Grants/contracts to research and provide information on community policing practices	Internal Records	6	39	22	35	6	5
Intermediate Outcome	7. Number of external evaluations conducted	Internal Records	542	794	136	415	52	35
	8. Number of conferences hosted or attended to disseminate information about community policing	Internal Records	4	14	8	16	9	7
	9. Number of publications available on the web site	Internal Records	--	13	12	22	10	15
	10. Percent increase of the availability of COPS generated information to the law enforcement or research communities	Internal Records	--	100%	*0%	69%	58%	50%
End Outcome	11. Percentage of conference attendees that use the conference information to support evaluation or other community policing efforts	Internal Records	--	75%	60%	60%	65%	65%
	12. Percentage increase of the number of hits to publications/papers/reports posted on the COPS web site.	Website	--	n/a	10%	10%	15%	15%

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DECISION UNIT/PROGRAM: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS/ PROGRAM POLICY SUPPORT AND EVALUATION 11/17/99

Department of Justice Core Function: Assistance to State and Local Governments

Strategic Goal: Increase availability of COPS generated information.

Annual Performance Goal: Improve the accessibility of both information and training on community policing.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Productivity/Efficiency	13. Staff hours spent developing and finalizing publications/papers/reports/information that are available to the law enforcement or research communities TO the number of publications/papers/reports/informational documentation available through the COPS Office to the research and law enforcement communities	Internal Records	--	--	9500:12	9500:12 (reports developed in house)	15869:20	11895:15

A. **Definitions of Terms or Explanations for Indicators:**

Evaluation: Research that describes process or evaluates impacts

B. **Issues Affecting FY 1999 Program Performance:**

The number and quality of applicants applying for cooperative agreements/MOUs/contracts may impact the resulting number of external evaluations.

Unforeseen shifts in external policy or programmatic priorities may impact outputs, activities, and outcomes.

The level of interest by local police departments in adopting and improving community policing in their jurisdictions may impact the percentage of departments utilizing community policing information.

• Correction of typo.

C. **Issues Affecting Selection of FY 2000 and 2001 Plans:**

Constraints on availability of website technology may impact the availability and subsequent use of information to the law enforcement and research communities.

The level of interest by local police departments in adopting and improving community policing in their jurisdictions may impact the percentage of departments that utilize information on community policing practices.

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DECISION UNIT/PROGRAM: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS/TRAINING AND TECHNICAL ASSISTANCE 1/4/00
Department of Justice Core Function: Assistance to State and Local Governments
Strategic Goal: Strengthen and Improve Community Police Services
Annual Performance Goal: Develop technical assistance conferences for grantees to provide guidance in implementing community policing

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	Training and Technical Assistance:							
	1. Staff time spent supporting community policing training by developing and managing Regional Community Policing Institutes and the Community Policing Consortium	internal records	9,835 hours	9,835 hours	12,480 hours	12,480 hours	8,874 hours	10,400
	2. Staff time spent designing and disseminating innovative technical assistance	internal records	4,918 hours	4,918 hours	6,240 hours	6,240 hours	4,437 hours	5,220
	3. Number of RCPI applications/supplements received	internal database	35	35	25	56	30	30
	4. Number of collaborative internal and external partnerships (staff hours)	internal database	93 (983 hours)	93 (983 hours)	120 (1,044 hours)	120 (1,044 hours)	109 (887 hours)	125 (1,044 hours)
	5. Number of special conditioned grantees referred for training	COPS Management System	1,573	1,573	1,250	1,250	350	350
Output/Activity	6. Number of standardized packages of materials developed for grantees to provide guidance and implement community policing	Data from FLETC	10,600	12,000	12,000	500*	12,700	13,000
	7. Percentage increase in the number of participants attending COPS funded training	Data from RCPIs and CPC	84%	40%	40%	50%	36%	50%
Intermediate Outcome								
End Outcome	8. High quality training products are available for all police training facilities	Data from RCPIs and CPC	200		300	350	450	475
Productivity/Efficiency	12. Grants processed per trainee trained					1/850	1/850	1/850

A. Definitions of Terms or Explanations for Indicators:
* FLETC delayed dissemination of 10,000 training packages to COPS grantees until FY 2000.

B. Issues Affecting FY 2000 Program Performance:
Targets reduced due to reduction of staff size. There is less staff time available for overseeing the RCPI Program, designing and implementing technical assistance, and involvement in internal-external partnerships.

C. Issues Affecting Selection of FY 2000 and 2001 Plans:
One staff position has been approved for FY 2001.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

PROGRAM/ORG UNIT: Office of the Police Corps and Law Enforcement Education (OPCLEE)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.2) Strengthen and improve community police services and, by the year 2000, increase the number of officers funded by 100,000 over 1992 levels.
ANNUAL PERFORMANCE GOAL: (2.2.1) In FY 2000, DOJ, through the COPS program, will advance the implementation of community policing.
MISSION: To increase the number of community police with advanced education and training and put them on the streets of communities that need them most.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$30M	$30M	$30M	$30M	$30M
Output/ Activity	2. Number of jurisdictions approved to implement the Police Corps	OPCLEE Records	24	25	25	27	29
	3. Number of jurisdictions awarded grants	OPCLEE Records	24	25	24	27	29
	4. Number of jurisdictions receiving technical assistance	OPCLEE Records	24	25	24	27	29
Intermediate Outcome	5. Number of participants receiving or who received scholarship or reimbursement payments	OPCLEE Records	234	350	500	700	900
	6. Number of participants that completed Police Corps basic law enforcement training (not cumulative)	OPCLEE Records	61	140	74	200	300
	7. Number of new Police Corps participants that sign service agreement	OPCLEE Records	NA	300	205	300	400
End Outcome	8. Number of Police Corps graduates serving on community patrol as one of the four required years of service.	OPCLEE Records	68	100	150	350	650

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: Indicators #8 & #9 - The number of participants assigned to state or local police departments is higher than the number serving on community patrol because a participant must be assigned to a police department before they can receive payment for their education. These assignments lead ultimately, a few years later, to a position with the department upon completion of their education.

B. Issues Affecting 1999 Program Performance. The nature of the Police Corps program results in a lag between the number of positions approved and the actual number of graduates serving on community patrol. For example, students accepted into the program as college freshmen will first complete four years of college and then serve as police officers for four years.

C. Issues Affecting Selection of 2000 and 2001 Plans. The nature of the Police Corps program results in a lag between the number of positions approved and the actual number of graduates serving on community patrol. For example, students accepted into the program as college freshmen will first complete four years of college and then serve as police officers for four years.

D. Validation and Verification. Performance measures will be validated and verified through review of: approval letters and grant award letters in OPCLEE files; technical assistance memos; emails; and summaries in OPCLEE files. OPCLEE records participants and payments in Police Corps database. The Office of the Comptroller/Accounting also records payments. Participating states' provide reports during the fiscal year. The biannual Statistical report, lists participants' status in the program - in school, in training, or in service.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ORG UNIT: Bulletproof Vest Partnership Grant Act of 1998 (Act) Implementation/.
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation.
MISSION: The purpose of the program is to assist state and local governments and Indian Tribes by providing vests that meet the National Institute of Justice's ballistic-resistant Standard to each law enforcement officer, as defined in the Act, that is in need of a vest.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicator	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	N/A	$25M	$25M	$25M	$25M
	2. # of jurisdictions registered	Vest Program	N/A	10,000	4,439	5,000	5,000
	3. # of applications submitted	Vest Program	N/A	3,000	3,510	3,950	3,950
	4. # of manufacturers and distributors registered	Vest Program		500	500	600	600
Output/Activity	5. # of payments provided	Vest Program	N/A	TBD	3,510	3,950	3,950
Intermediate Outcome	6. An Internet-based, end-to-end distributive system designed to administer the program electronically:	Vest program					
	Design		N/A	2/15/99	4/15/99	N/A	N/A
	Revisions		N/A	3/15/99	N/A	1/31/2000	1/31/2000
	Implementation		N/A	N/A	4/15/99	2/1/2000	2/1/2000
End Outcome	7. # armor vests purchased	Vest Program	N/A	TBD	167,000	170,000	170,000
	8. # of jurisdictions participating in program	Vest Program	N/A	TBD	3,510	3,950	3,950
	9. Percentage of Applicants satisfied with Internet system.	Vest Program	N/A	60%	82%	85%	86%

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: Each application for funds mean that at least one vest is being purchased through the program. Each payment means that at least one vest has been received by the jurisdiction and payment made to the jurisdiction.

B. Factors Affecting 1999 Program Performance:

C. Factors Affecting Selection of 2000 and 2001 Targets:

D. Validation and Verification. The BPV Program utilizes an oracle database which provides accurate, real time reports and analyses on all aspects of the programs use by jurisdictions. Periodic analyses reports and comparisons are used by the program manager to ensure accuracy and completeness of stated deliverables.

DECISION UNIT/PROGRAM: PUBLIC SAFETY AND COMMUNITY POLICING/NATIONAL POLICE LAW ENFORCEMENT SCHOLARSHIPS 1/19/00

Department of Justice Core Function: Assistance to State and Local Governments

Strategic Goal: Strengthen and Improve Community Police Services

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Actuals Plan		2000 Plan	2001 Plan
Input	National Police Law Enforcement Scholarships							
	1. Number of applications received.	Internal	...	...	...	...	....	20
	2. Number of collaborative internal and external partnerships.	Internal	...	...	...	...	....	18
	3. Number of staff hours devoted to the project.	Internal	...	...	...	...	.....	6,264
			...	...	...	...	.....	
Output/ Activity	5. Number of participating states	Internal	...	...	...	...	.....	8
	6. Number of participants selected to participate in the program	Internal	...	...	...	...	.....	100
	7. Number of materials packaged for the project	Internal	...	...	...	...	.....	55
Intermediate Outcome	8. Number of LES personnel receiving scholarship	Internal	...	...	...	...	.....	90
	9. Number of current law enforcement interns	Internal	...	...	...	...	.....	10
End Outcome	10. Number of LES officers who have completed a degree with LES assistance, to date.	Internal/ Qrtly Reports	...	...	...	...	....	50*
	11. Number of students who have completed a LES internship, to date.	Internal/ Qrtly Reports	...	...	...	...	....	10*
Productivity/ Efficiency	12. Percent of LES officers who completed their degrees and service requirement.		...	...	...	...	....	10%
	13. Percent of LES internship graduates who have been accepted by a law enforcement agency.		...	...	...	...	....	25%

A. Definitions of Terms or Explanations for Indicators:

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and 2001 Plans: Pending 2001 appropriations.

* These estimates factor in the provision that some recipients are already in the program and therefore should complete the service in 2001.

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ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount
Management and Administration (in thousands)			
2000 Enacted	**235**	**235**	**$29,825**
2001 Base	**235**	**235**	**30,718**
2001 Estimate	**366**	**301**	**36,000**
Increase/Decrease	**131**	**66**	**5,282**

BASE PROGRAM DESCRIPTION: Management and Administration (M&A) is responsible for funding management oversight and administrative support for the COPS Office, and ensuring that the goals of the Office are achieved. For 2001, there are three separate enhancements within this decision unit:

To ensure the best return on the continuing federal investment in community policing, it is incumbent upon COPS to review and process each application quickly and accurately. COPS expects the number of incoming applications needing review in 2001 to be particularly high given the scope and range of various programs. Furthermore, competitive applications, such as MORE, which provide funding for technology to local law enforcement jurisdictions, are considerably more time consuming than processing Universal Hiring Program (UHP) grants. On average, it takes three times as long to process a competitive hiring grant as opposed to a normal hiring grant.

In addition to processing grants, the COPS Office will dedicate a significant portion of administrative resources to closing out expired grants from previous fiscal years. Closeout activities including final programmatic compliance assessment, financial closure, and the archiving of grant records are resource-intensive and require substantial interaction with grantees. In 2001, approximately 5,000 grants will be eligible for closeout.

Critical to program integrity is the monitoring function. Grant monitoring, funded under M&A, helps ensure that the resources provided are spent as authorized and as reported by the grantee. Monitoring typically involves the labor-intensive tasks such as conducting on-site monitoring reviews or site visits of grantees, coordinating resolution of non-compliance issues with appropriate officials, and serving as liaison for the evaluation aspects of the program. The COPS Office has developed a strategy that enables monitoring personnel to visit a significant sample of grantees that includes both small and large jurisdictions from a pool of approximately 13,800 agencies. Because there are significantly more small jurisdictions, monitoring a representative sample is

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extremely resource intensive. The requested increase of 31 positions, 16 FTE, and $5,282,000 for COPS, is necessary to not only support on-going grant processing, awarding and payment activities, but also to ensure that COPS can continue to monitor grantees effectively. This would provide a total staffing level of 266 positions and 251 FTE for the COPS program.

In addition, an increase of 5 positions and 5 FTE are requested for JMD's Global Program. Funding will be used for pilot projects, additional staff, and support for the Global Advisory Committee. This funding would be paid for out of CITA program funds.

The remainder of the staffing increase, 95 positions and 45 FTE, are to support new OJP-administered programs proposed under the COPS appropriation. In order to fund these positions, the budget proposes that a portion of the proposed program funding be used.

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DECISION UNIT/PROGRAM: MANAGEMENT AND ADMINISTRATION/ MONITORING DIVISION (12/99)

Department of Justice Core Function: Assistance to State and Local Governments
Strategic Goal: Strengthen and Improve Community Police Services
Annual Performance Goal: Monitoring will conduct 475 site visits to examine grantees' records and practices
Monitoring Division provides feedback to grantees in order to bring them into compliance

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	Monitoring							
	1. Size of grantee pool	COPS Management System					3433	TBD – 10/1/00
	2. Number of Monitoring Specialists	Division Staffing Plan	22	39	39	31	39	39
Output/Activity	3. Number of on-site comprehensive monitoring evaluations of COPS grantees	Division Database	296	432	771	809	475	660
	4. Percentage of site visit feedback letters sent out in a timely manner	Division Database	60%	60%	70%	77%	80%	90%
Intermediate Outcome	5. Cumulative percentage of COPS grantees brought back into compliance with retention plan requirements.	Division Database		92%	95%	95%	95%	95%
	Cumulative percentage of COPS grantees brought back into compliance with Program Progress Reports requirements for current and prior years	Division Database		89%	90%	91%	90%	90%
End Outcome								
Productivity/Efficiency	7. Cumulative number of compliance issues resolved/number of compliance issues identified (percentage)	Division Database	*73%	73%	75%		75%	75%

A. **Definitions of Terms or Explanations for Indicators:**

B. **Issues Affecting FY 1999 Program Performance:**

C. **Issues Affecting Selection of FY 2000 and 2001 Plans:**

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ACTIVITY: COMMUNITY AND LOCAL GUN PROSECUTION

	Perm. Pos.	FTE	Amount
Community and Local Gun Prosecution (in thousands)			
2000 Enacted	...	...	**$ 10,000**
2001 Base	...	...	**10,000**
2001 Estimate	...	...	**200,000**
Increase/Decrease	...	...	**190,000**

BASE PROGRAM DESCRIPTION:

Since 1999, a total of $15 million has been appropriated under COPS and administered by OJP's Bureau of Justice Assistance (BJA) for the Community Prosecutor Program. In 1999, $5 million was appropriated, however, due to the normal delay involved in developing a new program none of the funds were awarded. As a result, BJA plans to make these awards in 2000. In 2000, an additional $10 million was appropriated for this program – these resources will be awarded during 2000 for the continued support of the development, implementation, and enhancement of the community prosecutor programs. The expertise of existing programs led by prosecutors in Denver, Portland, and Washington D.C., is being utilized in creating and enhancing new programs.

On example of how well the community prosecution concept works is the U.S. Attorney's Office in the District of Columbia, which created a community prosecution program in the Fifth Police District to work with residents to respond aggressively to the crime problems that afflict their neighborhood. Results included:

- Crime decreased by 34 percent during 1998 – compared to the average decrease of 29 percent in the District of Columbia.

- With assistance from HUD, the DC Metropolitan Police, and the DC Public House Authority, a housing project known as "Montana Terrace" experienced a 72 percent reduction in crime in 1997.

Other prosecuting offices that have embraced community prosecution in some form include: Boston, Chicago, Denver, Indianapolis, Kansas City, New York City, Milwaukee, and Austin.

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PROGRAM CHANGES:

Community and Local Gun Prosecution Initiative: (Increase $190 million)

Objective

In 2001, an increase of $190 million is requested to establish a Community and Local Gun Prosecution Initiative. This program will be administered by the Office of Justice Programs and will make discretionary grants to state, local, and tribal jurisdictions and prosecutors' offices to substantially increase the number of local prosecutors interacting directly with members of the community and to encourage local prosecutors to reorient their emphasis to tough enforcement at a community level with a special emphasis on gun violence. Of this amount, $150 million will be used to hire 1,000 state and local prosecutors to handle gun related cases and $50 million to hire up to 300 community prosecutors. In addition, funding will also be available for training, technical assistance, and program research and evaluation.

This initiative will allow DOJ to assist states, localities, and tribes to hire dedicated prosecutors to address community crime problems through identifying and prosecuting criminals. To accomplish this mission, DOJ will focus on the following goals:

1. To assist state, local, and tribal prosecutors in bringing criminals to justice by identifying community criminal justice needs and providing funds to hire new prosecutors to address those problems -- especially gun related violence; and

2. By encouraging community and local prosecutors to work in conjunction with community police, community members, and other community stakeholders to identify community needs and address them through tough and effective enforcement.

Increasingly, law enforcement agencies throughout the country are turning to successful community policing and other community-based criminal justice programs to combat priority crime problems such as guns, gangs, and drugs. One of the touchstones of these programs is the close interaction between law enforcement personnel and the community, including neighborhood and civic associations, local businesses and business associations, value-based organizations, and individual citizens. Through this interaction, law enforcement agencies can respond swiftly and effectively to crime hot spots and emerging crime problems. Moreover, by being more responsive to local crime concerns, the law enforcement community can help in efforts to revitalize communities by cracking down on quality of life crimes, fostering a safe environment for schools, businesses, and citizens, and reducing the fear that can overwhelm entire communities.

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Community prosecution is a logical extension of the proven successful community-policing concept. While community police officers can do a great deal to respond to community crime concerns, the success of community policing programs can be limited due to the lack of effective coordination and communication with local prosecutors. For example, while the police may be willing to address quality of life crimes that plague a particular neighborhood, the success of such efforts will be limited if local prosecutors are not committed to prosecuting these cases. Without such a commitment, the confidence and support of the local community and community police officers will be lost. Community and local prosecutors can also work with allied government agencies, including fire marshals, building inspectors, environmental and public works agencies, and others to shut down crack houses, clean up troubled housing projects, fix street lights, and address other problems that foster and promote crime.

Another advantage of community and local prosecution programs is that the dedication of prosecutors to such programs allows them to take a pro-active approach to the most pressing local crime problems. For example, community prosecutors would:

- combat gun-related violence through intensive local enforcement initiatives aimed at seizing illegal guns and prosecuting gun offenders;
- crack down on open air drug markets, crack houses, and other neighborhood drug problems; or
- target quality of life crimes -- such as gang violence, loitering, prostitution, graffiti, and vandalism -- that can victimize residents and businesses in a community.

Program Characteristics

Hiring: ($195 million)

Effective prosecutorial efforts to address crime and public safety have increasingly shown the importance of working in partnership with communities, service providers (such as substance abuse treatment providers and family violence prevention specialists), and in collaboration with other components of the criminal justice system.

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In order for localities to accomplish this work effectively and to implement strategies in partnership with communities, additional prosecutors are needed. This program provides resources to hire prosecutors in community and local prosecution programs to prevent, reduce, and respond to crime at the local level -- especially gun violence.

This hiring initiative provides a much-needed enhancement to the criminal justice system. As a result of the Administration's successful efforts to put an additional 100,000 police officers in communities across the nation there is increased burden on the prosecutorial sector of the criminal justice system. This burden is largely felt in local communities where resources are limited. The Community and Local Gun Prosecution Initiative attempts to bridge that gap by providing additional prosecutor and prosecutor-related personnel at the local level to encourage and facilitate community partnerships to address unique crime problems locally.

This discretionary grant program will assist jurisdictions in hiring community and local gun prosecutors for up to 3 years and will require the grantee to design a retention plan that would maintain the prosecutor for a minimum of 1 year past the end of the grant period.

In addition to local grants, a total of $5 million will be designated for technical assistance, training, and evaluation.

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Training and Technical Assistance: ($4 million)

- Convening of 8 regional training and information-sharing conferences during the multi-year initiative that will allow the widest participation of local rural, urban, and tribal prosecutor offices and other related personnel;
- A series of symposia for local prosecutors and other related personnel with classroom instruction developed and provided by the National Advocacy Center;
- Development and distribution of community prosecution publications; and
- Local community capacity building to participate in decision-making and strategic planning for local crime prevention priorities.

Program Research and Evaluation: ($1 million)

- An action research component, which will allow researchers to offer strategic assistance and planning to practitioners throughout this multi-year initiative;
- A national evaluation that examines both the process of how this major initiative is being implemented, and the impact of community prosecution on local crime problems;
- A dissemination plan to deliver information to the field regarding community prosecution best practices and lessons learned; and
- A forum of practitioners, community representatives, and researchers to explore community prosecution and its implications for the future in preventing crime through strategic problem-solving, partnerships with communities, and cross criminal justice system coordination.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

PROGRAM/ DECISION UNIT: Community and Local Prosecutors
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) To encourage community-based approaches to crime and justice at the state and local level.
MISSION: To assist states and localities to hire prosecutors who are dedicated to addressing community crime problems through identifying and prosecuting criminals.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	N/A		$ 5M (a/)	$ 10M (a/)	$200M (a/)
Output/ Activity	2. Number of applications received	BJA files	N/A	36	36	70 (c/)	TBD (d/)
	3. Number of awards	BJA files	N/A	36	-0- (b/)	90 (b/)	TBD (d/)
	4. Number of on-site monitoring visits	BJA files	N/A	30	-0-	50	TBD (d/)
	5. Number of TA requests received	TA Log	N/A	15	-0-	30	TBD (d/)
	6. Number of TA requests completed	TA Log	N/A	15	-0-	30	TBD (d/)
Intermediate Outcome	7. Percentage of programs operational 6 months after project start-up	Grantee reports/site visits	N/A	75%	-0-	50%	TBD (d/)
	8. Number of new community prosecutors hired or redeployed	Grantee reports/site visits	N/A	TBD	-0-	TBD	1,300
End Outcome	9. Percentage of grantees that implemented programs meeting the majority of their goals and objectives as stated in their approved applications	Grantee reports/site visits	N/A	85%	-0-	100%	TBD (d/)

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: Data Sources include internal Bureau of Justice Assistance (BJA), semi-annual grantee progress reports, site visits, and technical assistance (TA) logs.

B. Issues Affecting 1999 Program Performance.
a/ Funds for this program were reimbursed from the Office of Community-Oriented Policing Services (COPS).
b/ Applications were received and reviewed in 1999, but awards will be made in 2000 (due to timing of funds reimbursement). This affects all performance indicators in1999.

C. Issues Affecting Selection of 2000 and 2001 Plans.
c/Due to the delay in implementing the 1999 program, the 2000 plan reflects those applications rec'd in 1999 and anticipated in '00.
d/ This major increase in 2001 funding will require substantial restructuring of the program.

D. Validation and Verification. OJP validates and verifies performance measures through progress reports submitted by the grantee, internal files, Technical Assistance Logs, and site visits. Indicators 2 - 4 will be documented through records maintained on the number of applications received and awarded, as well as the number of site visits made. Indicators 5 - 6 will be documented through a log of technical assistance requests and status reports maintained by OJP. Indicators 7 - 8 will be validated through site visit reports and grantee reports. Grantees are required to report semi-annually on their progress toward meeting the goals and objectives in their approved applications.

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ACTIVITY: COMMUNITY CRIME PREVENTION

	Perm. Pos.	FTE	Amount
Community Crime Prevention (in thousands)			
2000 Enacted	...	...	$35,675
2001 Base	...	...	35,675
2001 Estimate	...	...	135,000
Increase/Decrease	...	...	99,325

BASE PROGRAM DESCRIPTION: The Community Crime Prevention programs advocate the development and implementation of strategies to support specific programs that engage the entire community in suppressing and fighting crime and delinquency. Funds support partnerships and collaboratives among policing agencies, prosecutors, probation and parole agencies, schools, value-based groups, business leaders, civic association members, social service agencies, and other relevant stakeholders that can assist in creating safe and secure neighborhoods. Communities are encouraged to participate in a comprehensive planning and strategy development process that sets local crime prevention and crime-fighting priorities, and devises locally crafted responses.

The Community Crime Prevention programs fill critical gaps in support for local public safety efforts that current DOJ funding -- both formula and discretionary -- cannot fill. In addition to supporting neighborhood planning, these programs also encourage jurisdiction-wide strategic planning that other DOJ programs administered by Weed and Seed, BJA, OJJDP, and COPS are unable to fund. These programs provide greater flexibility in the use of funds for planning and implementation of comprehensive strategies than is allowed in current programs (e.g., Weed and Seed, BJA's Comprehensive Communities Program, OJJDP's Comprehensive Strategies Program). The Community Crime Prevention programs allow communities to develop and implement their comprehensive plan through one source of funding and overall technical assistance.

For 2001, COPS proposes several new and enhanced grant programs including a comprehensive collaborative problem-solving effort encouraging school-based partnerships with local law enforcement. In addition, initiatives addressing training, technical assistance and recruitment efforts are supported under the Community Crime Prevention programs.

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PROGRAM CHANGES:

Police Integrity and Hate Crime Training: (Increase $20 million)

Objective

In response to the President and the Attorney General's directive to the COPS Office to implement programs designed to enhance police integrity, the COPS Office has designed a unique training and technical assistance initiative with the objective of training police in the ethical and appropriate use of police authority. This initiative, based on recommendations made by civil rights, community and law enforcement leaders from across the country, will build on COPS currently funded projects and will rely on COPS expertise gained through our leadership role in promoting community policing, police integrity, and delivering training and technical assistance to local communities.

Relationship to Community Policing

In his statement at the Attorney General's Conference on Strengthening Police – Community Relationships, in June 1999, the President emphasized the relationship between community policing and police integrity. "We have to restore the trust between community and police in every community in America. It is the only way that community policing can really work to make our streets safe."

The use of aggressive police tactics such as excessive use of force or racial profiling can undermine community trust and is a barrier to advancing community policing. Recently, public concern, particularly in underrepresented communities, has become national in scope and has become the focus of civil rights groups and police leaders across the country. This initiative will provide training and technical assistance to police in the appropriate and ethical use of police authority: a prerequisite to establishing effective relationships between police and the communities they serve.

Program Characteristics

The COPS integrity initiative has four components: Data Collection to Identify Racial Profiling; Targeted RCPI Training to Promote Police Integrity; Innovative Training and Technical Assistance Grants to Promote the Effective Use of Police Authority; and Hate Crimes Training.

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Data Collection to Identify Racial Profiling

Law enforcement agencies apply to the Regional Community Policing Institute (RCPI) to establish pilot sites that implement a comprehensive program of data collection and evaluation to identify instances of racial profiling. Grantees will receive training and technical assistance from the RCPIs, and will establish: a procedure for collecting data, a system for evaluating the data, a committee – composed of police and community members that will make policy recommendations based on the evaluation of the data, and an evaluation of the process and outcome of the data collection.

Thirty sites will be funded through this pilot project. Grantees will be targeted based on their capacity to collect data (existing technological infrastructure) and those that have expressed interest in such a project. COPS will collaborate with the Civil Rights Division and other Department of Justice components to identify potential grantees, and to identify a variety of urban, rural, large, small, and state policing agencies to allow for maximum replication among other law enforcement agencies.

Targeted RCPI Training to Advance Police Integrity

The COPS Office and the Department of Justice have sponsored numerous conferences to examine ways to advance police integrity. The feedback from these conferences frequently points to the need for non-militaristic, scenario-based training on police integrity issues. This scenario-based ethics training will be delivered to police through COPS national network of RCPIs. Cooperative agreements will be implemented to develop training on the following topics that have been identified by police practitioners and community and civil rights leaders: Appropriate Use of Force, Disengagement from Confrontation, Developing Cultural Competency, Combating Racial Profiling, and Reducing Overtime Abuse.

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Innovative Training and Technical Assistance Grants to Promote the Effective Use of Police Authority

COPS will promote a culture of accountability in law enforcement agencies by promoting organizational and individual police accountability. These grants will provide funds and technical assistance to law enforcement agencies and police training academies for innovative local projects. These grants will allow state and local law enforcement agencies to build the capacity for developing innovative responses to police integrity issues, such as personnel management systems to provide early warning and intervention for abusive police practices, use of force reporting systems, and non-militaristic tactical training to reduce citizen apprehension and tension during police encounters. In addition, a portion of this money will go to an assessment of the effectiveness of these innovative integrity programs.

Hate Crimes Training

The growing concern generated by the increasing number of hate crimes in communities across America is among the top public safety issues that law enforcement is facing today. Training to prevent hate crimes will provide the necessary skills to build a foundation of collaborative problem-solving that will permit police and community partners to minimize the negative impact of hate crime incidents as well as mobilize the community to educate its citizens. Out of the $20 million, $2 million will be used for Hate-Crimes training. This, when combined with the $1.25 million from OJP will provide a total of $3.25 million for hate-crimes.

Police Recruitment: (Increase $5 million)

Objective

The COPS Police Recruitment Initiative will assist law enforcement agencies with recruiting a diverse body of qualified applicants to reflect the community they serve. The primary objective of this initiative is to foster the engagement and involvement of under-served populations in community policing strategies to address crime. Police agencies have struggled for many years to recruit and hire minority and women officers, knowing that by reflecting the demographics of the community they serve, police agencies are better able to reach the communities and minority groups that are historically excluded.

The economic and social conditions that have hindered police recruitment and retention include an expanding economy with low unemployment, changes in worker expectations and demands, and the retirement of the baby-boom generation. The COPS Police Recruitment Initiative would encourage the pooling of resources among small and rural police departments to maximize their recruitment, hiring, and retention efforts. Police departments will be able to develop an ongoing pool of qualified applicants, a course of study and workshops to familiarize prospective recruits with the application process, and peer-officer mentoring programs.

Relationship to Community Policing

Community policing requires that law enforcement agencies partner with the community to identify and address crime and quality of life concerns. Often, under-served populations do not participate in these efforts due to lack of trust, prior negative police contact, and other cultural considerations. To reach these groups, officers must be versed in community policing strategies, and be able to partner with those under-served populations.

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Program Characteristics

The Police Recruitment Initiative will include collaboration with stakeholders; recommendations for community police officer recruitment strategies, hiring, retention, and training for law enforcement professionals; and an education component on law enforcement career opportunities designed to promote interest in law enforcement careers.

Police agencies will be invited to apply for these grants on a competitive basis under the following groupings:

- Departments that serve populations of more than 100,000,
- Collaborative groups of smaller police agencies within a geographical area such as a county, metropolitan area, or other analogous grouping,
- Rural or tribal police departments within a statewide or Indian country area, and
- Partnerships with local minority community groups and educational institutions.

Twenty demonstration sites will be funded at $250,000 per site. Each of the sites will receive training and technical assistance, recruitment program design, community partnership training and outreach strategies, as well as funding for personnel, training materials, and marketing tools.

Partnerships will be developed between the COPS Office, the Community Relations Service, the Civil Rights Division, and the Office of Justice Program's American Indian Alaska Native American Desk to help identify the jurisdictions that will be invited to apply. Initial solicitation criteria will be based on need, past civil rights violations, incidents of police-community conflict, and current involvement in community policing practices.

Citizen Problem-Solving Academies/One America Race Dialogues: (Increase $5 million)

Objective

The primary goal of this program is to provide citizens with the tools and training necessary for them to work collaboratively with policing agencies to use problem-solving techniques to reduce crime. A secondary objective of this program is to help institutionalize the practice of community policing in jurisdictions throughout the nation, through substantive citizen participation in crime prevention efforts.

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This program is greatly needed because few citizens or community group representatives have had the training necessary to actively participate in community problem-solving efforts. When citizens are not actively involved in selecting and developing law enforcement's responses to persistent crime problems, the interventions may not be supported by the community. In addition, police agencies can greatly benefit from strong working relationships and the development of substantive problem-solving partnerships with broad segments of the community.

Relationship to Community Policing

Collaborative problem solving is one of the primary building blocks of community policing. For problem solving to be collaborative, it must involve the police and at least one other member or representative of the community, such as individual citizens, neighborhood watch groups, businesses, schools, value-based organizations, other municipal and social service entities, senior citizens' groups, etc.

The COPS Office defines community policing as collaborative problem solving and the implementation of organizational changes to support these activities. This particular program focuses on the collaborative problem-solving aspect of community policing, but also helps to develop an organizational infrastructure for institutionalizing police-community problem-solving efforts in agencies across the country.

Program Characteristics

Ten demonstration sites will be funded at an average of $500,000 per site, for a total of $5,000,000. Sites will receive funds for a variety of tools that will help build citizens' formal knowledge of problem solving and enhance their ability to access and analyze key data in order to achieve the objectives of the program. These resources will include initial training and ongoing technical assistance; information systems and technology that enable police and communities to analyze crime data, including crime analysis programs, mapping software, in-field reporting systems; laptop computers; public information terminals; Internet/Intranet site development costs; and project staff, such as training coordinators, crime analysts and project managers.

To ensure that the goals and objectives of the program regarding collaboration are being met, formal alliances between policing agencies and community organizations will be required and additional partnerships with social service agencies and other municipal entities will be encouraged.

Further, to ensure that specific crime and disorder problems are targeted and reduced, all citizens and police officers participating in the academy training and technical assistance program will be required to work on a specific problem-solving project in their

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communities. Citizen academy attendees will be encouraged to team up with other citizens and one or more officers to jointly address a problem of mutual concern and interest.

To ensure that the COPS Office learns what works best with regard to citizen police academy structures, approaches to training and impacts on crime and disorder problems, at least 10 percent of the funding for each site will be set aside by the site to document its efforts and evaluate the impact of all of the selected problem-solving projects undertaken by academy participants.

In addition, COPS will coordinate with the Department of Justice's Community Relations Service to provide support and technical assistance to state and local governments and community-based and other organizations to promote and facilitate dialogues on racial diversity and understanding.

Value-Based Program between Youth and Police: (Increase $5 million)

Objective

The Value-Based program is designed to encourage and support the development of relationships between police, youth, and local value-based organizations and entities. These organizations will work collaboratively to develop programs that address youth issues such as street violence, gangs, drug abuse, school failure, child abuse and neglect, teen pregnancy, incarceration, chronic joblessness, lack of cultural values, and hopelessness about the future.

Relationship to Community Policing

Addressing crime and violence through collaborative, community-based responses is a hallmark of community policing. Value-based entities can be a unifying leadership force in a community. Developing relationships and restoring trust between value-based entities and law enforcement is an essential building block to the comprehensive implementation of a community policing philosophy in many neighborhoods. As President Clinton recently stated, "We have to restore the trust between community and police in every community in America. It is the only way that community policing can really work to make our streets safe." By supporting the development of these collaborative partnerships, we promote trust between these groups thereby strengthening the foundation for the institution of community policing.

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Program Characteristics

The Value-Based Program between Youth and Police will provide competitive grants to local law enforcement agencies that create and strengthen the development of positive relationships between police, youth, and local value-based organizations and entities. Collaboratively, these entities will develop programs such as peer mediation, conflict resolution efforts between gangs, neighborhood crime watches, and mentoring. All programs are designed to enhance young peoples' commitment to their communities, to intervene with at-risk youth and to nurture youth to enhance their personal, educational, occupational, and spiritual development. Funds will assist these collaborative partnerships by supporting personnel, strategic planning, training and technical assistance, partnership building, and requisite technology and program infrastructure.

School-Based Partnership Program: (Increase $10 million)

Objective

Recent school violence has generated intense public concern about the safety and security of our nation's youth. The Columbine shooting, the worst school violence tragedy in U.S. history, was just one in a string of recent school shootings. As a result, the public is demanding a response from law enforcement to this critical problem. As part of the Administration's commitment to combat and prevent crime in and around America's schools, the COPS Office will expand its existing School-Based Partnership Program which has been designed to keep school children safe by reducing school-related crime through innovative community policing strategies.

In addition to media accounts of crime on school campuses, a national survey of school principals and disciplinarians for the school year 1996-1997 demonstrated that crime in schools is a major public concern. More than half of U.S. public schools reported experiencing at least one crime during the year and one in ten schools reported at least one serious violent crime. According to the National Center for Education Statistics, principals say that the most serious disciplinary problems center on student tardiness, absenteeism or class cutting, and physical conflicts among students. The increasing threats posed by student bullying and intimidation and the seriousness of disorder in and around school campuses can be reduced effectively by promoting smart policing and crime prevention through collaborative problem solving. Thus, the School-Based Partnership Program emphasizes the fostering of partnerships among police, community organizations, and local boards of education. These collaborative teams will be responsible for problem identification, as well as developing effective responses, including prevention and intervention strategies.

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Relationship to Community Policing

One of the primary tenets of community policing is that effective solutions to persistent crime problems cannot be developed and implemented without the buy-in and cooperation of the affected community. The School-Based Partnership Program emphasizes the need for local law enforcement agencies to work with schools and community-based organizations to address school-related crime and disorder problems in or around elementary and secondary schools. In addition, the program emphasizes problem analysis, a key component of problem solving, to help develop effective responses to the identified problems.

Program Characteristics

School-Based Partnership grants to local level law enforcement agencies will foster the development of partnerships between police, community organizations and local boards of education to address crime and safety issues in and around schools by applying tested problem-solving techniques. These comprehensive grants will address a broad spectrum of crime and safety problems experienced by communities. They will also address the policies that affect how the police, communities, and schools work together. By collaborating, police, communities, and schools will foster community health and make school environments safer and more conducive to student learning. In keeping with the tenets of community policing, School-Based Partnership grants will focus on crime and rectifying the decline or decay that can facilitate its occurrence.

School-Based Partnership grants will be open and competitive. To be eligible for funding under this one-year grant program, agencies must submit a justification that:

- delineates the city's/county's experiences with crime and disorder in schools, including a review of juvenile violence and crime rates;
- demonstrates the formation of a collaborative team of stakeholders that includes parents, students, mental health professionals, youth advocates, and representatives from other social service and policing agencies within the geographical area being considered; and
- includes a proposal for how funds would be used to develop solutions to identified crime problems.

Grantees will be required to work with the COPS Office to develop strategic plans that focus not only on the development and outcomes of the project during the first two years of funding, but also on a longer-term, five-year plan for the collaboration. School-Based Partnership grantees will be encouraged to build upon the strength of their collaboration to be creative in their strategic plans.

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Levels of funding will consider general and student population sizes and the quality of the proposed project, strategic plans, and budget. Agencies will be eligible to receive up to $1 million. Based on the experiences of the COPS Office, the primary grantee pool consists of approximately 10,000 policing agencies; 10 to 15 agencies would be accepted under this initiative.

Safe Schools/Healthy Students Initiative: (Increase $20 million)

Objective

In 2001, $20 million is requested for the expansion of the existing OJP Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Safe School/ Healthy Students Program. These resources will be added to the $15 million that is requested to be made available under OJJDP's Title V program. The $35 million in resources will allow OJJDP to significantly expand this program in 2001.

Program Characteristics

In partnership with other offices within the U.S. Departments of Justice, Education, and Health and Human Services, OJJDP plans to fund Safe Schools/Healthy Students continuation grants to 54 sites awarded in 1999 and a projected 18 additional sites in 2000. Through a cooperative agreement with the Research Triangle Institute, OJJDP is collaborating with the Departments of Education and Health and Human Services to conduct a national evaluation of this program and will provide continuation funding for this activity in 2001, as well as transfer continuation funding to the National Mental Health Association to provide training and technical assistance to the sites through the Safe Schools/Healthy Students Action Center.

In addition, OJJDP, along with other offices within the U.S. Departments of Justice, Education, and Health and Human Services will contribute funding for up to 40 new sites in 2001.

Community Supervision Initiative – Project Reentry: (Increase $35 million)

Objective

In 2001, a total of $60 million is requested for a collaborative, comprehensive offender reentry initiative, which will be administered by the Office of Justice Programs.

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Of this amount, $35 million is requested under the Office of Community Oriented Policing Services (COPS) and $25 million is requested under the Office of Justice Program's Zero Tolerance and Drug Intervention Initiative.

Program Characteristics

This initiative will help reduce recidivism and improve public safety by awarding discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners. Project Reentry will enable states and local communities to create broad partnerships that will use their combined resources to provide the necessary combination of surveillance, sanctions, incentives, and support services in ways that afford increased protection to communities that experience unusually high returns of inmates. The Department of Justice will administer the program in partnership with the Department of Labor, which will develop and operate jobs-related programs in the same communities, and the Department of Health and Human Services, which will dedicate $10 million in substance abuse and mental health treatment to support this effort.

A detailed description of this $60 million initiative is found under the OJP 2001 Congressional Budget request.

Police Firearms Surplus Safety Initiative: (Increase $10 million)

Objective

In 2001, $10 million is requested to implement the Police Firearms Surplus Safety Initiative, which will be administered by the Office of Justice Programs.

The goal of this initiative is to prevent surplus police firearms and confiscated weapons from being resold on civilian markets where they may fall into the hands of criminals or other restricted persons. Police agencies are often subject to financial pressures to sell their used or seized firearms once those firearms are no longer needed, and need assistance to end this practice. This initiative will provide one-time grants to state and local law enforcement agencies to help them meet those budgetary constraints on the condition that they certify that they will use the funding to end the practice of reselling used police firearms and confiscated weapons on civilian markets.

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Program Characteristics

Police agencies are often subject to financial pressures to sell their used or seized firearms once those firearms are no longer needed. However, because such firearms, if sold on civilian markets, can end up in the hands of criminals, state and local law enforcement agencies do not want these weapons available to the public. Thus, law enforcement agencies need the revenues associated with the sale of surplus weapons to help defray the escalating costs of new weapons. This phenomenon presents a particular problem for state and local law enforcement agencies where no policy relating to the disposition or destruction of service weapons when they are no longer suitable for the agencies' use. Some departments destroy their obsolete weapons, some make them available to other law enforcement agencies, and some sell excess weapons to the public. Many police weapons sold on civilian markets have later been used to commit crimes, including homicides and assaults.

The goal of this initiative is to prevent guns from being circulated into the population from state and local law enforcement agencies. Gun violence is a pressing crime problem in America that is exacerbated by the ready availability of firearms to criminals on illegal markets. An estimated 200 to 250 million firearms are in circulation in the United States, and guns account for nearly 70 percent of all homicides in our nation. In 1997, over 32,000 Americans lost their lives in gunfire, and almost 100,000 others are treated each year for gun-related injuries. This initiative aims to curb this disturbing trend by preventing public access to firearms used by state and local law enforcement agencies, and reducing the likelihood that these firearms may fall into the wrong hands through secondary market sales.

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Building Blocks Initiative: (Increase $15 million)

Objective

In 2001, $15 million is requested for the Building Blocks Initiative, which will be administered by the Office of Justice Programs.

Federal crime policy is at a crossroads. For thirty years, the Office of Justice Programs (OJP) and its predecessors have supported wide-ranging research and demonstration efforts to bring promising programs to state and local governments. These efforts to build and deliver programs have met with mixed success. In its best moments, the federal program delivery model has helped states meet important challenges in court delays, detention or prison crowding, drug enforcement, and crime and delinquency prevention.

Success comes by combining strategic thinking with local action. Recent successes in community crime reduction in cities such as Boston and New York are difficult to attribute to specific programs. Successes of community interventions stem more from flexible and reasoned responses to both specific and general problems than from structured responses to general problems. The identifiable

components in successful initiatives are not programs *per se*, but up-to-date information about delinquency, risk factors or crime in relevant locations; coalitions of local, state and federal officials sharing authority and responsibility; comprehensive research-based programming from delinquency prevention to aftercare; and feedback on how well trial solutions were faring.

Federal initiatives from several OJP agencies have sought to marry these same elements in different combinations and settings. OJP's Comprehensive Communities Program, the National Institute of Justice's (NIJ) COMPASS Initiative, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Strategy, the Bureau of Justice Assistance's (BJA) integrated state strategy efforts, the Department of Justice's (DOJ) SACSI (Strategic Approaches to Community Safety Initiative), and the evolving Weed and Seed program have all sought to blend problem assessment, strategy development, coalition-supported interventions, and evaluative feedback into planning for public safety and healthier communities. Each in its own way seeks to create a closer relationship between the problem and the system response.

OJP's research and experiences in a wide variety of communities have led to the following common key ingredients to successful crime reduction efforts:

- coalitions that collaborate across disciplines and/or jurisdictions (federal, state, local) and have strong community-level involvement;
- data driven problem identification and safety assessment (including risk and protective factor, crime and safety, and resource assessments);
- community-based law enforcement and crime prevention approaches;
- concentration of resources in areas of greatest need;
- implementation of proven and promising crime and justice intervention models;
- implementation of key effective programs from pre-natal prevention and youth development, to graduated juvenile and criminal justice sanctions and probation/aftercare;
- evaluative feedback on program performance; and
- investments in community problem-solving infrastructure.

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Program Characteristics

Building Blocks adopts these principles and combines them into the following five core activities: (1) Collaborative Teams for Technical Assistance; (2) Data Driven Assessment and Planning; (3) Community-Based Intervention; (4) Long Term Infrastructure; and (5) National Evaluations. These five activities are the operating philosophy and allow OJP to bring coordinated community support to different jurisdictional levels. The short-term goal of the initiative is to help communities identify and respond to immediate and pressing problems. The long-term goals are to institutionalize the skills gained from short-term activities and to integrate lasting problem-solving capabilities. These goals apply equally to adult and juvenile justice issues, and to enforcement and prevention approaches.

The Building Blocks Initiative would support:

- *Neighborhoods* using the Weed and Seed approach to grass roots community involvement and the U.S. Attorneys partnerships;
- *Cities/Counties* engaged in strategies that mirror SACSI, COMPASS and the Comprehensive Strategy approach to targeted, community wide problem solving, prevention, and accountability;
- *States* engaged in the Comprehensive Strategy and similar system wide reforms and infrastructure building.

The Building Blocks Initiative will bridge delinquency and crime fighting across jurisdictional levels, building on existing/proven program models and working to achieve system-wide integration of strategies and resources over time. To accomplish this, the Department requests $15 million in 2001 for the Building Blocks Initiative to be funded through COPS 2001 Community Crime Prevention Program initiative and will be administered by OJP. By pooling OJP's existing expertise and targeting specific skills and services, 25 jurisdictions (neighborhoods, cities/counties, and states) would be able to address immediate delinquency and crime problems and develop long-term infrastructures that identify and successfully meet future crime and public safety challenges.

The Building Blocks funding processes will facilitate integrating activities for, and building state capacities to support networks of, collaborative problem solving. Jurisdictions will be able to apply for one, two, or three levels of program support -- neighborhood, city/county, and state support -- depending on their needs and their current capabilities. All of these funding opportunities will be offered within a single program, within a unified application process.

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- Supporting Collaborative Teams (Initial Technical Assistance) - $500,000

  The long-range vision of the Building Blocks Initiative is to achieve integrated planning among state, local, and neighborhood coalitions, aided by federal presence in law enforcement and prosecution. Building Blocks will support coalitions, whether at state, local, or neighborhood levels, interested in moving toward integrated strategic planning expertise while solving immediate short-term problems.

  To equip communities with the skills to formulate, implement, and evaluate comprehensive prevention and enforcement plans, Building Blocks will provide resources for orientations of key community leaders, training on developing risk and resource assessments, identification of mapping and information integration needs, and other technical assistance as needed to develop problem-solving processes. This comprehensive, interdisciplinary approach will dramatically increase the efficacy of prevention and enforcement efforts, while coordinating service delivery.

- Data Driven Assessment, Planning, and Progress Tracking - $2.5 million

  Communities cannot wait for lengthy analyses and planning processes to address the delinquency and crime problems that confront them now. In taking on the challenge of providing an immediate response to pressing problems, while also developing longer-term solutions to deep-rooted issues, communities already possess considerable data and understanding of their problem areas.

  Taking what we have learned from the assessment process of Strategic Approaches to Community Safety Initiative (SACSI) and Comprehensive Strategy, the Building Blocks Initiative will enable community coalitions to both immediately, and in an ongoing manner identify and shape responses to targeted street crime as well as broader delinquency and crime problems. Exactly where are offenders getting their guns and drugs? What are key deficiencies in the community's ability to prevent child abuse and delinquency? What barriers and resources exist in the services established to serve communities?

  In the short-term, coalitions will rely on existing data sources and other local information to assess problems. Neighborhoods will be asked to use existing city and county data plus local police and community information to pinpoint problems. Cities and counties will be asked to portray problems at neighborhood levels using not only crime statistics but also public health, zoning, and school information. Participating states will not only need to support participating jurisdictions through their Byrne funds but also to develop training and educational opportunities that encourage jurisdictional efforts in planning and problem assessment.

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Ultimately, the coalitions are expected to build sound infrastructure that will generate permanent sustainable information streams for safety strategies. Infrastructure building would include crime mapping, ability to estimate neighborhood indices of risk and protective factors, and program performance measures. These funds will support the areas described below:

Data Mapping of Targeted Street Crime. Building Blocks will require that a team of crime analysts, law enforcement, and researchers routinely analyze information from juvenile and criminal justice and city agencies to provide a picture of the area's general delinquency and crime trends and detailed characteristics of the target problem. The research partner will help the coalition through its problem solving processes, designing targeted strategies based on the opportunities identified by local crime data and crime control theory. Building Blocks will offer crime mapping and data integration support to cities and counties through NIJ's COMPASS, which will select its first ten sites in 2001, DOJ's SACSI (another US Attorney-supported program), which plans to expand to 10 sites in 2001, and OJJDP's Comprehensive Strategy, which currently operates in eight states and multiple local jurisdictions.

Community Risk and Protective Factor Assessment. The Building Blocks Initiative will also go beyond identifying and targeting street crime, to assess and address the risk factors for delinquency and family violence, based on what we have learned from OJJDP's Title V Community Prevention Grants and the Comprehensive Strategy.

Resource, Management and System Analysis. Building Blocks will support communities in identifying federal and private resources available in the community to address crime. This support will be provided through an interagency team and through the development of management information systems that track funds, allocations, and outcomes in the communities.

Local Evaluative Feedback. Building Blocks communities will operate under a performance assessment and improvement process where research partners help coalitions understand the progress that their efforts are making through simple "on-the-job" assessments and performance measures. Communities would use data and changing conditions to adjust program priorities and target strategies. This local, micro-level evaluation would be used to continually assess and improve interventions. Selected, particularly promising, programs would be singled out for more formal evaluation if their prospects for successful replication seemed high. This approach is particularly important for early Building Blocks interventions, which might begin with less-developed empirical bases than later initiatives.

- Community-Based Interventions - $5.9 million

Recognizing the planning sophistication and available resources, the Building Blocks Initiative will offer grant support to teams at state, city/county and community levels and will build on programs with proven records of success such as DOJ's Weed and Seed

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Program. The Weed and Seed Program is DOJ's premier community-based crime prevention program and serves as a platform for the Administration's and Attorney General's crime-fighting initiatives which range from conflict resolution and anti-truancy programs to home visitation and after school programs. The success of the Weed and Seed program comes from bringing together the energy of community leaders and organizations and the resources of the public and private sectors in an organized and coherent way. Wherever possible, activities will be closely coordinated with U.S. Attorneys to engage their support. OJP will work at the federal level to encourage U.S. Attorney collaborations with local jurisdictions, offering them appropriate opportunities to contribute their resources as well as bring federal law enforcement officials into the coalition.

The primary goal of the Building Blocks Initiative is to help communities choose strategies that work for their problems and to implement programs that have a high probability of succeeding. Fortunately, we are now armed with considerable knowledge on how to respond to street crime, treat offenders in the justice system, and prevent delinquency. Recognizing the multiple causes to crime, we must implement tested and proven programs and strategies to successfully attack the multiple causes.

Building Blocks will build upon previous DOJ demonstrations and successes in implementing comprehensive, community-involved strategies. For example, it will incorporate what we have done in addressing juvenile crime, integrating community policing lessons of community engagement, and forging multi-disciplinary partnerships with health, education, and housing. OJP will assist communities in moving from their strategic plans to program choices and model implementation through technical assistance, consultation, and seed program funding as necessary. The specific grant size will depend upon jurisdictional size.

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Specifically, it will support implementation of a continuum of integrated programs and strategies which have proven effective in reducing delinquency and crime, including but not limited to law enforcement targeting of gang members, and gun and drug traffickers, model criminal justice interventions, probation and aftercare for offenders, gang outreach and mentoring, drug opportunities and safe schools, pre-natal and early intervention, and community development and problem-solving.

Communities would also be encouraged to devise new and innovative solutions to their problems. However, these innovations would be formed out of their analyses of local data and information and they would be evaluated under the feedback framework proposed in the preceding section.

- Long Term Infrastructure - $5.4 million

Funding for long-term infrastructure at the initial 25 Building Blocks sites will not be needed until the third year. The $5.4 million requested in 2001 for this core activity will be used to support the completion of OJJDP's Comprehensive Strategy in 8 states. The funds requested will provide these states and their 48 identified local jurisdictions with nominal, but essential incentive funds

($75,000 to each of the 8 states and $100,000 to each of the 48 jurisdictions) to ensure the commitment of the local counties/cities and states in the hard work of bringing together disparate agencies and implementing a full continuum of programming from prenatal, to the deepest juvenile justice interventions, to aftercare. Given the extensive work that each of these states have done, lack of support at this time would squander investments that have been made.

Although funding is not requested in 2001 for long term infrastructure activities that will take place at building blocks sites in years three through five, a brief explanation of these future activities follows:

Building Blocks will assist in institutionalizing data collection and problem solving as a matter of course for community crime reduction strategies. It will work with neighborhood sites to help their adjoining neighbors collect similar information and to participate in similar interventions. It will also help neighborhoods link with city officials to obtain expanded and more routine data coverage. Complementing this "bottoms up" approach, Building Blocks coalitions will work within participating jurisdictions to identify neighborhood groups that are experiencing difficulties in coping with specific problems and help these communities engage in problem-solving processes.

Building Blocks will focus on County and City-level system and service coordination and reform which can support lasting and effective implementation of crime reduction strategies. Funds will be made available to bolster community-planning staffs through training and short-term staffing support. Funds will also help build geographic information systems that merge data from schools, public health, and transportation sources with safety statistics. Attention will be paid to improving identification, referral, and case management processes; making services serve children, families, and communities more holistically; increasing the quality and communication among service providers, systems and organizations; and reducing gaps, deficiencies, and barriers in prevention, intervention and accountability policies, procedures, and services.

Building Blocks will *support interested states in furthering long-range strategic planning in their major jurisdictions*. Building Blocks will utilize BJA's existing Byrne program and Local Law Enforcement Block Grant processes and OJJDP's Comprehensive Strategy State-level work to create state-level support to institutionalize strategic planning processes. States have important resources to contribute. In addition to Byrne, Juvenile Justice, Health, and Education formula funds, state administered agencies that have skills and information relevant to local affairs. Statistical Analysis Centers house geo-based information and analytic expertise. State drug abuse, health, and educational agencies offer programs that can be placed or coordinated with city and county initiatives. State universities house analytic resources that can support immediate local interventions and also help enrich the pool of local talent through educational courses.

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Building Blocks enables communities to formulate coordinated interventions almost immediately. These early efforts provide important learning experiences in working in coalitions and data driven settings. They also amplify the importance of systematic program and data support. A significant portion of funds have been allocated to creating a permanent core of skills, processes, and resources for identifying emerging problems, formulating and implementing responses, and monitoring results. Building Blocks will support states, which demonstrate a vision and a willingness to help their localities through such enterprises. It could help states build and offer training programs in strategic planning, computer crime mapping, and data systems integration. It could support statewide strategic planning initiatives. In general, Building Blocks would expect states to show commitment toward institutionalizing the outgrowths of this support.

- National Evaluation - $500,000

  In 2001, $500,000 is requested to begin implementation of a national evaluation of Building Block sites. The national Building Blocks Initiative will be evaluated from implementation to determine the effectiveness of a comprehensive crime reduction strategy. The value of the initiative will be the ongoing dissemination of lessons-learned from the communities as they replicate effective programs, sharing of data and mapping technology from local assessments, guidance in targeted problem-solving approaches, approaches to developing a lasting strategic plan and changing the agencies and organizations that need to work more effectively together in reducing crime and delinquency. This information will be invaluable to the Building Blocks communities as well as to others across the country, as we learn of the benefits of this initiative, including its impact on reducing crime and victimization.

  Participating agencies would contribute the necessary executive and managerial staff to assure the proper coordination of program functions.

Strategic Approaches to Community Safety Initiative (SACSI): (Increase $10,000,000)

Objective

In 2001, $10 million is requested for the SACSI Initiative, which will be administered by the Office of Justice Programs.

SACSI resources will be used to implement a collaborative, information-driven approach to crime reduction in 50 communities across the country. Under U.S. Attorney leadership, this Strategic Approaches to Community Safety Initiative (SACSI) model -- which partners federal, state and local law enforcement, researchers, criminal justice personnel, elected officials and community members to

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critically examine and overcome a targeted crime problem -- is extraordinarily promising and offers the potential of real success in terms of reducing crime and saving lives. Building upon such efforts as Weed and Seed, Comprehensive Communities Program, the Anti-Violent Crime Initiative, the Boston Gun Project, and New York City's successful COMPSTAT program, this data-driven, problem-solving strategy is credited with reducing youth homicides in Boston by 65 percent.

SACSI will give communities the tools they need to work together, understand their crime problems, and develop effective interventions to deal with those problems. *The goal of SACSI is to significantly reduce the targeted crimes and to institute a process by which to address future community crime problems.*

DOJ's Commitment to SACSI

In 1997 there was a growing recognition that cities such as Boston and New York had achieved a sustained drop in major crime categories. For over six months DOJ examined lessons learned from these cities as well as from other locally-based, crime reduction initiatives, and found that these successful approaches each had several important components: they were collaborative in nature, information-driven, used a problem-solving approach, and judged success by outcomes such as reductions in crime and increased public safety. Led by the Office of the Attorney General, officials in the Department distilled "what worked" from these models, and in March 1998, devised the Strategic Approaches to Community Safety Initiative. The Department felt so strongly that this approach could be effective that 12 DOJ components[1] volunteered funds and staffing to plan and implement 5 pilot sites. Working through the leadership provided by the 5 United States Attorneys in Indianapolis (IN), Memphis (TN), New Haven (CT), Portland (OR), and Winston-Salem (NC), DOJ implemented the SACSI model. A year and a half into the project, each site has engaged diverse cross-agency policy teams, targeted and analyzed a major crime problem facing their community (from gun crime to sexual assaults), developed strategic interventions that capitalize on local dynamics, vulnerabilities in the crime problem, and the "what works" literature, and begun implementation. Preliminary results in Indianapolis, where implementation has been underway the longest, suggest a significant drop in their target crime homicides.

The excitement generated from the 5 pilot sites has created a demand to bring the SACSI model to other jurisdictions -- some 15 cities have expressed serious interest in adopting the model. The Attorney General is supportive of SACSI expansion, and has stated that the DOJ should expand SACSI to 10 additional sites as soon as possible.

[1] DOJ components include Office of the Associate Attorney General, Office of Justice Programs (National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, Bureau of Justice Statistics, Office of Victims of Crime, and the Executive Office of Weed and Seed), Office of Community Oriented Policing Services, the Criminal Division, Executive Office of U.S. Attorneys, and Inter-Governmental Affairs.

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Program Characteristics

To build on the momentum of the 5 existing pilot sites and to institutionalize this way of doing business more broadly, OJP proposes to implement SACSI in up to 10 new sites every year for the next 5 years. Using the lessons learned from the pilot sites, the OJP is in a position to assist communities in building an even more robust model that will reduce crime over the long term.

SACSI has several site-level core components. The first is to institute a collaborative, system-wide process by establishing an Inter-Agency Working Group. Building on the process used successfully in Weed and Seed, the U.S. Attorney in each new site will convene a team of local, state, and federal criminal justice practitioners, community leaders, representatives from relevant community agencies -- and a research partner. Teams will meet to develop, implement, and evaluate a crime prevention and reduction strategy, which focuses on a major crime problem facing the community. The team will work to strategically deploy both federal and local law enforcement and community resources, coordinating around the identified problem and desired outcome. This effort will build on and enhance existing efforts in selected communities. *$3 million is requested to support this effort.*

The next core component is to build the Research and Analysis Infrastructure. DOJ, specifically NIJ, will fund a consortia of crime analysts and researchers to work in each community to develop data-driven crime control strategies and to evaluate the effectiveness of those strategies. The research and analysis team will routinely analyze information from criminal justice and city agencies to provide a picture of the area's general crime trends and detailed characteristics of the target problem. The research partner will help the Working Group develop targeted strategies based on the opportunities identified by local crime data, crime control theory, organizational capacities, and promising strategies used elsewhere, and will provide ongoing evaluation of the intervention. *$3 million per year is requested to support this effort.*

Additionally, OJP will work to assess, utilize, and/or build crime analysis capacity in local law enforcement agencies. For example, funds are required to ensure that each district has a crime mapping and analysis system. As has been proven in New York City and other jurisdictions, mapping crime and other data to identify and predict emerging crime patterns is an effective analytic tool in designing crime reduction interventions. *$1 million per year is requested to improve the analytic tools and technologies integral to the success of this project.*

Once the data and information needs of communities have been met, the Inter-Agency Working Group can institute the Problem Solving Process. This process, which proved so effective in Boston and elsewhere, relies on the implementation of the following seven steps: (1) identify the problem; (2) analyze the problem; (3) identify trends, patterns, opportunities for intervention; (4) design the strategy; (5) implement the intervention; (6) evaluate the intervention; and (7) adjust the intervention.

2801

This work, albeit straightforward in concept, is quite difficult in practice. Fortunately, much has been learned from prior initiatives, research, and evaluation efforts. The OJP will Provide Technical Assistance both to communities chosen to implement this model, and more broadly to communities interested in implementing the model on their own. In addition to the support and guidance planned under the technology and data acquisition section of this proposal, the OJP will host a series of training opportunities and cluster meetings to enable communities to learn from one another. Further, guidance to communities through conferences, "blueprints", web sites, and other forms of communication will be made widely available. *$2.5 million per year is required for this effort.*

The final component of this initiative is to Build Knowledge and Transfer Lessons Learned. The long-term value of this program is its ability to translate lessons learned from a small number of sites to communities nationwide. In order to have the greatest national impact, NIJ will identify, evaluate, and disseminate techniques as they are developed, tested, and demonstrated to be effective. NIJ will also document barriers to successful implementation and conduct a comprehensive national evaluation of all SACSI sites. The evaluation will develop models of successful implementation, and, to the extent that there are failures, document how, when, where, and why the initiative failed. The evaluation results should be seen as a road map toward a national model to address local crime problems. *$0.5 million is requested in fiscal year 2001 to support the national evaluation and translation of research, evaluation, and program findings throughout the criminal justice community.*

Communities will be expected to compete for funding, with preferences given to jurisdictions with significant crime problems that demonstrate a serious commitment to this process over the long term. If, as expected, the approach is found to achieve greater public safety along with greater efficiency, there is a strong likelihood of it taking hold across the country.

OJP's 5-year plan will be to implement this effective crime reduction model in 50 new communities. Each site will receive approximately $900,000 in federal development and assistance over three years. Over the long term, jurisdictions are expected to institutionalize this work and support it locally.

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	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
New Sites/Cumulative	10/15	10/25	10/35	10/45	10/55
New Site Funding (3 year cycle)	$7.0	$7.0	$7.0	$7.0	$7.0
Training & Tech Assistance	$2.5	$2.5	$2.5	$2.5	$2.5
National Evaluation	$0.5	--	--	--	--
Total SACSI	**$10.0**	**$9.5**	**$9.5**	**$9.5**	**$9.5**

It is hard to argue with SACSI principles -- collaboration, analysis, targeted interventions, and results. These are straightforward principles, but challenging to implement, as they require a new way of doing business. If there is one common lesson that has been learned from the 5 pilot sites, it is that this process of coalition building, data analysis, problem identification, and strategic intervention towards goals that matter requires an enormous amount of effort and skills that are currently underdeveloped. SACSI challenges the traditional approach to crime control and encourages communities to work together. It is a process that, once learned, can be very successful not only in reducing the initial target crime problems, but in establishing an infrastructure that can be adapted to other criminal justice and safety issues over the long term. This is no doubt compelling to criminal justice practitioners and policymakers looking for a comprehensive, cost-effective way to combat local crime problems.

28803

Methamphetamine Program: (Decrease $35.675 million)

The $35,675,000 decrease in COPS funding is to eliminate the earmarks for methamphetamine and drug hot spots. In 2000, the funding was included from direct appropriations for state and local law enforcement programs to combat methamphetamine production, distribution, and use (with over $35 million earmarked for specific state and local projects). In addition, the funding was used to reimburse the Drug Enforcement Administration for assistance to state and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The funding was also used for policing activities in "hot spots".

DECISION UNIT/PROGRAM: COMMUNITY CRIME PREVENTION/ POLICE INTEGRITY AND HATE CRIME TRAINING 1/5/00

Department of Justice Core Function: Assistance to State and Local Governments

Strategic Goal: Strengthen and Improve Community Police Services

Annual Performance Goal: Develop Nationwide Police Integrity Training Program

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	Police Integrity Training Grants 1. Number of applications received.							1. 200
Output/Activity	2. Data is drawn from the complaint review process relating to excessive force, racial profiling, etc. 3. Number of staff hours devoted to processing grants. 4. Number of grants awarded to provide technology and technical assistance.							2. 3rd Quarter, May/June 3. 300 staff hours (2 employees X 15 hours X 10 weeks) 4. 30
Intermediate Outcome	5. Products for training and technical assistance are available for police agencies. 6. Number of collaborative internal and external partnerships that help create policies and procedures.							5. Sept, 2002 6. 90
End Outcome	7. Number of partnerships that grow out of this initiative. 8. Number of law enforcement personnel trained.							7. 96 (30 grantees x 3partners + 6 USDOJ partners) 8. 7,230
Productivity/Efficiency	9. Grants processed per trainee trained.							9. 1:241

A. Definitions of Terms or Explanations for Indicators:

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and 2001 Plans:

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DECISION UNIT/PROGRAM: COMMUNITY CRIME PREVENTION/POLICE RECRUITMENT (8/23/99)
Department of Justice Core Function: Assistance to State and Local Governments
Strategic Goal: Strengthen and Improve Community Police Services
Annual Performance Goal: Develop and Implement the Police Recruitment Initiative

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	A Community Policing Force for the 21st Century – Recruitment Initiative 1. Number of applications received. 2. Number of internal partnerships.							1. 150 2. 4
Output/Activity	3. Baselines of female and minority recruits is collected. 4. Number of staff overseeing project. 5. Number of training products that are available for police agencies.							3. 25 sites 4. 3 FTE 5. 100
Intermediate Outcome	6. Number of stakeholders involved in recommending recruitment standards and tools. 7. Number of participants that receive training based on the developed standards & tools. 8. % of grantees that provide recruitment training for personnel offices.							6. 125 7. 250 8. 100%
End Outcome	9. Percentage of pilot sites that increase the number of women and minority applicants.							9. 50%
Productivity/Efficiency	10. Grants processed per the number minority and female applicants.							10. 50%

A. Definitions of Terms or Explanations for Indicators:
1. **150 expected applicants**
2. **Internal: COPS/CRS/Civil Rights/Indian Desk**
3. **25 sites**
4. **3 FTE required to provide technical assistance and monitoring of initiative**
5. **100 training products will be developed and made available to police departments in 25 sites**
6. **Various stakeholders will be involved in recommending recruitment standards and tools.**
7. **250 projected to receiving training. It is expected that sites will vary in size.**
8. **It is expected that 100% will be trained on the recruitment initiative.**
9. **It is expected that departments will be able to increase the number of women and minorities applying to their respective agencies by 50%.**
10. **50% of pilot site police departments will increase their women and minority applicants.**

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and FY 2001 Plans

2805

DECISION UNIT/PROGRAM: COMMUNITY CRIME PREVENTION /CITIZEN PROBLEM-SOLVING ACADEMIES 1/4/00

Department of Justice Core Function: Assistance to State and Local Government

Strategic Goal: Strengthen and Improve Community Police Services

Annual Performance Goal: Crime Prevention Programs

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1) Appropriation (in millions)	Congress						$5 M
	2) Number of applications received	CMS*						50
Output/Activity	3) Number of demonstration sites funded	CMS						10
	4) Number of individuals trained	Citizen Problem-Solving Academies						1500
Intermediate Outcome	5) Number of alliances developed between academy participants and local law enforcement agencies	Citizen Problem-Solving Academies						120
	6) Number of partnerships with social service agencies	Citizen Problem-Solving Academies						50
	7) Number of problem-solving projects identified	Citizen Problem-Solving Academies						120
End Outcomes	8) Percentage of academy attendees who feel they have a better understanding of problem-solving	Citizen Problem-Solving Academies						95%
	9) Percentage of communities experiencing reduction in targeted problem	Citizen Problem-Solving Academies						results in FY 2002
	10) Percentage of participants still involved with local law enforcement two years after training	Citizen Problem-Solving Academies						results in FY 2003
Productivity/ Efficiency	11) Number of citizens trained/demonstration site	Citizen Problem-Solving Academies						150

A. **Definitions of Terms or Explanations for Indicators and Data Sources:**

*CMS – COPS Management System

B. **Issues Affecting FY 1999 Program Performance: NA**

C. **Issues Affecting Selection of FY 2000 and 2001 Plans**

2806

DECISION UNIT/PROGRAM: COMMUNITY CRIME PREVENTION/SCHOOL-BASED PARTNERSHIPS 1/4/00

Department of Justice Core Function: Assistance to State and Local Government

Strategic Goal: Strengthen and Improve Community Police Services

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
	School-Based Partnerships							
Input	1) Appropriation (in millions)	Congress						$30 m
	2) Number of staff hours devoted to the development of the grant solicitation	COPS						500 hrs
	3) Number of applications received from law enforcement agencies	COPS files						270 apps
	4) Number of staff hours devoted to the review of submitted applications	COPS files						1,080 hrs
Output/Activity	5) Number of grants awarded	COPS files						60-90
	6) Number of training/technical assistance hours provided	COPS files						3,240 (36 per grant)
Intermediate Outcome	7) Efforts to build stronger partnerships between police and the community that will address specific crime that is especially damaging at the school and community levels.	COPS files						80
	8) Coordinated efforts to promote community policing, partnerships, and collaborative problem solving to address crime in and around schools, tackle drug problems in communities, and reduce repeat victimization.	COPS files						80
End Outcomes	9) Agencies receiving needed technical assistance in community-school-law enforcement partnerships	COPS files						80
	10) Enhance public and student safety through problem solving and information sharing	COPS files						(TBD) 80
	11) Partnerships developed between police, schools and community groups to address potential causes of crime	COPS files						(TBD) 80 (TBD)
Productivity/ Efficiency	12) Stronger community-law enforcement partnerships to promote problem solving in the areas of school violence, drug education and reduced victimization	COPS files						80 (TBD)
	13) Improved police department operations, problem-solving practices and crime prevention strategies.	COPS files						80 (TBD)
	14) Improved communication and information sharing between the community and law enforcement agencies.	COPS files						80 (TBD)

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A. Definitions of Terms or Explanations for Indicators and Data Sources: *CMS – COPS Management System
B. Issues Affecting FY 1999 Program Performance: NA
C. Issues Affecting Selection of FY 2000 and 2001 Plans

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE; Healthy Students Initiative
PROGRAM/ORG UNIT: Safe School/Office of Juvenile Justice and Delinquency Prevention
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) Continue to emphasize both enforcement and prevention strategies to counter youth violence through targeted program that provide funding and specialized assistance to states and localities.
MISSION: This initiative is aimed at helping communities design and implement comprehensive educational, mental health, social service, law enforcement and juvenile justice services for youth.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report	Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.		$15M	$15M	$15M	$35M
Output/ Activity	2. Number of Applications Received	Program Manager		447	447		
Intermediate Outcome							

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:

B. Issues Affecting 1999 Program Performance.

C. Issues Affecting Selection of 2000 and 2001 Plans.
The Safe Schools Initiative is a joint federal effort shared with COPS Office, and the U.S. Departments of Education and Health and Human Services. The program provides for a coordinated effort focused on school and community safety and involves urban, rural, suburban, and tribal school districts who receive support to help link community-based services and prevention activities into one community wide approach to violence prevention and healthy child development. In 2000, $15 million is available for OJJDP to continue its Safe Schools/Healthy Students Initiative. In 2001, a total of $35 million is requested to expand the program.

D. Validation and Verification:
OJJDP's Research Division is collaborating with the Departments of Education and Health and Human Services to conduct a national evaluation of this program. The national evaluation will carefully document both the process and the outcome of the initiative.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Community
PROGRAM/ORG UNIT: Project Reentry/Office of the Assistant Attorney General
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Improve crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments
DEPARTMENT OF JUSTICE ANNUAL GOAL: (2.3.2) DOJ will continue to encourage community-based approaches to crime and justice at the state and local level.
MISSION: To enable states and local communities to combine surveillance, sanctions, and support services in ways that afford increased protection to communities that experience high rates of inmate returns.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1.Appropriations (in millions)	P.L.					*$60M
Output/ Activity	2. Number of solicitations released	OJP Files					2
Intermediate Outcome	3. Number of partnership grants	OJP Files					50
	4. Number of court grants	OJP Files					20
	5. Number of research/evaluation grants	OJP Files					5
End Outcome	6. Number of inmates covered by program	OJP Files					175,000
	7. Number of partnerships successfully started	OJP Files					50
	8. Number of courts successfully established	OJP Files					20
	9. Number of Research projects successfully started	OJP Files					5
	10. Reduce the recidivism rate of released prisoners	OJP Files					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - to be determined. As this is the inaugural year of the program, no measurable reductions in recidivism can be expected in 2001 through program assessment and evaluation, such reductions are expected to be verifiable in the out years of the program.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. * The Office of Justice Programs will administer $60 million for a collaborative, comprehensive offender reentry initiative, of which $25 million is requested under OJP's Zero Tolerance and Drug Intervention Initiative and $35 million are requested under the Office of Community Oriented Policing Services (COPS). This initiative will award discretionary grants to address the public safety threats posed by offenders returning to the community from state and federal prisons or local facilities housing state and federal prisoners.

D. Verification and Validation.
NIJ would usually verify and validate the measures referenced via progress reports, onsite monitoring and the like. However, as this is an inaugural program estimates used above are based on desired project goals, projected grants and estimated funds available.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Community
PROGRAM/ORG UNIT: Police Firearm Surplus Safety Initiative/Bureau of Justice Assistance
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.3) Support innovative, community-based strategies aimed at reducing crime, delinquency and violence in our communities.
ANNUAL PERFORMANCE GOAL: (2.3.2) DOJ will continue to encourage community-based approaches to crime and justice at the state and local level.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Plans				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$10M
Output/ Activity	2. Number of grants awarded	BJA Records					TBD
End Outcome	3. Number of guns destroyed by grantees	OJP Records					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To Be Determined; program results to be achieved in 2002.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: N/A

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Community Crime Prevention
PROGRAM/ORG UNIT: Building Blocks
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.3.2) To encourage community-based approaches to crime and justice at the state and local level.
MISSION: Address immediate delinquency and crime problems and develop long term infrastructures that identify and successfully meet future public safety challenges.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$15M
Output/ Activity	2. Number of jurisdictions receiving awards	OJP Records					25
	3. Number of jurisdictions receiving technical assistance	OJP Records					TBD
	4. Number of jurisdictions receiving data-driven assessments	OJP Records					TBD
	5. Number of jurisdictions with the ability to analyze crime data and make strategic policy decisions	OJP Records					TBD
	6. Number of community-based interventions	OJP Records					25
End Outcome	7. Number of jurisdictions showing reductions in crime	OJP Records					TBD
	8. Number of jurisdictions showing reductions in juvenile crime	OJP Records					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To be determined. This is a new program and indicators measuring reduction in crime will not be available until mid 2002. Each site will involve different assessments and measurements of overall crime reduction.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.
Federal initiatives from several OJP agencies have sought to marry the same elements in different combinations and settings. OJP's Comprehensive Communities Program, the National Institute of Justice's (NIJ) COMPASS Initiative, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Strategy, the Bureau of Justice Assistance's (BJA) integrated state strategy efforts, the Department of Justice's (DOJ) SACSI (Strategic Approaches to Community Safety Initiative), and the Weed and Seed program have all sought to blend problem assessment, strategy development, coalition-supported interventions, and evaluative feedback into planning for public safety and healthier communities. Each in its own way seeks to create a closer relationship between the problem and the system response.

To accomplish this, the Department requests $15 million in 2001 for the Building Blocks Initiative to be funded through the 2001 Community Crime Prevention Program initiative and to be administered by OJP. By pooling OJP's existing expertise and targeting specific skills and services, 25 jurisdictions (neighborhoods, cities/counties, and states) would be able to address immediate delinquency and crime problems and develop long-term infrastructures that identify and successfully meet future crime and public safety challenges.

D. Validation and Verification. OJP validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: *Community Crime Prevention*
PROG/ORG UNIT: Strategic Approaches to Community Safety Initiative (SACSI)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To implement a collaborative, information-driven approach to crime reduction at sites across the country.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$10M
Output/ Activity	2. Number of solicitations released	OJP Files					1
Intermediate Outcome	3. Number of proposals received	OJP Files					1
End Outcome	4. Number of awards made	OJP Files					10
	5. Number of technical assistance requests filled	OJP Files					15
	6. Number of Inter-Agency Working Groups created	OJP Files					10
	7. Number of Research-Practitioner						
	8. Partnerships formed	OJP Files					10
	9. Reduction in targeted crime in each site	OJP Files					no

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD – to be determined. As this program is in its inaugural year in 2001, there are no anticipated reductions in targeted crime in 2001. Through a coordinated process of evaluation and assessment, reductions in targeted crime are anticipated over the out years of this program, though each site may have a different targeted crime and individual sites may show different results.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. In 2001, this initiative, which will be administered by the National Institute of Justice (NIJ), will implement this effective crime reduction model in 10 new sites. To build on the momentum of the 5 existing pilot sites and to institutionalize this way of doing business more broadly, NIJ proposes to implement SACSI in up to 10 new sites every year for the next 5 years. Using the lessons learned from the pilot sites, the Department is in a position to assist communities in building an even more robust model that will reduce crime over the long term.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone con

ACTIVITY: CRIME TECHNOLOGY

	Perm. Pos.	FTE	Amount
Crime Technology (in thousands)			
2000 Enacted	...	...	**$ 130,000**
2001 Base	...	...	**130,000**
2001 Estimate	...	...	**350,000**
Increase/Decrease	...	...	**220,000**

BASE PROGRAM DESCRIPTION: The Crime Technology programs assist state and local law enforcement agencies to purchase and implement new technologies to fight crime more effectively. COPS will strive to develop regionally based law enforcement networks or consortia allowing multiple communities to work collaboratively to analyze, prevent, and fight crime through crime technology grant programs.

PROGRAM CHANGES:

Crime Identification Technology Assistance Act (CITA): (Increase $69 million)

COPS is requesting a total of $199 million for the Crime Identification Technology Act (CITA) program in 2001. This funding will be used for several programs; some of these will also receive funding from the 1999 CITA appropriation. Consistent with the thrust of the CITA legislation, these six projects will promote the interoperability and interconnectivity of computer systems within the public safety community. COPS is proposing to use up to $99 million of this funding to provide grants directly to law enforcement agencies so that they can develop regional information networks and put ballistic images from crime scenes into the National Integrated Ballistic Imaging Network. In addition, COPS is requesting the flexibility to use a greater portion of funding for administration, and training and technical assistance, including developing standards and protocols on information sharing in both the adult and juvenile justice systems and addressing privacy issues regarding information sharing.

The CITA legislation requires that 20 percent of funding be used for forensic labs. Rather than setting aside this funding from the $199 million, the 2001 budget proposes $50 million in additional, separate funding to improve forensic labs: $35 million in grants to state, tribal, and local laboratories to improve their DNA and general forensic capabilities and $15 million in grants to state and local

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laboratories to reduce their convicted offender DNA sample backlog. The following six programs comprise the CITA request in 2001, totaling $199,000,000:

1. **Community Oriented Networking and Enhanced Communications Technology (CONECT): ($89 million)**

Objective

COPS Community Oriented Networking and Enhanced Communications Technology (CONECT) is a comprehensive technology program to advance community policing and cross-jurisdictional information sharing and problem solving. CONECT grants are predicated on enhancing partnerships between agencies and citizens through the application of advanced technology and better communication. Technology purchases under CONECT are designed to be flexible, but applicants under this program must demonstrate a clear link to community policing and problem-solving strategies.

CONECT program objectives are consistent with the Attorney General's recent calls for greater regional information sharing among law enforcement and other public safety organizations which would: enable agencies to employ state-of-the-art technology to address interoperability issues; improve information flow across multiple jurisdictions and among criminal justice agencies; and provide real-time access to fully integrated information systems required for successful field operations, investigations, problem solving, strategic management and resource allocation.

Relationship to Community Policing

The COPS CONECT program will enable agencies to employ state-of-the-art technology to address interoperability issues, improve information flow between criminal justice agencies and provide access to fully-integrated information systems required for successful field operations, investigations, and problem-solving.

The purpose of this grant program is to develop regionally based law enforcement information networks or consortia that will allow multiple communities to work collaboratively to analyze, prevent, and fight crime. This approach will build on existing COPS investments in technology to support community policing and meet multi-jurisdictional needs of law enforcement agencies within geographic regions. Because crimes and criminals do not stop at jurisdictional boundaries, public safety professionals must be provided with the tools to facilitate inter-jurisdictional information planning and sharing, communication, and criminal investigation.

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Program Characteristics

The CONECT program will provide funding to law enforcement organizations forming a consortium of regionally based networks. It will provide agencies with the resources to 1) plan and identify technology requirements with a built-in needs assessment component, and 2) acquire and implement an expanded technology infrastructure that would include the hardware, software, and personnel to achieve cross-jurisdictional modernization objectives.

Since the CONECT program is not intended to be "one size fits all" and would serve the diverse needs of a variety of law enforcement consortia, grant amounts will vary. The funding will benefit both larger agencies that may want to expand their technological infrastructure and smaller/rural agencies that have not traditionally had access to such resources. Grants would typically range between $1-15 million per applicant, allowing for up to 50 jurisdictions to receive the technology and interoperability benefits of COPS CONECT. The number of agencies that could be funded and the size of the awards would vary based on factors including total available funding, the number of law enforcement agencies within the region, the informational needs of the agencies, and the types of technology applications required.

Fundable items under this program may include: network hardware and software, communication systems, digital imaging technology, crime analysis software, training and technical assistance providers, and other personnel necessary to carry out the intended purpose of the integrated technology.

Five percent of the appropriation for the COPS CONECT program will be set aside for training, technical assistance and a program assessment. Training and technical assistance may include conferences, site visits and consultations by agency staff with advanced technological capabilities, or the provision of problem analysis and mapping training to crime analysts from participating agencies. The program assessment will track the progress of the initiative from start to completion across the selected consortia, coupled with an assessment of the effectiveness of this initiative in meeting the stated program objectives. These funds would *supplement, not supplant* funding requests submitted by the applicants for a technology needs assessment or other training/technical assistance purposes.

Eligible law enforcement agencies are those that demonstrate a commitment to community policing, the ability to work collaboratively with other agencies, a willingness to develop a communications infrastructure with a regionally diverse group of agencies and a need for information systems technology.

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Funding decisions will be based on such factors as potential for successful interagency collaboration, regional participation, current technological abilities, systems integration needs, and demonstration of how technology will enable applicants to better employ the concepts and practices of community policing within the proposed region.

To encourage local commitment, a 25 percent local match will be required. In extreme situations, waivers may be considered for regional consortia demonstrating fiscal hardships and distress.

2. National Integrated Ballistic Identification Network (NIBIN): ($10 million)

Objective

The National Integrated Ballistic Identification Network (NIBIN) is comprised of approximately 229 computer installations in federal, state, and local forensic laboratories. At the present time, there are approximately 1 million ballistics images in this system. There have been over 8,000 matches (cold hits) linking two or more images that would not have otherwise have been linked. The President has proposed the goal of being able to identify every bullet in every crime with a gun through the expanded use of this network.

Statistics reveal that time is a critical factor in successfully matching ballistic images -- 85 percent of matches are made within 6 months of the image being taken and entered into the system. Unfortunately, the combination of the volume of gun crimes, the limited personnel and the input capacity of the equipment can create significant backlogs for imaging crime evidence across most of the ballistic network. These backlogs are either short-term in nature -- due temporary workforce reductions or unexpected workload surges such as those that occur when a locality sponsors a gun-buyback program or semi-permanent due to increasing volumes of gun-related crimes in a particular jurisdiction or changes in local government policy.

For example, the Washington D.C. Metropolitan Police offered a gun buy-back program in 1999. The response was overwhelming. Several thousand weapons were purchased and had to be processed in NIBIN for past crime use. To handle this sudden increase in volume, the FBI loaned the D.C. Police an additional ballistics imaging system for 4 months. The additional system temporarily increased in the imaging capacity of the city lab by 50 percent. Absent the availability of FBI's equipment, the D.C. Police would still be processing this backlog.

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Program Characteristics

In an effort to assist state and local forensic labs in reducing backlogs, whether short-term or semi-permanent, the Office of Justice Programs is requesting $10 million to implement the National Ballistics Image Backlog and Conversion Grants Program. OJP will award state and local forensic labs grants for the purposes of establishing a regional loaner equipment program to handle short-term backlogs; provide needed training to bring workforce up to speed on new imagining technologies; or hire additional operators to increase the manpower capacity in order to more efficiently manage larger volumes of ballistic evidence; and/or to convert critical database images from the existing system to the new unified NIBIN system.

3. Global Criminal Justice Information Network Initiative (OJP GLOBAL): ($18 million)

Objective

In 2001, $18 million is requested for the Global Criminal Justice Information Network Initiative, which will be administered by the Office of Justice Programs.

Crime is global and must be pursued on a global level. Criminal organizations such as drug, terrorist, and organized crime are more sophisticated, better financed, and more efficient than ever before. Criminal elements are routinely organizing themselves across national boundaries and their application of technology often exceeds the capabilities currently available to law enforcement. The Global Criminal Justice Information Network Initiative, referred to as the Global Initiative, recognizes that an information sharing capability across the entire criminal justice community is essential for effective crime fighting. Access to this information in a timely, secure, and user friendly fashion will assist all local, regional, state, and national components of the criminal justice community to apprehend, charge, and convict criminals. The Global Initiative is not intended to be a new network, rather an initiative of collaboration and understanding to help create and foster information sharing among local, regional, state, and federal criminal justice entities.

The goal of the Global Initiative is to improve state and local criminal justice entities through the development of a nationwide network of criminal justice information systems where state and local authorities with responsibilities for law enforcement, courts, prosecution, public defense, corrections, probation and parole will have immediate access to information necessary to respond to and resolve the consequences of criminal activity. The Global Initiative is being coordinated with two other interoperability efforts in DOJ, the NIJ's Advanced Generation of Interoperability for Law Enforcement (AGILE) Project and the Public Safety Wireless Network (PSWN).

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In 1997, at the request of the Vice President, Attorney General Reno accepted, on behalf of the Department of Justice, the leadership role for the development of a Global Criminal Justice Information Network capability under the Access America A07 initiative. Since that time, the Office of Justice Programs (OJP) and the Justice Management Division (JMD) have been tasked with coordinating efforts to encourage the development of integrated information sharing capabilities between state, local, and federal criminal justice components. At the December 1998 Global Criminal Justice Network Advisory Committee meeting, the Committee agreed that the Global Initiative would support the objectives of the Global Advisory Committee regarding the state and local integration portion of its task under the A07 initiative.

In 1998 and 1999, the OJP Global Initiative completed two primary objectives: (1) eliciting information from state and local criminal justice leaders to aid OJP in developing funding and technical assistance strategies for development of state and local integrated criminal justice information sharing systems, and (2) initiating programs in response to field input to facilitate integrated criminal justice systems.

In 1999, OJP initiated eight actions developed in direct response to input received from state and local criminal justice leaders through its 1998 outreach and conference series. The eight actions initiated were: (1) the development of a "business case" or marketing strategy for high level executives, legislators, and judiciary to support state and local integration initiatives; (2) identification of information interchange points within the criminal justice system; (3) a survey and analysis of state integration governance structures; (4) the facilitation of a national information technology standards discussion; (5) implementation of a grant guidance strategy to improve coordination of OJP information technology funding; (6) a survey of state and local information technology and integration legislation; (7) a survey and analysis of information technology procurement issues; and (8) the planning and development of a national center for integration resources.

Funds were not specifically appropriated for the Global Initiative in 1998, 1999, or 2000. Funding for Global projects has been accomplished through redirection of appropriated funds from the Office of the Assistant Attorney General (OAAG), the Bureau of Justice Assistance (BJA), and the National Institute of Justice (NIJ).

In 2001, the Department requests a total of $25 million to advance national integrated information sharing at the state and local level. Of this amount, JMD will administer $7 million and OJP will administer $18 million. JMD and OJP will work closely in a coordinated effort on the Global initiative.

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Program Characteristics

The Office of Justice Programs is requesting $18 million for the following purposes:

- $500,000 is requested for OJP's Office of the Assistant Attorney General to review privacy law and procedures as they relate to state, local, and tribal criminal justice information sharing. Of the $500,000, $290,000 will be used to host a national privacy conference to discuss privacy issues associated with sharing of criminal justice information. The review of privacy law and procedures will include a review of criminal justice intelligence systems and compliance with section 812(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and 28 C.F.R. part 23 (1998). These efforts will build on and be coordinated with current efforts of the Bureau of Justice Statistics (BJS) and the DOJ Privacy Council and will seek to focus a national discussion on criminal justice information sharing and privacy. The remaining $210,000 will be used for specific research and technical assistance projects in the area of privacy policy and law. State privacy laws affect the development of inter-state information sharing systems in the criminal justice arena and must be explored in more detail.

- $7 million is requested for NIJ to develop criminal justice standards, guidelines, and protocols for information sharing and analysis tools to facilitate interoperability. Standards, guidelines, and protocols will take several years to develop. They would include, but not be limited to, hardware and software interfaces for encryption, fingerprints, voiceprints, facial matching technologies, general databases, and legacy databases. Coordination for this effort will occur with other OJP bureaus and offices and, while separate from NIJ's AGILE project, the development of information sharing data standards will be done in conjunction with AGILE's effort to assess and develop wireless standards. The initiative will employ the services of the National Institute of Standards and Technology's (NIST) Office of Law Enforcement Standards (OLES) under its agreement with NIJ. NIST will survey, inventory, catalogue, and analyze existing standards and make recommendations to the field on existing standards for justice and public safety information sharing. Where gaps in standards are identified, NIST will initiate a standard setting process to fill these gaps. As members of the Global Standards Subcommittee of Global Criminal Justice Information Network Advisory Committee (GAC), JMD, and OJP will work closely in this effort.

- $4.5 million is requested for the Bureau of Justice Statistics (BJS) to administer infrastructure development grants in five states to support the development of strategic plans and the enhancement and implementation of strategies to ensure coordination of information technology. Over the past 25 years, BJS has had an historical interest in promoting an integrated criminal justice infrastructure for states and localities. From funds awarded in 1972 through the Comprehensive Data Systems program to support the development of Computerized Criminal History (CCH) systems, to today's National Criminal History Improvement Program (NCHIP), BJS has provided assistance in facilitating this integrated infrastructure. BJS will provide integration planning grants to enable state and local governments to develop strategies for integrating their existing criminal

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justice information systems, including extending existing law enforcement systems to all components of the criminal justice system, or improving and maintaining their existing integrated criminal justice system networks.

- $1.5 million is requested for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to do the following:

  - $500,000 to survey juvenile justice agencies and conduct focus groups and conferences to determine present information technology capabilities and future needs for the field. The surveys, focus groups, and conferences will address the needs of juvenile courts, juvenile probation, juvenile corrections, and law enforcement with emphasis on juvenile issues. These efforts are specific to the area of juvenile justice. Similar efforts for the sharing of adult criminal records have been undertaken in the past. Separate efforts are necessary due to unique confidentiality issues related to sharing data on juvenile offenders, the separation of juvenile from adult data in most systems, and the current lack of automated juvenile justice systems throughout the country.

  - $1 million for the development of interagency information sharing protocols on juveniles among juvenile serving agencies, such as juvenile courts and juvenile corrections. Given that under state laws, most juvenile records are sealed or are considered confidential, only specific types of information can or should be shared. However, there are pieces of information, such as warrants, that make sense to share. The juvenile system must be linked, at least in part, to the overarching system and care must be taken to first explore and test out the modes and methods of information sharing to assure no laws are broken and that the legitimate privacy of minors is protected.

  - $4.5 million for BJA to assist in developing integration models. BJA will conduct four "pilot projects" modeled after the Year 2000 Pilot Projects in which BJA enhanced already successful state, local, and tribal government integration initiatives and used these projects as "learning laboratories" for other states, localities, and tribes ($3 million); peer-to-peer consulting at the state, local, and tribal level for three to five states, three to five tribes, and up to seven local jurisdictions that have not begun or are just beginning the planning stage of criminal justice integration ($1.05 million); and project evaluation ($450,000). The purpose of the pilot projects and peer-to-peer consulting projects is to create a state, local, and tribal technical assistance capability where jurisdictions with successfully implemented integration initiatives will assist jurisdictions that are entering the integration planning and implementation process. States that may be considered for the pilot projects include California, Colorado, Florida, Kansas, Louisiana, Michigan, Missouri, North Carolina, New Jersey, New York, Pennsylvania, Ohio, Texas, and Washington. These states and their local jurisdiction have shown successes in developing integration governance bodies, legislation, and comprehensive strategic planning, and have partially or fully implemented integrated criminal justice information networks. States that may be considered for the peer-peer consulting projects include Alabama, Arizona, Illinois, Kentucky, Mississippi, Nevada, Oregon, and Rhode Island. These states have

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shown an interest in criminal justice integration, have evidenced resources available to undertake an integration project, and are either beginning the planning process or have undertaken integration planning, but have not yet begun system-wide implementation.

4. JMD GLOBAL: ($7 million)

Objective

The mission of the Global Justice Information Network (Global) project is to facilitate mission critical information exchange among law enforcement, courts, corrections, and other justice-related entities at the federal, state, local, tribal, and international levels. The Global initiative was established in Initiative A07 of Vice President Gore's "Access America: Reengineering Through Information Technology".

Program Characteristics

The $7,000,000 will be used for centralized planning, development, and support of the Global Advisory Committee. In particular, these funds include:

- $1,925,000 to develop a detailed concept of operations and implementation plan;
- $1,950,000 to conduct a pilot project;
- $1,874,000 will fund the Global office, including: 5 permanent positions, 4 detailees, $840,000 for direct contractor support, and travel for Global office members; and
- $595,000 to support and continue the activities of the Global Advisory Committee.

These activities form the foundation for the development of the Global network. With these studies and pilots the Department, state, local, or other agencies will have the necessary documentation to begin coordinated development. These studies and the pilot will also enable the Department, state or local entities to articulate a coordinated plan and provide the basis for expansion in the future.

The Global office will serve as the integrator for the DOJ components, other federal agencies, and the Global Advisory Committee. As the integrator, the Global office will be responsible for producing a number of policy guidelines, as well as programmatic, operational, and technical standards. All activities will be coordinated with and build upon the efforts of OJP and the Global Advisory Committee Working Groups.

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In the current information sharing environment, states and localities are developing their own integration efforts, often using grants from OJP. Without conducting these integration activities at the federal level, the work supported by these grants does not guarantee the efficient development needed for automated information exchange for local and state entities with federal components.

5. Police Communications Improvement Program (AGILE): ($5 million)

Objective

In 2001, $5 million is requested for the Police Communications Improvement Program (AGILE) which will be administered by the Office of Justice Programs.

The goal of this program is to develop and demonstrate a broad range of technologies to improve police communications and interoperability. Law enforcement work requires effective coordination, communication, and sharing of information with numerous criminal justice and public safety agencies. Unfortunately, many police officers, firefighters, and emergency medical service personnel responding to the same incident cannot communicate with each other. The lack of coordination is further compounded by the fact that many law enforcement agencies either have or are in the process of upgrading or implementing computer aided dispatching, communications, and records management systems. A majority of these systems will be unable to communicate and share data across jurisdictional and regional boundaries or with other public safety agencies within the same jurisdiction (e.g. fire and medical) due to unique system designs.

Program Characteristics

The goal of the National Institute of Justice's (NIJ) AGILE program is to address this lack of communication interoperability among state and local criminal justice and public safety communities. It should be noted that the AGILE program is the only federal interoperability program addressing both wireless communication and information sharing technology. This interoperability is important because the convergence of information technology and communications begs a singular activity to bridge the gaps in interoperability. In 2001, the AGILE program will focus on four key program areas:

1. the development of advanced technologies to enhance interoperability,
2. the demonstration of interoperable communications technologies in public safety testbeds and pilot projects,

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3. the development and coordination of standards that will establish common baselines for all public safety interoperable equipment, and
4. the development and implementation of an education campaign designed to inform policy and decision makers about interoperability.

Technology Research and Development for Law Enforcement Communications

The goal of the technology research and development phase is to provide the tools that address the regional communication needs of police. This goal will be accomplished by either identifying commercial off-the-shelf (COTS) items that meet these needs, identifying COTS items that can meet these needs when used in a new or innovative way, or by developing new technologies when COTS items do not meet the user's needs. Examples of communication needs include seamless voice communications among regional agencies, e-mail, intelligence information, image transmission, data management, trend analysis, on-line inquiries of other regional data bases, secure commercial cellular communications, and quicker messaging. Data management and searching tools are particularly important because as information becomes electronically available, law enforcement will require efficient ways to obtain needed regional intelligence information in a timely fashion. These tool are especially important where it is easy for criminals to cross-jurisdictional and interstate boundaries. The end capability will be to provide law enforcement with the ability to transmit voice, imagery, and data via wireless and wire methods. The following technology areas will be addressed by this initiative:

1. wireless radio, including spectrum issues; cellular; security; voice; imagery; and data transfer;
2. wire, including creation of shared databases; accessing information; knowledge mining; voice, imagery, and data transfer; and systems security; and
3. information analysis, which includes Geographic Information Systems (GIS), command and control, time line and trend analysis, and intelligent search techniques.

Test and Evaluation

The AGILE program will conduct operational testbeds and pilot projects to evaluate a number of interoperability technologies in various operational settings. The lessons learned from these efforts will be used by the AGILE Interoperability Education and Outreach campaign to assist law enforcement and other public safety agencies in developing interoperable communications infrastructures to meet public safety needs. The operational testbeds will include an exhaustive evaluation of the process involved to fully integrate selected interoperable technologies into the operational use by the participating law enforcement agency. This evaluation will include the steps taken by the Department to incorporate department-wide strategies to create a seamless communications infrastructure. Pilot projects that focus on individual interoperability communications technology (e.g.,

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interfacing with the FBI's NCIC 2000, Regional Public Safety jurisdictions, other federal, state and local testbed initiatives) will also be evaluated.

Development of Open Architecture Standards

Open architecture is the ability of different systems to integrate or be compatible with one another. Interoperability cannot be achieved without open architecture. The National Institute of Standards and Technology (NIST) and NIJ's Office of Law Enforcement Standards (OLES) will continue to work on creating a set of industry-wide interoperability standards. These standards will maintain an open system architecture that enables individual law enforcement agencies to select peripheral communications equipment among competitive vendors and encourages the integration of current and future public safety technologies. To accomplish this result in a timely fashion, NIJ, together with NIST and OLES, will work closely with a broad range of non-government standards setting organizations to develop open architecture standards which will help ensure the development of a seamless, interoperable national public safety communications infrastructure.

Interoperability Education and Outreach

Technical personnel within law enforcement and public safety agencies are aware of the challenges associated with achieving interoperable communications. There is an acute need to conduct focused education efforts with decision-making entities that clearly state the urgency of the problem, discuss possible solutions, and facilitate multi-agency cooperation. AGILE's educational efforts will be directed primarily at policy makers, government leaders, and legislators so as to explain complex technical issues in laymen's terms. In addition, outreach efforts must support on-going state and local efforts by associations and jurisdictions in planning, radio frequency coordination, and regional systems architectures.

6. Public Safety Telecommunications Assistance Program (PSWIN): ($70 million)

Objective

Major public safety incidents, such as the World Trade Center and Oklahoma bombings, dramatically illustrate some of the deficiencies of existing public safety radio communications. Public safety agencies responding from different jurisdictions and levels of government were unable to establish and maintain effective communications. Due to the number of agencies, jurisdictions, and levels of government involved in responding to such incidents, a concerted and coordinated effort is needed to resolve these deficiencies. The Public Safety Telecommunications Assistance Program will meet this challenge.

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The National Performance Review (NPR) called for the Departments of Justice, Treasury, and Commerce, and the Federal Enforcement Wireless Users Group (FLEWUG) to convene an interagency working group to develop an alternative funding mechanism to improve public safety communications. Pursuant to the NPR, the interagency working group was formed and has been meeting since January 1998. Initially, this group was focused on planning to ensure that federal agencies procure compatible technology when replacing their current radio systems with digital narrowband radio systems as mandated by the National Telecommunications Information Administration (NTIA). However, FLEWUG has determined that it is essential for state and local law enforcement to begin planning efforts so that their systems will be compatible with the federal systems. Currently, every federal, state, and local law enforcement agency operates separate tactical networks in every metropolitan area in the country. Interoperability among these tactical land mobile radio systems has been difficult to achieve. Federal, state and local law enforcement agencies operate in different parts of the radio spectrum. Complicating this problem is the lack of security on most systems, leaving them open to interception and monitoring. When security is applied to the radio systems, interoperability results in different law enforcement agencies being unable to communicate with one another when they are responding to the same incident.

Program Characteristics

As part of the Department of Justice's efforts to improve public safety communications, $70 million is requested for public safety radio communications planning grants, a technical assistance program, and demonstration grants to be used as follows:

- $41 million will be used to provide for planning grants to states and eligible territories for the purposes of encouraging these jurisdictions to include several criteria in their planning process, including interoperability across all local, state, and federal public safety agencies. This competitive grant program will assist states by providing federal resources to allow them to (1) recognize the security risks associated with public safety communications systems and (2) create comprehensive statewide public safety telecommunications system plans through collaborative efforts at all levels of government and with different agencies. It is estimated that it will take states and municipalities approximately 18 - 24 months to plan and develop their systems and 2 - 3 years to implement them.

- $9 million is requested for the Department of Justice's National Institute of Justice (NIJ) to administer a technical assistance program to assist states and municipalities in the planning and design of improved public safety communications systems, structured to account for states at differing stages of systems development. This flexibility is necessary because of the large number of agencies currently procuring replacement communications systems because they currently lack existing systems leaving them unable to take advantage of new technologies.

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- $20 million is requested to provide the National Telecommunications Information Administration (NTIA) with funds for demonstration grants that will assist a limited number of states and municipalities in implementing public safety communication systems. NTIA has played a major role in the demonstration of new uses of the National Information Infrastructure by public safety agencies and its Office of Spectrum Management advises the Administration on public safety communication issues.

National Law Enforcement and Corrections Technology Center: (Increase $10 million)

Objective

In 2001, $10 million is requested for the National law Enforcement and Corrections Technology Center, which will be administered by the Office of Justice Programs.

The National Law Enforcement and Corrections Technology Center system was established in 1999 by the Office of Justice Program's National Institute of Justice to offer technology information, support, research findings, and technological expertise to help state and local law enforcement and corrections personnel perform their jobs more safely and efficiently. The NLECTC system consists of facilities located around the country that are co-located with an organization or agency that specializes in one or more specific areas of research and development. This arrangement is particularly cost effective and beneficial to the field because it allows for leveraging structures and expertise already in place in these organizations or agencies, and in which taxpayers have already made significant investments.

Program Characteristics

The NLECTC system includes a national center in Rockville, Maryland, four regional centers in Charleston, South Carolina, Denver, Colorado, Rome, NY, and El Segundo, California, and three specialty centers in the Border Research and Technology Center in San Diego, California, Office of Law Enforcement Standards in Gaithersburg, Maryland, and the Office of Law Enforcement Commercialization in Wheeling, West Virginia.

Examples of the activities the NLECTC system supported in 1999 include:

- Responded to over 10,000 requests for Science and Engineering Advice and Support from law enforcement and corrections agencies across the United States.

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- Tested 183 models of body armor. Of the models tested 108 passed, 68 failed, four produced inconclusive results, two withdrew from testing, and one is pending. A total of 68 manufacturers worldwide now participate in voluntary body armor compliance testing program. To date, 2,100 lives have been saved as a result of the Body Armor Testing Program.

- Facilitated the transfer of excess military equipment, totaling $35 million to state and local law enforcement and corrections agencies in all 50 states.

- Disseminated information pertaining to law enforcement and corrections technology.

- Performed a technology demonstration for the Sullivan County (New York) District Attorney's Office that was key to the conviction of two child-killers. The demonstration involved both digital and forensics technologies. The analysis performed during the demonstration lead to the plea bargain of both suspects to the highest count, murder one. Both will serve life without parole.

- Conducted Law Enforcement and Corrections Technology Exhibit attended by 239 law enforcement and/or corrections agencies, representing over 80 different federal, state and local agencies. A total of 53 technologies were demonstrated or displayed. Overall, the activity drew participation from 10 different states and the District of Columbia.

- More than 100 analysts from over 70 agencies nationwide were trained through the Crime Mapping Analysis Program. In FY 2000, this effort is expanding training with a new program in the NLECTC-SE located in Charleston, South Carolina.

- Over 125 law enforcement personnel and representatives from several foreign countries participated in Operation Riverside. This advanced render-safe training for selected bomb squad personnel is the only intensive 10-day training event of its kind in the world.

- Hosted four Commercialization Planning Workshops with an average of 12 technology developers per session. These workshop are designed to work with vendors and inventors to take a technology from concept to commercialization in order to get the product into the hands of law enforcement or corrections practitioners. Road Spike and Tiger Vision are two examples of products that have been commercialized.

In 2000, $10 million NIJ received direct appropriations for this program activity. In 2001, this request is included under COPS.

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DNA Technology Research and Development: (Increase $5 million)

Objective

In 2001, $5 million is requested for the DNA Technology Research and Development Program, which will be administered by the Office of Justice Programs.

The challenge for forensic DNA testing in the 21st Century is to be able to identify offenders quickly, with high discriminatory power, and lower cost from minuscule sources of physical evidence. DNA testing needs to be faster, cheaper, and better. NIJ's 5-Year DNA Technology Research & Development Plan, begun in 1999, will harness the tremendous growth in the field of DNA technology by directing research toward the development of highly discriminating, reliable, economical, portable, and rapid DNA testing methods for suspect identification or exclusion in violent crime investigations. The goals of this five year, $25 million initiative are to develop technology tools that will allow for free DNA testing of any biological sample at the crime scene, and to develop and apply new biotechnology methods such as microchips and mass spectrometry to allow unique identification of any evidence sample.

This program, previously funded by the Department of Justice's NIJ, directs research toward the development of highly discriminating, less costly, reliable, rapid, and portable DNA testing technology tools for the investigation of violent crime. NIJ anticipates that this initiative will result in the development of at least two acceptable DNA testing technologies complete with the training and validation necessary for court acceptance. These innovations will provide new tools for suspect identification or exclusion in violent crime cases and for development of a nationwide DNA database system, thus increasing the likelihood that the guilty will be identified and reducing the likelihood that the innocent will be charged or convicted. Improvements in rates of analysis, discriminatory power, and costs can enhance the criminal justice system and society as a whole by bringing investigations to a faster conclusion and quickly removing the guilty from society.

NIJ's 5-Year DNA Technology Research and Development Plan is critical to the stimulation of technological innovations and the continued advancement of DNA science within the criminal justice system. NIJ is the only source of funding available to private industry for such forensic DNA research and development efforts. Much of the forensic DNA research conducted in the U.S. has been funded in whole or in part by NIJ. Since 1985, NIJ has invested more than $7 million in DNA technology research and development. The DNA markers known as STRs, which are now being implemented in all public and private laboratories in the U.S. and abroad, and are the required genetic markers for the National convicted offender database, CODIS, were first developed for forensic use under an NIJ-funded effort.

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NIJ received $5 million in each of 1999 and 2000 to implement a five-year effort to make the performance of forensic DNA testing faster, easier, and less expensive. Continued funding of $5 million per year through 2003 will complete the development of technologies to meet Technical Working Group on DNA Analysis Methods (TWGDAM) and DNA Advisory Board (DAB) requirements for casework and database testing, field testing of prototype technologies (including validation of test results), and development of training programs for the certified use of these technology tools.

Program Characteristics

The proposed 2001 activities of the DNA Technology Research and Technology Development 5-Year Plan are attainable within the 2001 resource request of $5 million. The program's objectives are:

- Reduce DNA test performance time to minutes instead of hours within a number of technology platforms
- Reduce DNA testing costs to less than $10 per test
- Develop inexpensive, single-use DNA test tools for analysis at the crime scene
- Increase the number of DNA traits to achieve unequivocal identity of a crime scene stain
- Reduce the time delay in entry of DNA profile data into state and national CODIS databases
- Increase the availability of court-ready methods for all aspects of forensic DNA testing

Criminal Records Upgrade: (Increase $70 million)

Objective

In 2001, a total of $70 million is requested for the Criminal Records Upgrade (CRU) Program, which will be administered by the Office of Justice Programs.

This program, which is also referred to as the National Criminal History Improvement Program (NCHIP), assists states in the upgrade of criminal history, criminal justice, and identification record systems; promotes capability and participation in national, state, and local systems; and captures information for statistical and research purposes.

NCHIP, established in 1995, and administered since them by the Office of Justice Programs Bureau of Justice Statistics (BJS), was designed as an umbrella program providing support to states in the expanding range of areas which impact on the improvement of criminal history records and record systems. The program was initially focused primarily on ensuring that states could fully

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participate and support operation of the National Instant Criminal Background Check System (NICS), which was established under the Brady Handgun Violence Prevention Act (Brady Act). The NCHIP program builds on DOJ's efforts to assist states in establishing the overall infrastructure required for a national criminal record system capable of meeting both criminal justice and non-criminal justice demands. Funds under the program are awarded to states to improve the accuracy, utility, and interstate accessibility of criminal history records; records of protective orders involving domestic violence and stalking; and other non-criminal records relating to firearm ownership eligibility.

Improved criminal history records are necessary to support the immediate identification of persons prohibited from firearm purchases or holding positions of responsibility involving children, the elderly, or the disabled. The proposed increase will help to improve the speed and accuracy of pre-sale firearm checks. Interstate access to complete and accurate criminal records is also necessary for criminal justice decisions on pretrial release, career criminal charging, sentencing, and correctional assignments. Background checks for national security and related purposes are also only as effective as the quality of the records on which they are based.

Program Characteristics

Starting in 1998, awards were also provided under the NCHIP program to assist states in the development and enhancement of state sex offender registries capable of interfacing with the FBI's National Sex Offender Registry. Complete and accurate in-state sex offender registries that meet the requirements of the Jacob Wetterling Act, Megan's law, the Pam Lychner Sexual Offender Tracking and Identification Act, and related state standards, will protect the public and assist law enforcement in handling incidents and cases involving sexual offenses. Timely collection, maintenance, and exchange of information on released sexual offenders is critical to supporting the effective operation of the FBI's national Sex Offender Registry, which was established pursuant to a Presidential directive and will provide immediate interstate access to such information.

Prior to 2001, this program was funded as a line item under the Office of Justice Program's Violent Crime Reduction Trust Fund (VCRTF). However, in 2001, this program is requested under COPS Crime Technology Initiative. The total 2001 request of $70 million will be administered by OJP's BJS. These resources will continue to provide for the upgrade of criminal history, criminal justice, and identification record systems; promote compatibility and participation in national, state, and local systems; and capture information for statistical and research purposes, as authorized by the Crime Identification Technology Act of 1998, P.L.105-251 and consistent with 42 USC 3732 (c) (18) and (19).

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Crime Laboratory Improvement Program (CLIP): (Increase $35 million)

Objective

In 2001, $35 million is requested for the Crime Laboratory Improvement Program (CLIP), which will be administered by the Office of Justice Programs.

To provide the best service possible to the criminal justice system, crime laboratories must stay abreast of and have access to the latest technology and methods to analyze forensic science evidence. Limitations surrounding accessibility to new technologies, training, and support threaten the quality and effectiveness of the criminal justice system. These limitations can be overcome both by increasing the capacities and capabilities of state and local crime laboratories and by developing a means of accessing specialized forensic services that extend as a network available to the forensic science community. The framework of sharing methods, equipment, and other valuable resources already exists in the forensic community, where consortiums of laboratories share certain DNA-based technologies across states and regions. The Crime Laboratory Improvement Program (CLIP) will leverage lessons learned in implementing DNA techniques to other critical forensic science areas such as transfer (trace) evidence, bomb, and arson and latent print examinations, in addition to continuing improvements in DNA identification.

The explosion in both technology and detection capabilities and the availability of new tools being implemented by criminals, coupled with a number of incidents which have called into question the integrity of parts of the nation's forensic laboratory system, makes it essential that the nation continue to develop, test, and implement new forensic capabilities across the country. CLIP will build on a number of efforts within the Department of Justice to address critical forensic science needs at the state and local levels of the criminal justice system. These efforts include the existing NIJ's National Law Enforcement and Corrections Technology Centers (NLECTC). This program will improve the analytic and technological resources of forensic labs servicing all 50 states. CLIP will also increase forensic laboratory access to specialized forensic services, strengthen the network of cross-jurisdictional learning among local, state and regional labs; and establish a steering group for the intelligent allocation of scarce, yet high priority, forensic capabilities to critical investigations. In a decade when high profile cases have called the accuracy, reliability and integrity of the nation's forensic laboratories into question, CLIP will provide immediately appreciable results: more crimes solved, more criminals brought to justice, and better administration of justice through the presentation of strong, reliable forensic evidence at trial.

In 2000, NIJ was appropriated $15 million for CLIP. Of the approximately $4.5 million in unearmarked funds, about $3 million will fund existing DNA laboratory improvement at the state and local levels. The remaining $1.5 million will be used to develop 1) three pilot programs focusing on non-DNA forensic sciences, and 2) priorities and directions for the anticipated continued funding of CLIP through a national survey and a National Forensic Science Symposium.

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Program Characteristics

In 2001, the Department of Justice requests $35 million for the CLIP program to improve the ability of the nation's crime laboratories to more effectively support investigations by bringing the best available science to bear in the investigation of serious crimes. These funds will be used for the following purposes:

- $20 million to award discretionary grants to state and local forensic science agencies in all 50 states to expand and improve their investigative and analytic capabilities in forensic areas other than DNA. Grants will be awarded following the National Institute of Justice's external review process, which will include a review by the FBI and other researchers, practitioners, and other experts in the field. Of this amount, $10 million for laboratory equipment such as mass spectrometry systems for trace evidence and drug analysis and computer systems for fingerprint and weapons identification; $5 million for laboratory staff training in new forensic technologies and methods; $3 million for research/validation for equipment and systems to be implemented; and $2 million for technical assistance for consultants services in system set-up, implementation, and training.

- $9 million to continue to award discretionary grants to state and local forensic DNA laboratories in all 50 states under the DNA State Identification Grants Program. Since the inception of this program in 1996, NIJ has funded over 100 separate laboratory facilities in 48 states. With additional funding in 2001, NIJ will be able to provide support to labs in all 50 states.

- $5 million to improve forensic services for Indian Country.

- $600,000 to conduct a three-day National Workshop in each of NIJ's four NLECTC regions to identify crime laboratory development potential in several specific areas, including: resource protocols for state and local agencies to gain access to specialized forensic capabilities unavailable to them; fee for service arrangements like the MetroCard concept; and protocols for obtaining sound scientific testing of forensic evidence in specialized national or private laboratories.

- $250,000 to initiate a National survey in cooperation with the FBI to identify the status and needs for specialized forensic capabilities in state and local laboratories.

- $150,000 to establish a federal, state, and local steering group for NLECTC to give advice on the development of protocols for locating and funding high priority, hard-to-find forensic capabilities in critical state and local criminal investigations. Among the planning members on this group will be the FBI, the American Society of Crime Laboratory Directors (ASCLD), and the American Academy of Forensic Sciences (AAFS).

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DNA Backlog Elimination: (Increase $15 million)

Objective

In 2001, $15 million is requested for the DNA Backlog Elimination Program, which will be administered by the Office of Justice Programs.

The *National Commission on the Future of DNA Evidence*, charged by the Attorney General with the improvement of the use of DNA technology throughout the criminal justice system, recently identified the elimination of the Combined DNA Index System (CODIS) convicted offender DNA sample backlog as an urgent priority. Currently, the system contains approximately 650,000 backlogged, or unprocessed, samples, representing an untold number of crimes as yet unsolved for lack of these potential sources of evidence. DNA technology has been widely recognized as key both to fighting crime and preserving justice through the identification of the guilty and the exoneration of the innocent. Funding for this program will provide DNA laboratories with the technology to dramatically improve analytic capacity, thereby reducing the backlog and freeing up laboratory resources for the analysis of new DNA and other types of forensic evidence.

DNA is key to fighting violent crime. The power of DNA technology has been widely documented and agreed upon by the legal, law enforcement, and scientific communities. So much is possible in this new millennium that seemed like science fiction only a decade ago. With a 62 percent felony recidivism rate and almost 2 million felonies per year brought through the criminal justice system, we must make better use of DNA technology. We are poised and ready to use DNA data to stop crimes before they happen.

To date, analysts find one "hit", or DNA match, per one thousand samples entered into the FBI's CODIS National DNA database. At this rate, adding 300,000 high priority convicted offender samples to the database may result in 300 hits or more representing approximately 300 offenders who will be brought to swift justice.

For example, in February of 1995, in Tallahassee, Florida, the Florida Department of Law Enforcement linked semen found on a Jane Doe rape-homicide victim to a convicted offender's DNA profile. The suspect's DNA had been collected, analyzed, and stored in a CODIS database while he was incarcerated for another rape. The match was timely; it prevented the suspect/offender's release on parole, which had been scheduled to occur eight days later. By prioritizing the samples of convicted offenders, we will maximize the number of cases solved; those destined for parole, those out on time served, or parole, should have their DNA profile in the database before they step away from custody.

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Program Characteristics

Eliminating the backlog is a priority. In 1997, the Attorney General asked the National Institute of Justice to establish and administer the *National Commission on the Future of DNA Evidence.* The Commission's mandate is to improve the use of DNA technology throughout the criminal justice system, from the crime scene to the courtroom. In March 1998, the Commission, a group of twenty-two of the country's leading authorities on DNA technology and policy, met for the first time. Among the most pressing concerns the Commission presented to the Attorney General was the elimination of convicted offender samples backlogged for entry into local, state and national databases. In November of 1998, the Commission voted to recommend both backlog elimination and convicted offender sample prioritization as urgent issues to be addressed.

In order to eliminate the backlog, it is estimated to cost a total of $30 million over a two-year period. These resources will assist state and local DNA labs in eliminating their backlog of statutorily mandated convicted offender DNA samples while keeping pace with current DNA casework needs. This funding will complete the forensic analysis of all samples identified as urgent priority samples (i.e., samples for homicide and rape/sexual assault cases) in the current backlog of convicted offender DNA samples. The backlog has accumulated as states across the country have passed laws requiring that DNA samples of convicted offenders be included in state or national databases. States were unable to begin processing samples until September 1997, when the National system (CODIS) announced the 13 STR acceptable DNA markers. By then a surplus of convicted offender samples had already occurred. There are currently 650,000 samples waiting to be analyzed and this number is estimated to reach 1 million by the year 2000. To reduce the backlog, grants will be awarded to state and local crime labs to either conduct or outsource analysis of convicted offender samples. An estimated cost of $50/sample for the 13 DNA markers allows the analysis of 300,000 high priority samples with the $15 million request.

In 2000, the Department's NIJ was directly appropriated $15 million to initiate the first year of DNA backlog reduction activities. In 2001, the Department of Justice requests $15 million for the second year of the two-year effort. The $15 million request will permit the Department, through NIJ, to assist crime labs to eliminate the convicted offender backlog, thereby freeing future time to analyze samples quickly and immediately. DOJ believes these goals may be reached within two years due to advanced technology such as mass spectrometry and microchip DNA analysis. Prototype state-of-the-art machines are already screening 3,000 samples per day in contrast to the maximum of 300 samples per day analyzed with the technology in place at most crime labs today. Samples that currently take three hours to analyze will take less than three minutes; a result that can be achieved in-house by the more sophisticated labs or by outsourcing to private contract laboratories.

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Community Mapping, Planning, and Analysis for Safety Strategies (COMPASS): (Increase $10 million)

Objective

In 2001, $10 million is requested for the Community Mapping, Planning, and Analysis for Safety Strategies Initiative, which will be administered by the Office of Justice Programs.

The Department of Justice requests $10 million to build local crime data collection and analysis capacity in urban, suburban, and rural communities, to improve models for predicting crime in neighborhoods with the use of advanced crime mapping techniques, and to test the effectiveness of selected community crime prevention interventions. This initiative, which will be administered by the National Institute of Justice (NIJ), will develop a whole new way of understanding crime in its local context, and will arm practitioners with the tools they need to help them adapt to changing crime patterns.

Community Mapping, Planning, and Analysis for Safety Strategies (COMPASS) modernizes crime analysis and crime fighting at the local level. Over five years, COMPASS will equip a diverse group comprised of 15 jurisdictions -- 10 urban and 5 rural, mid-sized, and tribal jurisdictions -- with cutting edge information technologies that will allow them to fight crime more effectively and efficiently. Though crime has fallen in recent years, it is still much higher than it was in the 1960s and today's criminals have become increasingly sophisticated, armed, and mobile. More police and more prisons help, but law enforcement officials are using outmoded technologies for building their strategies. COMPASS offers communities a profound new mode of strategic planning that directs resources more efficiently and cohesively. This mode involves not only police, but also strategic teams consisting of police, prosecutors, community corrections, and other community stakeholders such as educators, housing officials, and local leaders.

Why COMPASS Now? The logic behind COMPASS derives from a combination of recent experiences and realizations:

- Our knowledge base has never been better. Thirty years of federal research and development have produced significant improvements in our understanding of crime as well as our abilities to fight it. In the Congressionally-mandated assessment of programs to prevent crime, *Preventing Crime: What Works, What Doesn't, What's Promising*, authors identified a wide range of successful and promising programs that prevented adolescent drug abuse, built effective parenting skills, and secured community trouble spots. Other recent research has uncovered successful interventions with neighborhood gangs, crack houses, drug addicts, spouse abusers, and sex offenders. Research and evaluations funded under the Crime Act are adding to this inventory in the areas of community policing, drug courts, violence against women, and incarceration of violent offenders.

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- Knowing what works and making it work are two different things. Part of the understanding that we have accrued tells us that programs "work" under highly specific circumstances, in terms of target populations and community circumstances, and fail to "work" in other settings. So simply packaging programs will not achieve significant gains in public safety.

- Another reality is that community crime threats are constantly evolving. At the base of the crime pyramid, we find that shifting socio-economic conditions can cause neighborhoods to decline in vitality. In turn, this loss of communal strength, which involves combined factors of economic decline, impacting businesses and families; and a weakening of social infrastructures (i.e., families, businesses, value-based organizations, schools), renders communities more vulnerable to crime. Even the most successful law enforcement crackdowns can simply cause criminals to migrate to other neighborhoods within a city. Evolving and adapting crime threats require equally dynamic assessments and responses.

- Today's local drug problem is part of a complex trans-national industry. Stolen cars and burglarized art are routinely smuggled to other continents. Motorcycle and ethnic gangs operate in regional networks.

- While law enforcement has been adopting new telecommunications technologies, planning technologies are still unsophisticated. Virtually all departments rely on reported crime as their sole measure of criminal activity. Only about one third of large (over 100 officers) police departments do any kind of computerized crime mapping. Of the remaining 16,500 smaller departments, only three percent do crime mapping.

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COMPASS Premises. Financially pressed communities can not afford to simply add more police, prosecutors, or jails in response to crime problems. Neither can they afford to apply existing resources in the same way across a community irrespective of neighborhood differences. As police departments in this country have moved toward community policing, advanced departments have found that their greatest tool is information, particularly information about crime that shows crime in its neighborhood context.

Responsibility for crime control resides with local law enforcers. The Federal government can help by accelerating the introduction of information technologies into police departments around the country. Technology alone is not enough; however, it must be connected to sound data collection activities, and supplemented with data-driven policy formulation that recognizes changing local conditions.

The heart of COMPASS is mapping, planning, and assessment. Crime mapping is now at the cutting edge of community policing. Crime mapping develops computer-generated pictures of the location of crime in space and time. It allows commanders to hold their officers accountable for results. When other data (e.g., school data, liquor outlets, abandoned housing stock, parolee residences) are added to the data mix, then local planning and problem solving become more comprehensive and strategic. The same data streams

facilitate assessments of the tactical and strategic decisions taken. As new approaches are tried, geo-coded data displays neighborhood results, including displacement to adjacent areas.

Each of the 15 communities selected for COMPASS would be equipped with a crime data system containing the following building blocks: the Uniform Crime Reports, an incident-based crime reporting system; an Arrestee Drug Abuse Monitoring (ADAM) program; a public survey to measure fear; a local victimization survey; a school-based survey to measure school safety; and a gun tracing system for guns used to commit crimes. These data would all be geo-coded and mapped to show community-level problems and results; other data that are available in the jurisdiction would be added to the system, although not paid for by the federal funding.

Communities will be drawn from large and small population centers. Sites will be selected to ensure geographic diversity as well as diversity across ethnic composition and crime problems. Communities will compete to receive funds. Awards will be based on the innovativeness of plans to use data to formulate crime policies and the extent to which communities involve a broad base of community organizations.

COMPASS would also fund a research entity or consortium to work with crime analysts in each community to develop data-driven crime control strategies and to evaluate the effectiveness of those strategies. Participating jurisdictions would agree, in return for a federal investment in building this infrastructure, to create a broad partnership of agencies that would develop and test safety strategies using the data to reduce crime. This initiative would build upon the New York City's COMPSTAT experience (and other crime mapping projects in large departments), the Boston Gun Project, and Department of Justice Strategic Approaches Initiative, and other projects of the Office of Justice Programs (e.g., BJS victimization surveys, NIJ's ADAM program, OJJDP's Communities that Care program, BJA's Comprehensive Communities Program, the Weed and Seed program, etc.).

The Department of Justice would also carry out research, test new technologies, and provide technical assistance under this initiative. Evaluations of these new strategies would build an important national reservoir of successful strategies to learn what works to reduce crime, at the jurisdiction level as well as the neighborhood level. It would be particularly important to work with jurisdictions of all sizes to learn lessons from these test jurisdictions and to implement successful strategies and technologies in non-COMPASS jurisdictions.

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Program Characteristics

In 2001, the COMPASS initiative has three parts that together develop local skills to assess and combat crime:

- Crime Mapping and Data Integration provides intensive aid that helps neighborhoods develop models to predict and thereby prevent local crime through comprehensive crime mapping information systems ($5 million).
- Strategic Planning and Assessment will help communities understand what works (and why) in preventing crime in specific neighborhoods ($4 million).
- Research, development, testing, and evaluation (RDT&E) will ensure that federal funds are spent efficiently and promote continued innovation throughout COMPASS development ($1 million). This function will be funded by reserving up to ten percent of the program funds for the mapping and planning activities.

Program Administration

COMPASS is presented in three parts because each of the three parts represents a distinct activity. Nonetheless, COMPASS as a concept depends on all three activities for its success. The three parts are Mapping and Data Integration; Strategic Planning and Assessment; and, National Research, Development, Testing, and Evaluation. The table below highlights the funding request.

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COMPASS Summary of Funding Requested

	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
New Sites/Cumulative	9/9	0/9	3/12	1/13	2/15
Startup Funds ($1 million)	$9,000,000 (9 new sites)	0	$3,000,000 (3 new sites)	$1,000,000 (1 new site)	$2,000,000 (2 new sites)
Year 2 Annual Support		$9,000,000 (1st 9 sites)		$3,000,000 (2nd 3 sites)	$1,000,000 (3rd 1 site)
Year 3 Annual Support ($625,000)			$5,625,000 (1st 9 sites)		$1,875,000 (2nd 3 sites)
Year 4 Annual Support ($500,000)				$4,500,000 (1st 9 sites)	
Year 5 Annual Support ($250,000)					$2,225,000 (1st 9 sites)
National RDT&E	$1,000,000	$1,000,000	$1,250,000	$1,500,000	$2,225,000
Escrow for later years			$125,000		$900,000
TOTAL	**$10,000,000**	**$10,000,000**	**$10,000,000**	**$10,000,000**	**$10,000,000**

Crime Mapping and Data Systems Integration

The Department of Justice requests $5 million to establish neighborhood crime mapping programs in 15 COMPASS communities over the five-year program period. The programs, which will enable law enforcement agencies to describe their current crime patterns, predict emerging crime "hot spots", and prevent new "hot spots" from surfacing. The initiative will be directed by NIJ's Crime Mapping Research Center, the national clearinghouse for crime mapping technology and its development. The Center is equipped with state-of-the-art hardware and software, and is staffed by researchers trained in geographic cartography and spatial analysis. Center staff advises other OJP agencies and local communities on the use of Geographic Information Systems (GIS) to analyze crime problems.

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The Center will concentrate its efforts in four activities: helping communities procure appropriate information technologies; leading community data systems integration efforts; providing technical support for systems design and integration; and developing location-based prediction models. Each activity is described below.

Procuring Appropriate Information Technologies. NIJ will provide funds to purchase information technologies necessary for communities to establish their mapping and analysis capabilities. Funding will support staff, office space, and the hardware and computer software tools they will need to produce reports, maps, and statistical analyses. Communities will be able to acquire state-of-the-art data analysis technology to pinpoint crime patterns and to track the success of strategies developed in response. This funding will build community capacity to assemble data describing crime incidents reported to police, criminal victimizations, citizen perceptions of crime, and other relevant data necessary for them to identify specific crime problems and to devise tactical solutions to those problems.

Integrating Data and Data Systems. In addition to crime data already existing in every community, participants will integrate data from a variety of other local sources into a single local database:

- Arrestee Drug Abuse Monitoring (ADAM): Data from NIJ's survey of drug use among arrestees documents the nature and extent of drug uses both locally and nationally.

- Criminal victimization statistics: The Bureau of Justice Statistics (BJS) has developed a Windows-based version of the National Crime Victimization Survey (NCVS) allowing local jurisdictions to conduct their own local victimization surveys. This software can be used by localities to accurately estimate crime rates, the rates of reporting of crime to the police, citizen attitudes toward the police, and perceptions of community policing initiatives.

- Incident-based crime statistics: In collaboration with the FBI, BJS has long encouraged the implementation of incident-based records management systems. Incident-based crime data provide specific information describing a community's crime problem and contain information relevant to the tactical and strategic decisions that law enforcement administrators must make.

- Other crime relevant information: Other sources may be selected by the community such as: gun tracing, school truancy and crime, social welfare, public health, economic development and local commercial statistics.

BJS staff members will develop and coordinate data collection and analysis protocols. BJS will also operate a Help Desk for jurisdictions developing incident-based crime statistics, local victimization surveys, and other data specific to local needs.

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Providing Technical Support and Peer Learning. The over-arching goal of this initiative is to enable communities to maintain a locally-driven data infrastructure in order to develop data-driven solutions to crime problems. It will be necessary to provide technical support and peer learning in order to enable sites to become self-sufficient. In addition to the support and guidance planned under technology and data acquisition, NIJ will host a series of cluster conferences and cross-site visits to enable communities to learn from the experiences of other participants.

Developing Location Prediction Models. The analytic engine that will drive this initiative is GIS, which holds promise as a powerful tool for forecasting purposes. These neighborhood-based mapping systems will serve as an early warning signal to local criminal justice and social service agencies a signal that will aid in the development of strategic and tactical responses. In addition to building local capacity in specific neighborhoods, NIJ staff will work with the sites to develop theoretical models for predicting crime that can be applied to all neighborhoods. Their activities will include developing predictive modeling methods to create forecasting capabilities and testing forecasting methods in multiple sites to determine the most accurate predictive methods.

Strategic Planning and Assessment

The Department of Justice requests $4 million to build strategic planning and assessment capabilities in 15 COMPASS communities, and to help communities implement and evaluate local crime interventions. The initiative will be managed by NIJ staff with strong expertise in demonstration programs and evaluation efforts. NIJ currently operates a variety of large scale demonstration/evaluation programs including ONDCP's Breaking the Cycle, the Congressionally-mandated Law Enforcement and Family Support demonstrations, and DOJ's Strategic Approaches to Community Safety Initiative.

Strategic Planning and Investment consist of four connected activities: building a strategic planning council, conducting special data collections, implementing and assessing community safety interventions, and evaluating special neighborhood interventions. Each of these activities is described below.

Building a Strategic Planning Council. One of the first tasks to be started will be the introduction of strategic thinking to community safety planning. While communities will be required to propose a strategic planning council as part of the selection process, it has been NIJ's experience in other programs that truly collaborative decision groups are extremely rare, and that considerable time and effort are necessary to ensure success. NIJ will help communities build this group through gentle prodding to hold regular meetings, by convening regional meetings of strategic planning councils where participants "show and tell" and learn from others, and by offering technical assistance to bolster weak links in the community's planning framework.

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Conduct Special Data Collections. The bulk of COMPASS data collection will be managed by the mapping and data integration group. In the course of their planning and priority setting, however, the planning council may want to acquire special information on a specific problem or in a particular neighborhood that is particularly vital to the nature of the interventions that are being considered. The planning group would coordinate such data collections with the mapping team but would design and conduct the special collection themselves. By way of illustration, consider a decision to invest in after-school recreational programs. At the neighborhood level, planners might create a Boys and Girls Club. They would use data to select a site and target population, and they would monitor performance by collecting data on participant characteristics and attendance, activities offered, disciplinary problems, and child victimization and delinquency. Research might seek to identify where and how at-risk kids spend their time and come into contact with crime. Researchers would collect information for entire jurisdictions on the times of day and locations for various child activities and victimizations. They could also survey children to learn their fears and how they related to guardianship. They might also track gang involvement as a competing activity. These data would be used to structure and locate new child recreational programs in a neighborhood or throughout the jurisdiction.

Implementing and Assessing Safety Interventions. NIJ will work with the communities to test the effectiveness of multiple crime prevention interventions simultaneously. These initiatives will be multi-year efforts to determine the impact on community safety, community perception of safety, and overall community well being, as measured by the data and indicators available because of the data and mapping programs. NIJ will assist communities in designing and selecting interventions to test based on extant research and evaluation findings. The package of interventions tested in a community must address three public safety targets: offenders, victims, and other community members and justice system re-invention.

- Interventions to reduce criminal activity by convicted offenders under supervision in the community. The goal is to build human capital and motivation of offenders to pursue legitimate job opportunities.

- Collaborations between residents and police that provide productive, law-abiding developmental pathways for children. NIJ will provide technical assistance on location-specific and group-specific prevention strategies, crime mapping, and incidence reporting expertise and will help communities design and test systemic preventive programs for children.

- Innovative and community-focused management practices in local agencies. NIJ will also encourage both justice and non-justice organizations to stretch their resources and improve on performance through productive partnerships. Police-prosecutor coordination and joint police-probation officer teams are especially important concepts to community based management.

Implementing and Evaluating Demonstration Neighborhood Initiatives. NIJ will work with communities to design and implement innovative tactics in particular neighborhoods in ways that maximize the potential for sound evaluation. NIJ will develop an

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infrastructure within these demonstration neighborhoods for measuring and evaluating results over the life of the program. The combined data from these measurement activities will enable planners to modify and redirect intervention activities intelligently. As with special data collections for planning, NIJ staff and local evaluation teams will help the community measure program performance with program-specific indicators of success, and will provide feedback for project improvements. Results from these experiments will provide the impetus for larger scale replications, including transfers of the concepts to other COMPASS communities.

National Research, Development, Testing & Evaluation

The Department of Justice requests $1 million to manage a national research and evaluation program for COMPASS, and to disseminate the results of the 15 community programs. Up to 10 percent of funds from the community mapping and strategic planning activities will be reserved for research, development, testing and evaluation. COMPASS is a groundbreaking program that will need ongoing revision to reach its full potential. In order to have the greatest national impact, particularly for many small cities, towns, and rural areas that will not be COMPASS sites, NIJ will need to identify, evaluate, and disseminate effective techniques as they are discovered and tested. This portion of the program will also ensure that the best methods discovered in the early years of the program are properly disseminated to all of the COMPASS sites and other sites that could benefit from those strategies. Such information sharing will allow faster development of new techniques.

Maintaining a Continual National Evaluation. In order to understand thoroughly community successes, and to document barriers to successful implementation, a comprehensive national evaluation of all efforts will be conducted. This evaluation will group sites into categories based on geography and other defining characteristics. The evaluation will develop models of successful implementation, and, to the extent there are failures, document how, when, where, and why the initiative failed. The evaluation will be a road map to successful implementation, allowing those jurisdictions interested in such an approach to understand fully likely requirements before beginning such an effort.

Building National Capacity and Knowledge. The long-term value of this program is its ability to translate lessons learned from a small number of neighborhoods to communities nationwide. User manuals, guidance to communities, web sites and other forms of technical assistance will be available to any jurisdiction in the country that would like to use them, whether or not they are a COMPASS site. More broadly, transferring knowledge gained from COMPASS will allow for the development of a nationally applicable strategy, rather than ones centered on a series of individual sites. NIJ will archive the data collected and analyzed for this project, and make the data accessible through the Crime Mapping Research Center Web Site to enable researchers to easily replicate analyses and experiment with new research methods. An annual conference will promote the development and use of crime forecasting systems, provide regular interaction among practitioners, promote collaboration, as well as disseminate information on the latest methods and technologies.

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63-889 00 - 90

Computer Forensic Crime Laboratory Enhancement Program: (Increase $6 million)

Objective

In 2001, $6 million is requested for the Computer Forensic Crime Laboratory Enhancement Program, which will be administered by the Office of Justice Programs.

The criminal justice community has an immediate need for greater investigative resources to combat the rising levels of electronic crime. Because of the unique nature of electronic crime (it involves the use of rapidly changing technology, and its perpetrators can strike instantly from everywhere in the world) most state and local law enforcement agencies, which typically have a very limited capacity to respond to such crimes, face severe hardships in responding adequately. However, this ability could be significantly enhanced by the acquisition of key resources, such as comprehensive knowledge regarding the characteristics of electronic crime, uniform training and certification for crime analysts and investigators, and access to up-to-date technological tools and equipment.

Achieving this goal will require a coordinated approach to ensure: 1) where practical, all appropriate state and local agencies acquire the capability to meet their most common computer and other electronic crime forensic challenges, and 2) these agencies can easily and rapidly access other more sophisticated resources to help solve electronic crimes that exceed their resources. NIJ is the only federal agency with a congressionally mandated mission to address the unique needs of state and local law enforcement agencies. As such, NIJ is particularly well suited to this task and will continue to coordinate and work closely with all appropriate federal law enforcement agencies both within and outside the Department of Justice to accomplish the goals of this initiative.

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Program Characteristics

NIJ, in collaboration with the FBI, will address the electronic crime forensics challenge through the development of a computer forensic laboratory system, through partnerships with various Federal, state, and local capabilities.

The program will work to strengthen local capabilities to address the most common problems and will address the need to expand law enforcement capacity to deal with unique or difficult investigative problems that are too expensive to be undertaken individually by smaller crime laboratories.

In 2001, the Department requests $6 million, the first implementation year. These funds will be administered by NIJ and will allow for the establishment of several new regional computer forensic laboratories. *After the expiration of this program, alternative sources of funding will be required for the regional labs to continue operating.*

The funds requested in 2001 will be applied to the following tasks:

- *$400,000* to perform an assessment of law enforcement needs for computer forensic analyses. This assessment will be performed on a national basis by sampling states, municipalities, and localities regarding their investigative needs. A computer forensic laboratory technical working group (TWG), comprised of criminal justice practitioners, computer scientists, and electronic forensics analysts will review the assessment. NIJ has successfully used a similar process in its recent assessment of state and local experiences with and efforts to combat electronic crime. To insure the continuing technological suitability of laboratory enhancements throughout the program, $200 thousand will be expended to perform an updated assessment of state and local needs in 2004.

- *$200,000* to establish a computer forensic laboratory technical working group (TWG), which will include federal experts as well as state and locals. The TWG will remain in place throughout the six-year program. The TWG will 1) validate the assessment of investigative needs and the generic model for identifying requirements for individual forensic laboratories, 2) provide guidance during the process of establishing new regional laboratories and in enhancing individual state and local laboratories, and 3) plan for the transition of the regional laboratories toward independent operation. The TWG will also establish standards for investigative practices and will provide guidance on interoperability issues relating to inter-laboratory communications. The total funding sought to cover the TWG throughout this program is $850 thousand.

- *$300,000* to generate a decision model. The model will serve as a template that may be applied in determining the unique requirements for establishing and operating any given computer forensic laboratory. The model will specify facilities, equipment, personnel, training, forensic tools, and practices that are required to perform computer forensic investigations. Like the needs assessment, the decision model will need to be updated in 2004 at an estimated expense of $200 thousand.

- *$5.1 million* in year one will be used to establish up to ten regional computer forensics labs. The needs assessment and decision model will be applied strategically to determine locations for new laboratories suitable in terms of need and geography. The plans will also provide for more precise costing in terms of procurement, installation, and maintenance of the necessary hardware, software, networking capabilities, and staffing.

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DECISION UNIT/PROGRAM: CRIME TECHNOLOGY/ COMMUNITY ORIENTED NETWORKING AND ENHANCED COMMUNICATIONS TECHNOLOGY (CONECT) 1/4/00

Department of Justice Core Function: Assistance to State and Local Government

Strategic Goal: Strengthen and Improve Community Police Services

Annual Performance Goal: Implement COPS CONECT

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1) Appropriation (in millions)	Congress						$89 M
	2) Number of staff hours devoted to the development of the grant solicitation	COPS						TBD-9/30/2000
	3) Number of applications received from law enforcement agency consortia	CMS*						800
	4) Number of staff hours devoted to the review of submitted applications	COPS files						1600
Output/Activity	5) Number of grants awarded	CMS						$0
	6) Number of training/technical assistance hours provided	COPS files						TBD-9/30/2000
Intermediate Outcome	7) Coordinated multi-agency planning efforts for regional technology enhancements	COPS files						9-15
	8) Coordinated efforts at acquiring information technology applications by neighboring law enforcement agencies	COPS files						9-15
End Outcomes	9) Agencies receiving needed technical assistance in the development of technology acquisition and implementation plans	COPS files						TBD-9/30/2000 9-15
	10) Improved criminal justice information flow across multiple jurisdictions among grantees	COPS files						9-15
	11) Enhanced regional crime problem identification and analysis among grantees	COPS files						
Productivity/ Efficiency	12) Accelerated apprehension of criminal suspects and crime solving across participant agencies	COPS files						TBD
	13) Improved police department operations, problem-solving practices and crime prevention strategies.	COPS files						TBD
	14) Improved response time for emergency calls and increased effectiveness of the 911 system.	COPS files						TBD

A. Definitions of Terms or Explanations for Indicators and Data Sources:

*CMS.- COPS Management System

B. Issues Affecting FY 1999 Program Performance:

C. Issues Affecting Selection of FY 2000 and 2001 Plans

Because the COPS CONECT program is in the formulation stage, we are not yet able to assign targets to many of our measures for this program.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: CITA
PROGRAM/ORG UNIT: National Ballistics Image Backlog and Conversion Grant Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal justice system capabilities of tribal, state and local governments.

PERFORMANCE INDICATOR INFORMATION			Performance Report and Plans				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$10M
Output/ Activity	2. Number of grants awarded	OJP Records					TBD
End Outcome	3. Number of regional loaner programs established	OJP Records					TBD
	4. Number of imaging technicians trained	OJP Records					TBD
	5. Number of additional imaging technicians hired	OJP Records					TBD
	6. Number of ballistic images converted	OJP Records					TBD
	7. Percentage increase in the volume of ballistic images processed and analyzed	OJP Records					TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To Be Determined; program results to be achieved in 2002

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: N/A

D. Validation and Verification: These measures will be validated and verified through a review of various OJP reports, including progress reports from the data collection agent.

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PERFORMANCE MEASUREMENT TABLE: BY INITIATIVE AND PROGRAM

INITIATIVE: Enhancing Technology
PROGRAM/ORG UNIT: Global Criminal Justice Information Network Initiative (GLOBAL).
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To improve federal, state and local, and tribal criminal justice through the development of a nationwide network of criminal justice information systems where federal, state and local authorities with responsibilities for law enforcement, courts, prosecution, public defense, corrections, probation and parole will have immediate access to information necessary to respond to and resolve the consequences of criminal activity.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS					
			Performance Report		Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Enacted Plan	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.						$18M
Output/Activity	2. # of awards for IT standards development/NLECTC technical assistance	NIJ Records						4
	3. # of awards for pilot projects to be used as learning laboratories	BJA/TSS Records						5
	4. # of awards for architecture planning for automation/integration (infrastructure)	BJS Records						5
	5. # of awards for development of interagency information sharing protocols on juveniles	OJJDP Records						4
	6. # of awards for research and technical assistance projects on privacy policies and the law	OJP/OAAG Rec.						2
End Outcome	8. # of states ready to access a global criminal justice information network (standards and sharing protocols in place)	OJP/OAAG Rec.						TBD
	9. # of locals and regions (within participating states) ready to access a global criminal justice information network.	OJP/OAAG Rec.						TBD
	10. # of federal criminal justice entities participating in global criminal justice information network	OJP/OAAG Rec.						TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD -- To Be Determined. The Global Initiative's end outcomes will not be realized in 2001, but, rather in program out-years.

B. Issues Affecting1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. The Global Criminal Justice Information Network Initiative, referred to as the Global Initiative, recognizes that an information sharing capability across the entire criminal justice community is essential for effective crime fighting. Access to this information in a timely, secure, and user friendly fashion will assist all local, regional, state, and national components of the criminal justice community to apprehend, charge, and convict criminals. The goal of the Global Initiative is to improve state and local criminal justice through development of a nationwide network of criminal justice information systems where state and local authorities with responsibilities for law enforcement, courts, prosecution, public defense, corrections, probation and parole will have immediate access to information necessary to respond to and resolve the consequences of criminal activity. In 2001, $18 million is requested for this initiative.

D. Validation and Verification. OGC validates and verifies its information through a series of conferences outreach visits to tribal and local jurisdictions, and by working closely with the National Criminal Justice Association.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT OR PROGRAM

DECISION UNIT/PROGRAM: *Global Justice Information Network, Justice Management Division*

Department of Justice Core Function: Investigation and prosecution of criminal offenses.
Strategic Goal: Coordinate and integrate DOJ law enforcement activities wherever possible and cooperate fully with other federal, state, and local agencies that are critically linked to improved operation of the Nation's justice system.

Department of Justice Core Function: Assistance to state and local governments.
Strategic Goal: Improve the crime-fighting and criminal/juvenile justice system capabilities of state and local governments.

Department of Justice Core Function: Management.
Strategic Goal: Make effective use of information technology (IT).

PERFORMANCE INDICATOR INFORMATION			Performance Report and Performance Plans					
			Performance Report			Performance Plans		
Type of Indicator	Performance Indicators*	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Plan	2000 Revised Plan**	2001 Plan
Input	1 Number of Systems Partnering with Global	Global	0	0	-0	0	0	TBD
	2 Number of Users Registered with Global.	Global	0	0	0	0	0	TBD
Output/ Activity	3 Level of user-generated activity on the Global network (eg. "user sessions")	Global	0	0	0	0	0	TBD
Intermediate Outcome	N/A							
End Outcome	N/A							
Productivity/ Efficiency	4 Customer Satisfaction	Survey	0	0	0	0	0	TBD

A. Data Validation and Verification:
The performance indicators were chosen based on the expected availability of data obtainable through the Global system. Providing performance measurement data for the Global initiative will be a challenge, because a number of users are not members of the Department. Performance measures directly linked with the strategic elements listed above, e.g., number of crimes solved using shared information, would be difficult to obtain from Department users and impossible to obtain with any reliability from the hundreds to thousands of possible organizations that will partner with the Department on this effort.
Information is collected either through the Global network directly or via customer surveys. The surveys will be distributed via email through the Global network to users.

B. FY 1999 Performance Report:
The Global initiative was funded only for the support of the Global Advisory Committee during FY 1999 and so did not have any performance measurement goals for that period.

C. Issues Affecting Selection of FY 2000 and 2001 Plans
The Global initiative was funded only for the support of the Global Advisory Committee during FY 1999 and so did not have any performance measurement goals. The Global initiative will not be operational until FY 2001 (Phase II Pilot involving a limited number of justice systems and users). Performance measures will start commensurate with the Phase II Pilot.

*Designates an indicator covering a requested FY 2001 program change.
** Includes only revisions based on enacted funding levels; and entries where data were not formerly available

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: Advanced Generation of Interoperability for Law Enforcement (AGILE)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) *Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.*
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To address the communications problems existing among state and local criminal justice and public safety agencies to assist jurisdictions in fulfilling their interoperability technology needs.

PERFORMANCE INDICATOR INFORMATION							
						Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$5M
	2. Number of grant applications	NIJ Records					20
	3. Number of grant awards	NIJ Records					5
Output/ Activity	4. Number of projects funded for development of new communications interoperability technologies	NIJ Records					5
	5. Number of live field tests	NIJ Records					4
	6. Number of regional conferences	NIJ Records					2
	7. Number of standards identified	NIJ Records					100
Intermediate Outcome	8. Assessment of future trends and interoperability needs	Survey Results					yes
	9. Development of best practices(result of test beds)	NIJ Records					yes
	11. % of relevant standards developed	NIJ Records					15%
End Outcome	12. Number of interoperability technologies developed	Program Report					4
	13. % of participating agencies adopting best practices and lessons learned	Program Report					20%
	10. % of standards adopted	Interviews					25%
	11. Number of off the shelf commercially available technologies used in the field	NIJ Records					50
	12. Number of states involved in shared systems and interoperability planning	NIJ Records					10

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A
B. Issues Affecting 1999 Program Performance. N/A.
C. Issues Affecting Selection of 2000 and 2001 Plans. The goal of the National Institute of Justice's (NIJ) Advanced Generation of Interoperability for Law Enforcement (AGILE) program is to address this lack of communication interoperability among state and local criminal justice and public safety communities. It should be noted that the AGILE program is the only federal interoperability program addressing both wireless communication and information sharing technology. This is important because the convergence of information technology and communications begs a singular activity to bridge the gaps in interoperability.
D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crimefighting Technology Initiative
PROGRAM/ORG UNIT: Public Safety Telecommunications Assistance Program.
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To improve public safety communications

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
				Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L					$70M
Output/ Activity	2. Number of planning grants awarded	*					56
	3. Technical Assistance and Training Requests	*					45
Intermediate Outcome	4. Number of Technical Assistance Recipients	*					45
	5. Number of jurisdictions trained	*					56
	6. Number of individuals trained	*					2,000
	7. Number of states with comprehensive plans	*					15
End Outcome	8. Number of Telecommunications systems plans implemented	*					15

A. Definitions of Terms or Explanations for Indicators and Data Source: * Public Safety Telecommunications assistance program performance report.

B. Issues Affecting 1998 Program Performance. N/A

C. Issues Affecting Selection of 1999 and 2000 Plans. N/A

D. Validation and Verification. OJP validates and verified performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: National Law Enforcement and Corrections Technology Centers
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and evaluation
MISSION: The National Law Enforcement and Corrections Technology Center (NLECTC) system offers technology information, support, research findings, and technological expertise to assist state and local law enforcement and corrections agencies to assist them in performing their jobs more safely and efficiently.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$10.2M	$10.277M	$10.277M	$10.277M	$10M
Output/ Activity	2. Number of Centers funded	NIJ Documentation	8	8	8	8	8
Intermediate Outcome	3. # Contacts involving provision of Science and Engineering Advice and Support to practitioners	Progress reports	10,000	14,000	14,000	15,000	17,000
	4. Number of outreach events	Progress reports	500	700	700	800	900
	5. Voluntary Law Enforcement Standards testing programs	Progress/Test result reports	5	9	5	6	6
	6. Number of technology information documents distributed	Progress reports	50,000	55,000	110,000	150,000	180,000
	7. Number of states using the 1033 (Surplus/Excess Property) Program	Progress reports	50	50	50	50	50
	8. Number of commercialization projects	Progress reports	20	20	6	9	12
	9. Number of technology centers providing crime mapping training	Progress reports	1	1	1	2	3
	10. Forensic Analysis Assistance Programs	Progress reports	2	2	2	2	2
	11. Number of Border Technology Fairs	Progress reports	2	2	2	2	3
	12. Outreach successes						
	a. Number of agencies participating in the Mock Prison Riot	Progress reports	30 states; 3 countries	38 states; 3 countries	35states; 6 countries	40 states; 4 countries	50 states; 4 countries
	b. Number of personnel participating in the Mock Prison Riot	Progress reports	over 80	over 100	over 1,100	over 900	over 900
	c. Number of technologies showcased at the Mock Prison Riot	Progress reports	61	70	60	90	120

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End Outcome	d. Commercialization Planning Workshops	Progress Reports	2	4	4	4	4
	e. Operation Albuquerque (explosive devices - detection and "render safe" training opportunities)	Progress Reports	1	1	1	1	1
	13. Voluntary Law Enforcement Standards testing successes						
	f. Body Armor	Testing reports	219 models tested	350 models to test	183 models tested	200 models to test	150 models to test
	g. Pistol Testing	Testing reports	-	20 models to test	23 models tested	5 models to test	5 models to test
	h. Handcuffs	Testing reports	-	2 models to test	2 models tested	2 models to test	2 models to test
	i. Patrol Vehicles	Testing reports	-	-	10 models tested	10 models to test	10 models to test
	j. Vehicle Tires*	Testing reports	-	-	3 models tested	-	3 models to test
	k. Vehicle Brake Pads*	Testing reports	-	-	-	3 models to test	-
	l. Protective Gloves**	Testing reports	-	-	-	5 models to test	2 models to test
	14. Savings to criminal justice agencies through the 1033 Program	Progress reports	$20M	$35M	$35M	$40M	$45M
	15. Number of practitioners trained through the Crime Mapping Program	Progress reports	40	91	91	150	180
	16. Number of cases analyzed through the Forensics Analysis Program	Progress reports	525	300	330	330	330
	17. Number of technologies showcased at the Border Technology Fairs	Progress reports	22	22	40	45	45

A. Definitions of Terms or Explanations for Indicators and Data Source: Transfers local agencies report are a consequence of training provided by NLECTC on how to access the DOD surplus property system (ref. #7, #14). * Vehicle tires and brake pads are tested every other year.

B. Factors Affecting 1999 Program Performance. ** In FY 99, certification of the testing laboratory was being completed.

C. Factors Affecting Selection of 2000 and 2001 Plans. The National Law Enforcement and Corrections Technology Center system was established in 1999 by the Office of Justice Program's National Institute of Justice to offer technology information, support, research findings, and technological expertise to help State and local law enforcement and corrections personnel perform their jobs more safely and efficiently. The NLECTC system includes a national center in Rockville, Maryland, four regional centers in Charleston, South Carolina; Denver, Colorado; Rome, NY; and El Segundo, California, and three specialty centers in the Border Research and Technology Center in San Diego, California; Office of Law Enforcement Standards in Gaithersburg, Maryland; and the Office of Law Enforcement Commercialization in Wheeling, West Virginia..

D. \ ...tion and Verification. NIJ validates and verifies performance measures by prog... ...eports submitted by grantees, onsite monitoring of grantee performance and telepho... ...ontact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: DNA Research and Development Program
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: This five year, $25 million dollar initiative will harness the tremendous growth in the field of DNA technology by directing research towards the development of highly discriminating, reliable, economic, portable, and rapid DNA methods for suspect identification or exclusion in violent crime investigations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.		$5M	$5M	$5M	$5M
	2. Number of grant applications	NIJ Files		10	23	40	50
	3. Number of grant awards	NIJ Files		10	12	15	20
	4. Number of national surveys and workshops	NIJ Files		1	1	1	1
Output/ Activity	5. Number of new methods relating to the biotechnology of DNA analysis developed	Progress Reports		5	10	5	5
	6. Percent increase in speed of analysis/locus	Progress Reports		100%	100%	150%	175%
	7. Percent decrease in instrumentation size (for miniaturization/portability)	Progress Reports		10%	50%	100%	50%
Intermediate Outcome	8. Number of working prototypes containing multiple STR* analyses	Progress Reports		4	4	20	22
	9. Number of validation studies for forensic DNA techniques.	Progress Reports		1	10	10	20
	10. Number of working prototypes containing new forensic DNA markers	Progress Reports		5	2	4	4
End Outcome	11. Number of prototypes with CODIS 13 STR markers	Program Review		2	3	10	12
	12. Number of Computer programs developed for STR analysis	Progress Reports		2	3	7	3
	13. Number of prototypes with new forensic DNA markers and at least some STRs	Progress Reports		5	2	12	6
	14. Number of prototypes demonstrating faster evidence analysis results	Program Review		9	8	29	15

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources: $5M in funding for the DNA Research and Development program was appropriated directly to NIJ in each FY 1999 and FY 2000 as a part of NIJ base funding for research, evaluation, and demonstration programs in the Justice Assistance Account. * STR - Short Tandem Repeat. The STR DNA markers are the current genetic marker of choice for forensic DNA testing.
B. Issues Affecting 1999 Program Performance. #5 & #'s 11-14 - There are only 5 technologies in the DNA technology development "queue" which will produce "new methods" amenable to performance measurement in FY 2000.
C. Issues Affecting Selection of 2000 and 2001 Plans. The National Institute of Justice (NIJ) received $5 million in each of 1999 and 2000 to implement a five year effort to miniaturize and make the performance of forensic DNA testing faster, easier, and less expensive. Continued funding of $5 million per year through 2003 will complete the development of technologies to meet Technical Working Group on DNA Analysis Methods and DNA Advisory Board requirements for casework and database testing, field testing of prototype technologies (including validation of test results), and development of training programs for the certified use of these technology tools. In 2001, funding for this initiative is requested under COPS.
D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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PERFORMANCE MEASUREMENT TABLE BY PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: Criminal Record Upgrade (National Crime History Improvement Program - NCHIP)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime-fighting and criminal/juvenile justice system capabilities of tribal, state and local governments
ANNUAL PERFORMANCE GOAL: (2.1.7) National Instant Criminal Background Check System
MISSION: To assist states in improving the automation, accuracy, and completeness of criminal records including records of protective orders involving domestic violence and stalking; developing complete and accurate in-state registries; and facilitating the interstate exchange of such records through national systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (millions)	P.L.	$45M	$45M	$45M	$35 M	$70 M
Output/ Activity	2. Intergovernmental coordination conferences to provide training and Federal/state interface	BJS Records	2	2	2	2	2
	3. National status reviews completed and results published	BJS Records	2	2	2	2	2
	4. Technical assistance provided:						
	- seminars/workshops	BJS Records	11	3	8	8	8
	- on-site visits	BJS Records	17	12	10	10	10
	5. Awards made to assist states/territories	BJS Records	51	50	55	50	50
	6. Monitoring visits and meetings	OC Records	28	40	28	30	30

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End Outcome	7. Number of states in Interstate Identification Index (III)	FBI Records	38	44	39	43	45
	8. Number of states participating in the FBI's Integrated Automated Fingerprint Identification System (IAFIS)	FBI Records	94%	N/A	17	20	24
	9. Percentage of recent state records which are automated	BJS Report	87%	90%	86%	*88%	90%
	10. Number of States that have conducted recent audits	BJS Report	34	36	28	30	32
	11. Number of States with automated interface between sex offender registry and other state systems/agencies	BJS Report	27	33	25	28	30
	12. Number of States whose sex offender registries have the capability to electronically store and transmit fingerprints	BJS Report	13	20	22	24	26
	13. Number of States providing data to the FBI's National Sex Offender Registry (NSOR)	BJS Report	28	35	36	38	40
	14. Number of states where sex offender registry can electronically store and transmit mugshots for all registrants	BJS Report	5	15	6	10	12
	15. Number of states participating in FBI protection order file	FBI Records	19	29	26	30	34

A. Definitions of Terms or Explanations for Indicators:

Output/Activity
Indicators 3& 4: Conferences and reviews relating to development of the national criminal history record system (including protective orders relating to domestic and stalking), Brady procedures/impact, and sexual offender registries.

End Outcome
Indicator 7: The Interstate Identification Index (III) allows states access to other states' criminal history record system.
Indicator 8: Measurement has been revised to count the number of states participating in the FBI's IAFIS. In 1999, indicator 10 reflects the percentage of states using automated fingerprint technology at the state level.
Indicator 10: For FYs 99, 00 and 01, measurement has been revised to count only states which conducted an audit. In 1998, indicator 10 reflects states which had established an audit program.

B. Factors Affecting 1999 Program Performance: Specifically, the end outcomes are affected by delays in the expenditure of funds by the grantee; changes in state personnel involved in project operation; slow progress of state activities identified in grant application; and state agencies waiting for pending State legislature decisions before completing projects. Monitoring and technical assistance are enhanced in cases where these factors are identified in an effort to assist the state in accomplishing project goals.

C. Factors Affecting Selection of 2000 and 2001 Plans: * There is a 10 million dollar decrease in the 2000 appropriations compared to the 1999 appropriations, which will affect some of the outcome performance indicators such as indicator # 9. It is important to note that the end outcomes are significantly affected by the following factors: (1) amount of Federal funds appropriated; (2) amount of state funds appropriated for these activities; (3) status of available technology; (4) FBI program development; and (5) legislative changes.

D. Verification and Validation: BJS collects its measurement data from a variety of sources, all deemed reliable, as follows: Indicator #1-Public Law; #2-4, 6-BJS project reports and grantee progress reports; #5 - OC reports; #7,8,15 - FBI reports; #9-14 - BJS published survey findings.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: Crime Laboratory Improvement Program (CLIP)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To improve the capabilities and capacities of state and local crime laboratories by developing a national network for accessing specialized forensic services (e.g., methods, equipment, and other resources) available to the forensic science community for cross-jurisdictional cooperation and collaboration in criminal investigations.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.				$15M	$35M
	2. Number of solicitations	NIJ Files				0	1
	3. Number of grant applications	NIJ Files				30	130
	4. Number of grant awards	NIJ Files				15a/	50/b
	5. Number of national surveys and workshops	NIJ Files				2	1
Output/ Activity	6. Number of labs adding new capabilities	Progress Reports				15	15
	7. Percent increase in laboratory capacity	Progress Reports				15%	15%
	8. Percent reduction in time required for evidence analysis	Progress Reports				10%	5%
Intermediate Outcome	9. Number of labs initiating training, research, and technical assistance; progress reporting	Progress Reports				15	15
End Outcome	10. Number of labs demonstrating improved laboratory capabilities and capacities; improved cooperation among agencies	Program Review				15	50
	11. Federal, State, and local steering groups created for development of national protocols	NIJ Files				1	1
	12. Number of labs demonstrating faster evidence analysis results; improved access to external capabilities; increased laboratory capacities	Program Review				15	50

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

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C. Issues Affecting Selection of 2000 and 2001 Plans.
a/ - In 2000, the 15 number of grant awards does not only include new labs, but program activities to enhance the capacity of existing forensic labs.

b/ - In 2001, the 50 number of grant awards includes award supplements to applications approved which received awards in previous fiscal year, such that no new program activity would be initiated in the reporting year.

In 2000, the National Institute of Justice (NIJ) received $15 million for CLIP. Of the approximately $4.5 million in unearmarked funds, $3 million will fund existing DNA laboratory improvement at the State and local levels. The remaining $1 million will be used to develop: (1) three pilot programs focusing on non-DNA forensic sciences, and (2) priorities and directions for the anticipated continued funding of CLIP through a national survey and a National Forensic Science Symposium.

In 2001, this initiative, which will be administered by NIJ, will improve the ability of the nation's crime laboratories to more effectively support investigations by bringing the best available science to bear in the investigation of serious crimes. Of this amount, $5M will be dedicated to enhance the provision of forensic services within the Indian tribal communities.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: DNA Backlog Elimination Initiative
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To reduce and ultimately eliminate the convicted offender DNA sample backlog awaiting analysis and entry into the Combined DNA Index System (CODIS) national database.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.				$15M	$15M
	2. Number of solicitations	NIJ Files				2	2
	3. Number of grant applications	NIJ Files				50	50
	4. Number of grant awards	NIJ Files				50	50
Output/ Activity	5. Number of labs adopting advanced technologies for PCR based DNA sample analysis	Progress Reports				80	100
	6. Number of labs outsourcing DNA sample analysis	Progress Reports				50	50
	7. Percent decrease in time required for DNA sample processing (PCR-STRs)*	Progress Reports				400/a	40/a
Intermediate Outcome	8. Number of labs reporting backlog status; technical assistance and facilitated technology procurement initiated; progress reporting	Progress Reports				80	100
End Outcome	9. Number of labs demonstrating improved laboratory capabilities and capacities; improved cooperation among agencies	Program Review				80	100
	10. Number of national protocols developed for database sample analysis	NIJ Files				1	1
	11. Number of labs demonstrating improved access to external capabilities; increased laboratory capacities	Program Review				80	100
	12. Number of samples analyzed with 13 STR DNA markers entered into CODIS**	Progress Reports /Program Review				250,000/b	250,000/b
	13. Number of hits from crime scene evidence matched to database samples**	Progress Reports /Program Review				200	200

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A. Definitions of Terms or Explanations for Indicators and Other Data Sources: *STR - Short Tandem Repeat. The STR DNA markers are the current genetic marker of choice for forensic DNA testing. *PCR - Polymerase Chain Reaction is the process of DNA amplification (copying).
#12 & #13 - **New indicator beginning in 2000.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. In 2001, this initiative, which will be administered by the National Institute of Justice (NIJ), will assist state and local DNA labs in eliminating their backlog of statutorily mandated convicted offender DNA samples while keeping pace with current DNA casework needs. This funding will support a two year initiative to complete the forensic analysis of all samples identified as urgent priority samples (i.e., samples for homicide and rape/sexual assault cases) in the current backlog of convicted offender DNA samples.

a/ - As labs, through outsourcing (to private labs) of priority samples or analytic capacity enhancement (high through-put sample analysis equipment for labs ready to incorporate the new technology), eliminate existing backlogs, it frees up time to analyze other samples quickly and immediately. The same lab resources are used to address the backlogs as are used to process new samples. The majority of programmatic impact on lab productivity is expected to occur in year one, with further advances in lab productivity leveling off in the out years.

b/ - This funding will support a two year initiative to complete the forensic analysis of all samples identified as urgent priority samples (i.e., samples for homicide and rape/sexual assault cases) in the current backlog of convicted offender DNA samples. There are currently 650,000 samples waiting to be analyzed and this number is estimated to reach 1 million by the year 2000.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: Community Mapping, Planning, and Analysis for Safety Strategies (COMPASS)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To demonstrate and evaluate innovative research-based approaches to crime prevention by working with the 10 Neighborhood Crime Mapping sites to identify pressing crime problems, test proposed solutions, and replicate interventions shown to be successful.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Final Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L					$10M
Output/ Activity	2. Funding opportunities for communities	NIJ files					9
	3. Proposals received	NIJ contractor					9
Intermediate Outcome	4. Number of communities receiving funds for data infrastructure, mapping capacity, and research demonstrations; and number of communities receiving TA on CVS	OJP files/BJS contractor					9
End Outcome	5. Number of communities with ability to analyze crime data and make strategic policy decisions	NIJ files					9
	6. New analytic model to predict and prevent crime	NIJ files					1
	7. Number of treatment and prevention demonstration projects evaluated	NIJ files					0
	8. Number of communities participating in annual conference on analytic methods and mapping	NIJ contractor					9
	9. Publications including information on Internet	NCJRS					2

A. Definitions of Terms or Explanation of Indicators and Data Sources: N/A

B. Factors Affecting 1999 Program Performance. N/A

C. Factors Affecting Selection of 2000 and 2001 Targets. The Department of Justice requests $10 million to build local crime data collection and analysis capacity in urban, suburban, and rural communities, to improve models for predicting crime in neighborhoods with the use of advanced crime mapping techniques, and to test the effectiveness of selected community crime prevention interventions. This initiative, which will be administered by the National Institute of Justice, will develop a whole new way of understanding crime in its local context, and will arm practitioners with the tools they need to help them adapt to changing crime patterns.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY INITIATIVE AND PROGRAM

INITIATIVE: Crime Fighting Technologies
PROGRAM/ORG UNIT: Regional Computer Forensics Laboratories
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Governments
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.1) Research and Evaluation
MISSION: To address the communications problems existing among state and local criminal justice and public safety agencies to assist jurisdictions in fulfilling their interoperability technology needs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions) 2. Number of proposals received	P.L. NIJ files					$6M 50
Output/ Activity	3. Number of awards 4. Number of workshops 5. Conference presentations	NIJ files NIJ files NIJ Calendar					10 1 5
Intermediate Outcome	6. Number of existing forensic labs adding computer forensic capabilities 7. Number of regional computer forensic labs established (cumulative)	Progress Reports Progress Reports					10 5
End Outcome	8. Number of labs achieving TWG standards (cumulative)	NIJ Files					5

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. In 2001, this initiative, which will be administered by the National Institute of Justice (NIJ) will pursue three initiatives to support the implementation of up to 10 regional computer forensic laboratories as follows: (1) encourage and support, where practical, the creation of regional computer forensic laboratories through partnerships among various Federal, national, state and local capabilities; (2) support the enhancement of capabilities of existing computer forensic labs through a program similar to NIJ's DNA Laboratory Improvement Program or the more recent Crime Laboratory Improvement Program (CLIP); and (3) expand the limited computer/electronic crime forensic support capabilities that are resident in NIJ's existing National Law Enforcement and Corrections Technology Center (NLECTC) system.

D. Validation and Verification. NIJ validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

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COMMUNITY ORIENTED POLICING SERVICES
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Public Safety/ Community Policing Grants		Crime Technology		Community Based Prosecutors		Community Crime Prevention		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-15									7	618	7	618
GS-14									17	1,279	17	1,279
GS-13									16	1,016	16	1,016
GS-12									27	1,556	27	1,556
GS-11									30	1,448	30	1,448
GS-9									20	801	20	801
GS-8												
GS-7									10	330	10	330
GS-6												
GS-5									4	108	4	108
GS-4												
Total, Positions & Annual Rate	0	0	0	0	0	0	0	0	131	7,156	131	7,156
Lapse (-)	0	0	0	0	0	0	0	0	-66	-3,578	-66	-3,578
Other than full-time permanent												
Other Personnel Compensation										189	0	189
Total, Workyears & Personnel Compensation	0	0	0	0	0	0	0	0	66	3,767	66	3,767
Personnel Benefits										2,182		2,182
Travel & Transportation of Persons										1,239		1,239
Transportation of Things										123		123
SLUC												0
Other Rents/Utilities										1,143		1,143
Printing										176		176
Other Services										2,257		2,257
Supplies & Materials										330		330
Furniture/Equipment										204		204
Grants, Subsidies, & Contributions		225,393		217,517		188,172		97,497				728,579
Total, Program workyears & obligations changes requested, 2001	0	225,393	0	217,517	0	188,172	0	97,497	66	11,421	66	740,000

NOTE:
All additional positions are represented in M&A as well as all costs derived from program funds associated with these positions.

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COMMUNITY ORIENTED POLICING SERVICES
2001 Priority Rankings

BASE PROGRAM

Program	Ranking
Public Safety and Community Policing Grants	1
Management and Administration	2
Community Based Prosecutors	3
Crime Technology	4
Community Crime Prevention	5

PROGRAM INCREASES

Program	Ranking
Public Safety and Community Policing Grants	1
Management and Administration	2
Community Based Prosecutors	3
Community Crime Prevention	4
Crime Technology	5

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COMMUNITY ORIENTED POLICING SERVICES
Detail of Permanent Positions by Category
Fiscal Years 1999 - 2001

Category	1999		2000		2001			
			Total			Program	Total	
	Authorized	Reimbursable	Authorized	Reimbursable	Transfers	Increases	Authorized	Reimbursable
Attorneys (905)	4	0	10	0	0	0	10	0
Paralegal Specialists (950)	1	0	0	0	0	0	0	0
Social Sciences, Economics & Kindred (100-199)	14	0	14	0	0	13	27	0
Gen. Admin. Clerical & Other Svs. (300-399)	212	0	176	0	0	118	294	0
Accounting & Budget (500-599)	32	0	32	0	0	0	32	0
Information & Arts Group (1000-1099)	3	0	3	0	0	0	3	0
Total	266	0	235	0	0	131	366	0
Washington	266	0	235	0	0	131	366	0
Total	266	0	235	0	0	131	366	0

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Attorney and Support Positions by Category
Fiscal Years 2000 - 2001

APPROPRIATED POSITIONS

Decision Unit	2000 Appropriation Enacted						2001 Increases						2001 Request Level					
	Attorneys		Support		Total		Attorneys		Support		Total		Attorneys		Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Public Safety and Community Policing Grants	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crime Technology	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Based Prosecutors	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Crime Prevention	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	10	10	225	225	235	235	0	0	131	66	131	66	10	10	356	291	366	301
Total	10	10	225	225	235	235	0	0	131	66	131	66	10	10	356	291	366	301

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Change
(Dollars in thousands)

	Pos.	WY	Amount
2000 Appropriation Enacted	235	235	595,000
Transfer from	0	0	0
2000 Availability	235	235	595,000
Adjustments to Base:			
Transfers to and from other accounts:			
Increases	0	0	0
Decreases	0	0	0
Total, transfers	0	0	0
Increases:			
Federal Health Insurance Premiums	0	0	75
Annualization of 2000 pay raise	0	0	267
2001 pay increase	0	0	715
Travel Management Centers Contract Fees	0	0	21
Off-set adjustment-to-base decreases (GSA Rent Decreases)	0	0	-185
Total, mandatory increases	0	0	893
Decreases:			
GSA Rent Decreases	0	0	185
Off-set total adjustment-to-base increases	0	0	-1,078
Total, mandatory decreases	0	0	-893
2001 Base	235	235	595,000
Program Changes	131	66	740,000
2001 Estimate	366	301	1,335,000

COMMUNITY ORIENTED POLICING SERVICES
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	WY	Amount
Transfers to and from accounts	0	0	0
Increases:			
1. Federal Health Insurance Premiums	0	0	75
2. Annualization of 2000 pay raise	0	0	267
3. 2001 pay increase	0	0	715
4. Travel Management Centers Contract Fees	0	0	21
5. GSA Rent -- to off-set adjustment-to-base decreases	0	0	-185
Total increases	0	0	893
Decreases: All decreases are to off-set 'non-add' adjustment-to-base increases			
1. Federal Health Insurance Premiums	0	0	-75
2. Annualization of 2000 pay raise	0	0	-267
3. 2001 pay increase	0	0	-715
4. Travel Management Centers Contract Fees	0	0	-21
5. GSA Rent Decreases	0	0	185
Total decreases	0	0	-893
Total adjustments to base	0	0	0

DEPARTMENT OF JUSTICE
COMMUNITY ORIENTED POLICING SERVICES
CONGRESSIONAL JUSTIFICATION
FOR FISCAL YEAR 2001

NARRATIVE FOR ADJUSTMENT-TO-BASE ITEMS

Increases	**Amount**
2001 pay raise. This request provides for the proposed 3.7 percent pay raise to be effective in January of 2001 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 2001 Budget Submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, $715,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits ($535,000 for pay and $180,000 for benefits totaling $715,000).	715
Annualization of 2000 pay raise. This pay annualization represents first quarter amounts (October through December) of the anticipated 2000 pay increase of 4.8 percent effective January 2000, and, for three-quarters of a year, the difference between the 4.4 percent estimated in the 2000 President's budget and the approved increase of 4.8 percent. The amount requested $267,000, represents the pay amounts and appropriate benefits for these items ($200,000 for compensation and $67,000 for benefits).	267
Travel Management Center Fees. In the past, travel management services were provided at no cost, and the Department received rebates based upon ticket sales. However, current practices in the travel industry have ended this process. The new contracts will not provide rebates and will carry fees for each ticket, hotel, car, and other reservation made. The Department's cost for travel management center fees is estimated at $2,500,000.00. Funding of $21,000 is requested for the Office of Community Oriented Policing Services.	21

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NARRATIVE FOR ADJUSTMENT-TO-BASE ITEMS
(Continued)

Increases	Amount
Increased Federal Health Insurance Costs. This request provides for the increase in agency contributions to Federal employees health benefits. In 1999, Federal health insurance premiums, including agency contributions, increased approximately 10.2 percent. Because the Government absorbed a larger proportion of the total costs, up to 75 percent, the total cost to the Government has increased substantially. This increase is based on the "increased" Government cost of Health Insurance. This request includes $75,000 for these costs.	75
Total Increases	**1,078**
Decreases	
General Services Administration rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested decrease of $185,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates reflecting a 5 percent decrease over 2000 levels.	185
Total Decreases	**-185**
Total	**$893**

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount
ES-6, $130,200	1		1		1		0	
ES-5, $130,200	0		0		0		0	
ES-4, $130,200	1		1		1		0	
ES-3, $126,825	3		3		3		0	
ES-2, $121,264	0		0		0		0	
ES-1, $115,811	0		0		0		0	
GS-15, $84,638-110,028	12		10		17		7	
GS-14, $71,954-93,537	19		23		40		17	
GS-13, $60,890-79,155	8		19		35		16	
GS-12, $51,204-66,564	62		45		72		27	
GS-11, $42,724-55,541	83		57		87		30	
GS-10, $38,885-50,554	0		0		0		0	
GS-9, $35,310-45,900	42		44		64		20	
GS-8, $31,968-41,557	9		11		11		0	
GS-7, $28,866-37,522	16		14		24		10	
GS-6, $25,976-33,768	4		5		5		0	
GS-5, $23,304-30,292	6		1		5		4	
GS-4, $20,829-27,080	0		1		1		0	
GS-3, $18,555-24,120	0		0		0		0	
Total, appropriated positions	266	12,114	235	11,522	366	18,679	131	7,157
Average ES Salary		122,848		128,175		128,175		
Average GS Salary		44,059		47,309		50,050		
Average GS Grade		10.82		10.90		11.03		

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COMMUNITY ORIENTED POLICING SERVICES
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Classes	1999 Actual		2000 Estimate		2001 Request		Increase/Decrease	
	WY	Amount	WY	Amount	WY	Amount	WY	Amount
11.1 Total workyears & personnel compensation	229	10,414	235	11,522	301	18,679	66	7,157
11.3 Other than full-time permanent								
11.5 Other personnel compensation								
Awards	0	258	0	281	0	379	0	98
Overtime	4	206	6	245	6	336	0	91
Total	233	10,878	241	12,048	307	19,393	66	7,346
Other Object Classes:								
12.0 Personnel benefits		2,654		2,825		3,780		955
13.0 Benefits for former employees		26		26		30		4
21.0 Travel and transportation of persons		879		816		1,049		233
22.0 Transportation of Things		540		465		565		100
23.1 GSA rent		2,967		2,740		3,151		411
23.2 Rental Payments to Others		59		52		60		8
23.3 Comm., util., & other misc. charges		1,009		1,044		1,344		300
24.0 Printing and reproduction		474		330		424		93
25.1 Advisory and assistance services		284		0		0		0
25.2 Other services		9,864		5,183		6,029		846
25.3 Purchases of goods & svs. from govt. accts		8,272		4,197		4,827		630
25.4 Operation of GOCO's		100		191		220		29
25.6 Medical Care		10		10		12		2
25.7 Operation & maintenance of equipment		23		27		31		4
26.0 Supplies and materials		180		237		298		61
31.0 Equipment		197		131		162		31
41.0 Grants, subsidies, and contributions		1,380,353		883,049		1,293,628		410,579
Total obligations		1,418,769		913,371		1,335,000		421,630
Unobligated balance, start of year		-165,193		-318,371		0		
Recovery of prior year balances		-141,946						
Unobligated balance, end of year		318,371		0		0		
Total requirements		1,430,000		595,000		1,335,000		
Relation of Obligation to Outlays:								
Total obligations		1,418,769		913,371		1,335,000		
Obligated balance, start of year		3,241,902		3,357,175		3,441,546		
Recovery of prior year balances		-141,946						
Obligated balance, end of year		-3,357,175		-3,441,546		-3,028,546		
Outlays		1,161,550		829,000		1,748,000		

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Office of Justice Programs
Juvenile Justice Programs
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAM
Juvenile Justice Programs
2001 Summary Statement and Performance Plan

Summary Statement

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is requesting a total of $289 million for 2001, which represents an overall increase of $1.903 million above the program's 2000 base funding level of $287.097 million. The 2001 budget includes a $4.403 million increase in the Part C discretionary program to support an outcome evaluation of the Comprehensive Strategy for Serious, Violent, and Juvenile Offenders, a $1.5 million decrease for the Part G Mentoring program and $1million decrease for the Drug Prevention Program. The 2001 budget proposes that of the $95 million available for Title V - Incentive Grants to Local Delinquency Prevention Programs (At-Risk Children's Program) $20 million will be for prevention programs for Indian Tribes; $10 million for the drug demonstration program; $10 million to reduce juvenile gun violence; $15 million for the Safe Schools Initiative; and $40 million for incentive grants. OJJDP's total request for 2001 will support the goals and priorities of the Administration, the Department of Justice, and the Office of Justice Programs.

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

OJJDP's mission is to provide national leadership, coordination, and resources to develop, implement, and support effective methods to prevent juvenile victimization and respond appropriately to juvenile delinquency. This is accomplished through prevention programs and a juvenile justice system that protects public safety, holds juvenile offenders accountable, and provides treatment and rehabilitative services based on the needs of each individual juvenile. OJJDP's mission also includes the implementation of a comprehensive strategy that addresses youth violence and focuses resources on programs that result in the improvement of the operation of the juvenile justice system, development of a system of graduated sanctions for serious, violent, and chronic offenders, identification and intervention with first time offenders and prevention of delinquency. The Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders (the Strategy) stresses the importance of using resources to maximize public safety, ensure accountability, and provide treatment and rehabilitation services for juvenile offenders as appropriate. Such a comprehensive strategy ensures safer communities by assisting state and local units of government, public and private agencies, organizations and institutions in the prevention, reduction, and treatment of juvenile violence and delinquency through demonstration and replication programs and improvement of the administration of juvenile justice through financial and technical support. The Strategy also addresses juvenile victimization that leads to violent delinquency through improvement of the investigation and prosecution of child abuse and child

exploitation, the development and implementation of multi-disciplinary child abuse investigation and prosecution programs, and through the establishment of regional and local children's advocacy centers. OJJDP's mission directly supports the DOJ's Strategic Plan core function of providing **Assistance to Tribal, State and Local Governments.**

Highlights of 1999 Mission Critical Results

The factors that contribute to the problems of juvenile delinquency and violence are all too familiar: children and adolescents with too much idle time, too little positive adult supervision, and too few healthy role models; guns and drugs too readily available in too many of our communities; more than a million cases of child abuse and neglect every year; parents without adequate parenting skills; and children with unmet special education and mental health needs. It is these factors along with their outcomes that we must attack in our fight against juvenile crime.

In 1999, OJJDP participated in an unprecedented joint federal effort involving other offices within the Department of Justice, such as the COPS Office, and the U.S. Departments of Education and Health and Human Services. This joint effort, known as the **Safe Schools/Healthy Students Initiative**, is aimed at helping communities design and implement comprehensive educational, mental health, social service, law enforcement and juvenile justice services for youth. The program provides for a coordinated effort focused on school and community safety and involves urban, rural, suburban, and tribal school districts who receive support to help link community-based services and prevention activities into one community wide approach to violence prevention and healthy child development. The Safe Schools/Healthy Students approach includes promoting children's skills to show self-control and rebuff the use of violence and aggression. A total of 447 applications were received and grants of $1 million to $3 million were awarded in September 1999 to 54 local education authorities who have formal partnerships with local mental health and law enforcement agencies. These partnerships are implementing comprehensive plans to promote healthy development, foster resilience in the face of adversity, and prevent violence. The plans consist of 6 main areas: (1) school safety; (2) alcohol and other drugs and violence prevention and early intervention programs; (3) school and community mental health prevention and treatment services; (4) early childhood psychosocial and emotional development programs; (5) educational reform; and (6) safe school policies. In 2000, $15 million is available for OJJDP to continue its Safe Schools/Healthy Students Initiative. In 2001, a total of $35 million is requested to expand the program.

OJJDP's Research Division is collaborating with the Departments of Education and Health and Human Services to conduct a national evaluation of this program. A RFP was issued in June 1999 and 24 applications were received. A $3 million cooperative agreement was awarded to the Research Triangle Institute in September 1999 to conduct the national evaluation. The national evaluation will carefully document both the process and the outcome of the initiative. It will encompass the formation of the community

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collaboratives, the impact of these collaborations on school safety and health student development, economic analyses, surveillance of core indicators, and intensive outcome analyses. It will describe the activities conducted in the 54 sites. The evaluation will also explore each of the six individual components of the collaboration mentioned above.

The National Mental Health Association, through a $3 million cooperative agreement funded by the Departments of Education, Health and Human Services, and OJJDP, has established the Safe Schools/Healthy Students Action Center to provide training and technical assistance to the 54 sites receiving awards in 1999. The overall goal of the Action Center is to enhance the ability of the grantees to fully attain their goals through school and community collaboration and adoption of evidence-based practices.

OJJDP's Juvenile Mentoring Program (JUMP) is designed to support one-to-one mentoring programs for youth at risk of educational failure, dropping out of school, or involvement in delinquent activities, including gangs and drug abuse. At the end of 1998, OJJDP completed a Report to Congress on JUMP. This report included preliminary results from an evaluation of the JUMP program, which will continue through the year 2001. Although the formal evaluation of JUMP has not been completed, it appears from the report, that JUMP programs are making a difference in the lives of young people. The preliminary results indicate that JUMP programs show promise as preventive measures to reduce delinquency and give participating youth a better chance at success. In addition, a workbook is being designed, which will assist mentoring programs in using evaluation techniques for program development and assessment. This workbook will be available by the Spring of 2000. In an effort to strengthen the quality of the JUMP funded mentoring programs, OJJDP has also funded a National Mentoring Center. This center provides training and technical assistance to mentoring programs through a variety of service, resouces and conferences. OJJDP also supports mentoring through the SafeFutures initiative, which assists communities in combating delinquency by developing a full range of coordinated services and formula grant funding to individual states.

The Truancy Reduction Demonstration Program is jointly funded with OJJDP, the Department of Education (DOE) and the Executive Office of Weed and Seed. The goals of this program are to develop and implement or expand and strengthen comprehensive truancy programs that pool education, justice system, law enforcement, social services and community resources; identify truant youth; cooperatively design and implement comprehensive, system-wide programs to meet the needs of truants; and design and maintain systems for tracking truant youth. In 1999, OJJDP awarded eight sites for this program, 3 non-Weed and Seed sites that received up to $100,000 each, and 5 Weed and Seed sites that received up to $50,000 each. All sites are currently involved in a 6-month planning phase. It is anticipated that during 2000, the program will focus on the development of implementation and evaluation plans

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that link youth and adolescents who are truant with community-based services and programs; as well as a full implementation of the community's comprehensive system-wide plan to prevent and intervene with the problem of truancy. A process evaluation is being conducted that will identify factors that contribute to or impede the successful implementation of a truancy program.

The Program of Research on the Causes and Correlates of Delinquency includes 3 coordinated longitudinal research projects that have been supported by OJJDP since 1986. The Causes and Correlates studies are designed to improve the understanding of serious delinquency, violence, and drug use through the examination of how individual youth develop within the context of family, school, peers, and community. Results from the study have been used extensively in the field of juvenile justice and contributed significantly to the development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders and other program initiatives. Over the years, findings from the Causes and Correlates research have been presented in a number of OJJDP bulletins and fact sheets. In an effort to make these important findings increasingly accessible to the public, a Causes and Correlates of Delinquency website was recently added to the OJJDP website. The website includes descriptions of the individual projects and a bibliography of all the publications resulting from these projects.

In March 1998, OJJDP announced the findings and recommendations of its Study Group on Serious and Violent Juvenile Offenders, in the publication, "Serious and Violent Juvenile Offenders: Risk Factors and Successful Intervention." Over a period of 2 years, the study group of 22 researchers worked collaboratively under the direction of Drs. Rolf Loeber and David P. Farrington, to analyze the current research on risk and protective factors and the development of serious violent juvenile offending careers, integrating it with information on the effectiveness of prevention and intervention programs. The findings of this distinguished panel of researchers are quite hopeful and compelling. They concluded that it is never too early to begin efforts to prevent serious and violent juvenile (SVJ) offending, and it is never too late to intervene with known serious and violent juvenile offenders. Expanding upon OJJDP's formative work on the "Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders," the study group has carefully documented what is known about SVJ offenders, what programs have been tried, how these programs have performed, what lessons can be drawn from them, and what research and evaluation efforts are needed to advance knowledge about preventing and controlling SVJ offending. One of the primary goals of the study group was to provide further guidance to jurisdictions across the country that are implementing OJJDP's Comprehensive Strategy. The Strategy, originally developed from research on general delinquency, emphasizes strengthening the family and core socializing institutions, implementing prevention programs targeting key risk factors, identifying potential offenders at a young age, and employing graduated sanctions based on assessment of risk and needs. The study group used this framework to guide its effort.

Modeled after the OJJDP Study Group on Serious and Violent Juvenile Offenders, the Study Group on Very Young Offenders (VYO) is exploring what is known about the prevalence and frequency of very young (under the age of 13) offending. In 1999, OJJDP supplemented a grant to the University of Pittsburgh, the grantee for the Study Group on Serious and Violent Juvenile Offenders. The

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VYO Study Group is examining whether such offending predicts future delinquent or criminal careers; how these youth are handled by various systems, including juvenile justice, mental health and social services; and what methods are best for preventing very young offending and persistence of offending.

In addition to conducting additional data analyses and literature reviews, the VYO Study Group has presented its preliminary findings to meetings of other researchers, judges, prosecutors and legislators to explore the needs of the practitioner communities in developing the final report. An in depth summary of the book will be developed for a lay audience. This project will disseminate the results of the research to the public, policy makers and practitioners through a variety of other summary reports on special topics aimed at key practitioner audiences. In 2000, OJJDP will convene a number of national workshops and in-depth public policy forums to further explore the implications of the research for policy makers and practitioners at the federal, state and local level.

In September 1999, OJJDP released the *Juvenile Offenders and Victims: 1999 National Report.* This publication is the most comprehensive source of information about juvenile crime, violence and victimization and the response of the juvenile justice system to these problems. The authors of the 232-page report of the National Center for Juvenile Justice have compiled the latest available statistics from a variety of sources; created easy-to read tables, graphs and detailed maps; and presented their analysis of the statistics in a clear, nontechnical language. They have presented baseline information on juvenile population growth trends, patterns of juvenile victimization, including homicide, suicide and maltreatment; the nature and extent of juvenile offending including data on antisocial behavior and arrest rates; and the structure, procedures and activities of the juvenile justice system, including law enforcement agencies, courts and corrections.

The *1999 National Report* includes the most recent updates of information originally presented in *Juvenile Offenders and Victims: A National Report* (the benchmark publication issued in 1995) and also includes findings from important new sources, including the Bureau of Labor Statistics' 1997 National Longitudinal Survey of Youth, and the Office of Juvenile Justice and Delinquency Prevention's new national Census of Juveniles in Residential Placement. To make the findings available to the broadest range of users, OJJDP published the full report and disseminated 50,000 copies. In addition, an electronic version of the report was published on the OJJDP Internet web site. Within the OJJDP's Statistical Briefing Book web site, a "National Report Notebook" was created to facilitate quick access to important findings in the new report. More than a dozen key topics were highlighted with summary text explaining the results and linking the user with graphs and tables and supporting data. The notebook also offered suggestions for further contacts, as well as quotes from agency officials and the authors. More than 200,000 "hits" on this site were recorded since the release of the report.

In addition, a state-of-the-art CD-ROM version of the report was developed for dissemination. The CD-ROM version enables users to: view and search the 232-page report in portable document format; download statistical information from full-page, presentation-

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ready graphs (also available in Microsoft Powerpoint) for easy use in lectures, community presentations and workshops with practitioners; analyze data found in the graphs (also available in Microsoft Excel); access the complete version of more than 40 source documents used in the development of the report; and link to key government Web sites to obtain more information. A total of 28,000 copies of the CD-ROM are being printed for dissemination. Finally, in an effort to draw attention to key issues addressed in the *National Report,* OJJDP began developing *The National Report Bulletin Series,* a collection of 8-12 page compilations of relevant pages found in different chapters of the *Report* on six topics, including: "Violence After School," "Juvenile Justice: A Century of Change," "Minorities in the Juvenile Justice System," "Challenging the Myths," "Kids and Guns," and "Juvenile Victims." Thousands of copies of each are to be targeted to specific audiences in 1999 and 2000.

The movement toward performance-based standards gained momentum with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) 1994 release of the Congressionally-mandated Conditions of Confinement for Juveniles Offenders (CoC) Study. Responding to the study's recommendations, OJJDP launched the Performance-based Standards (PbS) project. Since 1995, the Council of Juvenile Correctional Administrators (CJCA) has worked with experts and practitioners in the field to develop a set of performance goals, the standards to measure progress toward meeting the goals, and data collection protocols that can be used to assess performance in six critical areas of facility operations: safety, order, security, programming (including education and treatment), health/mental health and justice. To date, the PbS project has:

- field tested and revised the standards and data collection instruments and diagnostic tools;
- refined a Web-based system for participating sites to report performance data via the Internet; gotten back individual site reports with comparative data; and, conducted interactive diagnostic assessment of the data;
- supported the implementation of the PbS program in 32 facilities across the country, in which sites also receive technical assistance in collecting data, developing and implementing Facility Improvement Plans in response to the site's analysis of baseline and subsequent performance measures. OJJDP has also provided demonstration funds to support facility improvements.

Recent survey results from the formative evaluation being conducted by the National Academy of Public Administration indicate initial positive findings—both in terms of the adoption of the PbS model and improved outcomes within the facility. Although nearly one-third of respondents reported experiencing significant difficulties with initial implementation, there is a strong consensus among participating facilities that performance-based standards will *ultimately be accepted* and used in juvenile correction and detention facilities. This finding is a positive indicator that the goals of the project are widely shared by facility administrators and staff, and that the use of performance-based measures and standards represent a value-added contribution to facility procedures and operations. Reported initial effects on conditions of confinement from sites' implementing Facility Improvement Plans included a reduction in disciplinary segregation, better medical and substance abuse screening, improved data collection, and reduced incidents of violence.

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FY 2001 Performance Goals and Indicators

OJJDP is proposing a 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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Office of Justice Programs
Juvenile Justice Programs
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized, and language proposed for deletion is bracketed.

Juvenile Justice Programs

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, [$269,097,000] *$272,000,000*, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, *of which $3,000,000 shall be available to the National Institute of Justice for research into the dependency court system's response to child abuse and neglect,* and [$42,750,000] *$47,153,000* shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) [$13,500,000] *$12,000,000* shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which [$12,500,000] *$20,000,000* shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which [$25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;] *$10,000,000 shall be for prevention and reduction of youth gun violence ; of which $10,000,000 shall be for developing, testing and demonstrating programs designed to reduce drug use among juveniles;* and of which $15,000,000 shall be [available] for the Safe Schools Initiative: *[Provided further*, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile

Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect:] *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, [$11,000,000] *$10,000,000* to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P. L. 106-113).)

Explanation of Changes:

1. Adds language providing $3 million in funding under Part A to the National Institute of Justice for research into the dependency court system's response to child abuse and neglect.

2. Eliminates the Under Age Drinking earmark in 2001.

3. Adds language providing funding under Title V for the following: $10 million for a prevention and reduction of youth gun violence program and $10 million for the development, testing and demonstration programs designed to reduce drug use among juveniles.

4. Eliminates language regarding the reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974.

Office of Justice Programs
Juvenile Justice Programs
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Title II: Juvenile Justice and Delinquency Prevention:															
Part A - Concentration of Federal Efforts	---	---	$6,847	---	---	---	---	---	($6,647)	---	---	$24	---	---	$224
Part B - Formula Grants	---	---	87,600	---	---	---	---	---	---	---	---	17,378	---	---	104,978
Part B - State Technical Assistance	---	---	1,400	---	---	---	---	---	---	---	---	1,374	---	---	2,774
Part C - Discretionary Grants	---	---	42,750	---	---	---	---	---	---	---	---	15,294	---	---	58,044
Part D - Gangs	---	---	12,000	---	---	---	---	---	---	---	---	5,198	---	---	17,198
Part E - State Challenge	---	---	10,000	---	---	---	---	---	---	---	---	1,388	---	---	11,388
Part G - Juvenile Mentoring	---	---	12,000	---	---	---	---	---	---	---	---	8,545	---	---	20,545
Title V - Local Delinquency Prevention	---	---	95,000	---	---	---	---	---	---	---	---	3,153	---	---	98,153
Incentive Grants	---	---	[45,000]	---	---	---	---	---	---	---	---	[3,153]	---	---	[47,803]
Combating Underage Drinking	---	---	[25,000]	---	---	---	---	---	---	---	---	---	---	---	[25,000]
Tribal Youth Program	---	---	[10,000]	---	---	---	---	---	---	---	---	---	---	---	[10,000]
School Safety Initiative	---	---	[15,000]	---	---	---	---	---	---	---	---	---	---	---	[15,000]
Drug Prevention Demonstration	==	==	10,000	==	==	==	==	==	==	==	==	==	==	==	10,000
Subtotal	---	---	277,597	---	---	---	---	---	(6,647)	---	---	52,354	---	---	323,304
Victims of Child Abuse:															
Training for Judicial Personnel	---	---	---	---	---	---	---	---	---	---	---	4	---	---	4
Improving Investigation and Prosecution of Child Abuse	==	==	7,000	==	==	==	==	==	==	==	==	318	==	==	7,318
Subtotal	---	---	7,000	---	---	---	---	---	---	---	---	322	---	---	7,322
Total, Juvenile Justice Programs	---	---	284,597	---	---	---	---	---	(6,647)	---	---	52,676	---	---	330,626

Office of Justice Programs
Juvenile Justice Programs
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Transfers Between Accounts			Reprogrammings			2000 Availability		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Title II: Juvenile Justice and Delinquency Prevention:															
Part A - Concentration of Federal Efforts	---	---	$6,847	---	---	---	---	---	($6,647)	---	---	---	---	---	$200
Part B - Formula Grants	---	---	89,000	---	---	---	---	---	---	---	---	---	---	---	89,000
Part C - Discretionary Grants	---	---	46,750	---	---	($4,000)	---	---	---	---	---	---	---	---	42,750
Part D - Gangs	---	---	12,000	---	---	---	---	---	---	---	---	---	---	---	12,000
Part E - State Challenge	---	---	10,000	---	---	---	---	---	---	---	---	---	---	---	10,000
Part G - Juvenile Mentoring	---	---	12,000	---	---	1,500	---	---	---	---	---	---	---	---	13,500
Title V - Local Delinquency Prevention	---	---	95,000	---	---	---	---	---	---	---	---	---	---	---	95,000
Incentive Grants	---	---	[55,000]	---	---	[-12,500]	---	---	---	---	---	---	---	---	[42,500]
Combating Underage Drinking	---	---	---	---	---	[25,000]	---	---	---	---	---	---	---	---	[25,000]
Tribal Youth Program	---	---	[20,000]	---	---	[-7,500]	---	---	---	---	---	---	---	---	[12,500]
School Safety Initiative	---	---	---	---	---	[15,000]	---	---	---	---	---	---	---	---	[15,000]
Drug Prevention Demonstration	---	---	[10,000]	---	---	[-10,000]	---	---	---	---	---	---	---	---	[---]
Prevention of Youth Gun Violence	---	---	[10,000]	---	---	[-10,000]	---	---	---	---	---	---	---	---	[---]
Drug Prevention Demonstration	==	==	10,000	==	==	1,000	==	==	==	==	==	==	==	==	11,000
Subtotal	---	---	281,597	---	---	(1,500)	---	---	(6,647)	---	---	---	---	---	273,450
Victims of Child Abuse:															
Improving Investigation and Prosecution of Child Abuse	==	==	7,000	==	==	==	==	==	==	==	==	==	==	==	7,000
Subtotal	---	---	7,000	---	---	---	---	---	---	---	---	---	---	---	7,000
Total, Juvenile Justice Programs	---	---	288,597	---	---	(1,500)	---	---	(6,647)	---	---	---	---	---	280,450

Congressional Appropriation Action on 2000 Request:

Congress did not provide requested funding of $4 million under Part C - Discretionary to support a full outcome evaluation of the Comprehensive Strategy. A $1 million increase was provided by Congress for the Part G - Juvenile Mentoring Program. Although full funding of the Title V - Local Delinquency Prevention Program was provided, requested funding within the Program differed. OJP had requested $55 million for Incentive Grants, $20 million for the Tribal Youth Program, $10 million to be added to the Drug Demonstration Program, and $10 million for Prevention of Youth Gun Violence. Congress provided $42.5 million for Incentive Grants, $25 million to continue the Combating Underage Drinking Program, $12.5 million for the Tribal Youth Program, and $15 million for a new School Safety Initiative Program. For the regular Drug Prevention Demonstration Program activity, Congress provided a $1 million increase.

Transfer Between Accounts:

Reflects the $6.647 million for Management and Administration authorized to be transferred to the Justice Assistance account.

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Office of Justice Programs
Juvenile Justice Programs
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	Perm. Pos.	Work-years	Amount
2000 Appropriation Enacted	---	---	$287,097
Transfer to Justice Assistance Appropriation for Management and Administration	---	---	(6,647)
2000 Availability/2001 Base	---	---	280,450
Program Changes	---	---	1,903
2001 Estimate	---	---	282,353

	2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
Estimates by budget activity	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Title II: Juvenile Justice and Delinquency Prevention:												
Part A: Concentration of Federal Efforts	---	---	$200	---	---	$200	---	---	$200	---	---	---
Part B: Formula Grants	---	---	89,000	---	---	89,000	---	---	89,000	---	---	---
Part C: Discretionary Grants	---	---	42,750	---	---	42,750	---	---	47,153	---	---	$4,403
Part D: Gangs	---	---	12,000	---	---	12,000	---	---	12,000	---	---	---
Part E: State Challenge	---	---	10,000	---	---	10,000	---	---	10,000	---	---	---
Part G: Juvenile Mentoring	---	---	13,500	---	---	13,500	---	---	12,000	---	---	(1,500)
Title V: Local Delinquency Prevention	---	---	95,000	---	---	95,000	---	---	95,000	---	---	---
Incentive Grants	---	---	[42,500]	---	---	[42,500]	---	---	[40,000]	---	---	[-2,500]
Combating Underage Drinking	---	---	[25,000]	---	---	[25,000]	---	---	---	---	---	[-25,000]
Tribal Youth Program	---	---	[12,500]	---	---	[12,500]	---	---	[20,000]	---	---	[7,500]
School Safety Initiative	---	---	[15,000]	---	---	[15,000]	---	---	[15,000]	---	---	[---]
Drug Prevention Demonstration	---	---	---	---	---	---	---	---	[10,000]	---	---	[10,000]
Prevention of Youth Gun Violence	---	---	---	---	---	---	---	---	[10,000]	---	---	[10,000]
Drug Prevention Demonstraton	---	---	11,000	---	---	11,000	---	---	10,000	---	---	(1,000)
Subtotal	---	---	273,450	---	---	273,450	---	---	275,353	---	---	---
Victims of Child Abuse Programs	---	---	7,000	---	---	7,000	---	---	7,000	---	---	---
Total	---	---	280,450	---	---	280,450	---	---	282,353	---	---	1,903

Office of Justice Programs
Juvenile Justice Programs
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program Activity	1999 Availability			1999 Actual			2000 Availability			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Title II - Juvenile Justice and Delinqency Prevention:																		
Part A - Concentration of Federal Efforts	---	---	$224	---	---	$200	---	---	$200	---	---	$200	---	---	$200	---	---	---
Part B - Formula Grants	---	---	104,978	---	---	85,220	---	---	87,600	---	---	87,600	---	---	87,600	---	---	---
Part B - State Technical Assistance	---	---	2,774	---	---	2,555	---	---	1,400	---	---	1,400	---	---	1,400	---	---	---
Part C - Special Emphasis	---	---	31,260	---	---	30,524	---	---	21,000	---	---	21,000	---	---	21,000	---	---	---
Part C - National Institute of Juvenile Justice & Delinquency Prevention	---	---	26,784	---	---	22,520	---	---	21,750	---	---	21,750	---	---	26,153	---	---	$4,403
Part D - Gangs	---	---	17,198	---	---	11,550	---	---	12,000	---	---	12,000	---	---	12,000	---	---	---
Part E - State Challenge	---	---	11,388	---	---	10,221	---	---	10,000	---	---	10,000	---	---	10,000	---	---	---
Part G - Juvenile Mentoring	---	---	20,545	---	---	19,564	---	---	13,500	---	---	13,500	---	---	12,000	---	---	(1,500)
Title V - Local Delinquency Prevention	---	---	98,153	---	---	80,011	---	---	95,000	---	---	95,000	---	---	95,000	---	---	---
Incentive Grants	---	---	[48,153]	---	---	[44,004]	---	---	[42,500]	---	---	[42,500]	---	---	[40,000]	---	---	[-2,500]
Combating Underage Drinking	---	---	[25,000]	---	---	[20,005]	---	---	[25,000]	---	---	[25,000]	---	---	---	---	---	[-25,000]
Tribal Youth Program	---	---	[10,000]	---	---	[1,216]	---	---	[12,500]	---	---	[12,500]	---	---	[20,000]	---	---	[7,500]
School Safety Initiative	---	---	[15,000]	---	---	[14,786]	---	---	[15,000]	---	---	[15,000]	---	---	[15,000]	---	---	[---]
Drug Prevention Demonstration	---	---	---	---	---	---	---	---	---	---	---	---	---	---	[10,000]	---	---	[10,000]
Prevention of Youth Gun Violence	---	---	---	---	---	---	---	---	---	---	---	---	---	---	[10,000]	---	---	[10,000]
Drug Prevention Demonstration	==	==	10,000	==	==	680	==	==	11,000	==	==	11,000	==	==	10,000	==	==	(1,000)
Subtotal	---	---	323,304	---	---	263,045	---	---	273,450	---	---	273,450	---	---	275,353	---	---	1,903
Victims of Child Abuse:																		
Training for Judicial Personnel	---	---	4	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Improving Investigation and Prosecution of Child Abuse	==	==	7,318	==	==	6,233	==	==	7,000	==	==	7,000	==	==	7,000	==	==	==
Subtotal	---	---	7,322	---	---	6,233	---	---	7,000	---	---	7,000	---	---	7,000	---	---	---
Total, Juvenile Justice Programs	---	---	330,626	---	---	269,278	---	---	280,450	---	---	280,450	---	---	282,353	---	---	1,903

Office of Justice Programs
Juvenile Justice Programs
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1999 Actual			2000 Availability			2001 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source												
Department of Defense	---	---	$2,000	---	---	---	---	---	---	---	---	---
Department of Education	---	---	5,078	---	---	$2,500	---	---	$2,500	---	---	---
Department of Health & Human Services	---	---	2,595	---	---	1,000	---	---	1,000	---	---	---
Department of Labor	---	---	4,500	---	---	1,500	---	---	1,500	---	---	---
National Endowment for the Arts	---	---	90	---	---	---	---	---	---	---	---	---
Office of National Drug Control Policy	---	---	19,389	---	---	30,000	---	---	30,000	---	---	---
Budgetary Resources	---	---	33,652	---	---	35,000	---	---	35,000	---	---	---
Obligations by Program												
Juvenile Justice	---	---	31,511	---	---	37,141	---	---	35,000	---	---	(2,141)
Total	---	---	31,511	---	---	37,141	---	---	35,000	---	---	(2,141)

Note: Obligation amount for 2000 includes $2,140,994 in unobligated 1999 reimbursements.

Resources from Federal agencies are for joint projects or programs related to juvenile justice and delinquency prevention programs administered by the Office of Juvenile Justice and Delinquency Prevention.

OFFICE OF JUSTICE PROGRAMS
Juvenile Justice Programs
PROGRAM PERFORMANCE INFORMATION
(dollars in thousands)

Juvenile Justice Programs	**Amount**
2000 Appropriation	$280,450
2001 Base	280,450
2001 Estimate	282,353
Increase/Decrease	1,903

BASE PROGRAM DESCRIPTION:

The Juvenile Justice programs are authorized to be funded under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (JJDP Act). This legislation is divided into a number of parts. These parts are as follows:

Authorized under Part A of the JJDP Act, OJJDP, through the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates and concentrates federal resources on the problems of delinquency and the operations of the juvenile justice system. This includes the development of federal youth policy and joint programs to target high risk youth. OJJDP provides up to $200,000 for support of the Coordinating Council activities annually.

The Formula Grants Program, Part B of the JJDP Act, provides funds to states on the basis of population under the age of 18. To receive its allocated funds, a state or territory must submit a three-year comprehensive plan that meets statutory criteria. Funds may be expended for innovative programs to prevent delinquency, divert juveniles from the system, provide community-based alternatives to secure confinement, and to provide programs for juveniles who commit serious crimes. In 1999, 52 states and territories, of the 54 eligible, participated in the program. Under the 1992 amendments to the JJDP Act, beginning with 1994, states must demonstrate compliance with the deinstitutionalization, separation, jail removal, and minority over representation requirements in order to qualify for their formula grant program allocation. Failure to comply with these requirements results in a 25 percent reduction in a state's allocation for each such failure. In 2000, $89 million was appropriated to support Part B - Formula Grants Program. In 2001, OJJDP requests continued Part B funding at the 2000 level.

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Part C of the JJDP Act authorizes, within OJJDP, the establishment of the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) and the Special Emphasis Division. The National Institute for Juvenile Justice and Delinquency Prevention conducts research and program development activities to increase understanding of the risk factors for delinquency and the effects of alternative juvenile justice policies. This information is applied to the development of promising program models, through joint initiatives with the Special Emphasis Division. The NIJJDP also serves as an information collection and dissemination center for OJJDP. Information on juvenile delinquency, promising programs, and innovative juvenile justice policies and procedures are disseminated through nonprint media, including electronic devices, such as the Internet and bulletin board systems, and clearinghouse, training, and technical assistance activities.

New program development efforts, authorized under Part C of the JJDP Act and funded through the Special Emphasis Division, address a wide range of national juvenile justice issues by developing and testing prototypes and demonstrating effective programs. Program information generated throughout the development process is disseminated to the field. Competitive awards are made to support comprehensive planning and program development in many areas impacting on high risk youth, as well as violent juvenile offenders. The design and implementation of these new efforts are coordinated with NIJJDP and OJJDP's State Relations and Assistance Division. In 2000, $42.75 million was appropriated for Part C of the JJDP Act. The 2001 budget includes a request for a $4.403 million increase in the Part C discretionary program to support an outcome evaluation of the Comprehensive Strategy for Serious, Violent, and Juvenile Offenders.

In 2000, $12 million was appropriated for the Gang-Free Schools and Communities, Community-Based Gang Intervention Program, which is authorized under Part D of the JJDP Act. Through this program, OJJDP awards grants for such programs and activities that include: (1) individual, peer, family, and group counseling, including provision of life skills training and preparation for living independently, which includes cooperation with social services, welfare, and health care programs; (2) education and social services designed to address the social and developmental needs of juveniles; (3) crisis intervention and counseling to juveniles who are particularly at risk of gang involvement, and their families; (4) organization of neighborhood and community grups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and (5) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs. In 2001, OJJDP requests continued Part D funding of $12 million.

In 2000, $10 million was appropriated for the State Challenge Activities Program authorized under Part E of the JJDP Act. In 2001, $10 million is requested to continue funding at the 2000 level. This program authorizes the OJJDP Administrator to award grants to states participating in the Formula Grants Program, in the amount of 10 percent of the state's formula grant allocation, for each of the challenge activities that the state agrees to undertake. The following are the 10 challenge activities:

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1. basic health, mental health and education services for youth in the juvenile justice system;
2. access to counsel for youth in the juvenile justice system;
3. establishment of programs and criteria to increase use of community-based alternatives through objective detention and correction placement criteria;
4. establishment of a secure, community-based corrections options for violent juvenile offenders as an alternative to training schools;
5. policies to prohibit gender bias and provide female youth with a full range of system services;
6. establishment of a state ombudsman office for complaints related to out-of-home care of juveniles;
7. appropriate removal of status offenders from juvenile court jurisdiction;
8. alternatives to school suspension and expulsion;
9. comprehensive aftercare service programs; and
10. establishment of a state administrative structure to coordinate program and fiscal policies for youth with emotional behavioral problems and a statewide case review system.

In 2000, $13.5 million was appropriated for the Mentoring Program, which is Part G of the JJDP Act. This level of funding included 2 earmarks totaling $2 million. Under this program, OJJDP awards three-year grants to local agencies for mentoring programs designed to link at-risk youth with responsible adults to provide guidance, promote personal and social responsibility, increase educational participation, discourage use of illegal drugs, violence, weapon use, and other criminal activity, discourage gang involvement, and encourage participation in community service and activities. In 2001, OJJDP requests continued Part G funding of $12 million, which restores program funding to the non-earmarked 1999 level.

The Title V - Incentive Grants for Local Delinquency Prevention Program is authorized under the JJDP Act. Under this program, grants are awarded through state advisory groups to units of local government for a broad range of delinquency prevention programs and activities to benefit youth who have had contact with or are likely to have contact with the juvenile justice system. In 2000, the $95 million program includes $15 million for the Safe Schools Initiative, $12.5 million for the Tribal Youth Program, $25 million for the Underage Drinking Program, and $42.5 million for Title V Delinquency Prevention Program incentive grants. Services to children, youth, and their families include recreation, tutoring and remedial education, work skills, health and mental health, alcohol and substance abuse prevention, leadership development, and accountability. Priority in awards is given to applicants that coordinate and collaborate in provision of services, involve the private nonprofit and business sectors, and develop or enhance a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention. In 2001, OJJDP requests continued Title V funding of $95 million, of which $10 million is available for the Prevention of Youth Gun Violence, $10 million for the Drug Prevention Program, $20 million for the Tribal Youth Program, $15 million for the Safe Schools Initiative and $40 million for Title V Delinquency Prevention Program incentive grants.

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In 2000, Congress appropriated $11 million for the Drug Demonstration Program. This program, which was begun in 1998 as an earmark for $5 million within the Juvenile Justice appropriation, is designed to develop, demonstrate and test programs to increase perception among children and youth that drug use is risky, harmful and unattractive. OJJDP recognizes the relationship between substance abuse and delinquency and has thus promoted a rational framework for preventing and responding to adolescent problem behavior that is substantiated by years of research on risk-focused prevention. In 2001, OJJDP requests $20 million for this program, of which, $10 million is to be funded out of Title V - Incentive Grants for Local Delinquency Prevention and the remaining $10 million is requested separately under the Juvenile Justice appropriation's Drug Demonstration Program.

In 1992, amendments to the Victims of Child Abuse Act of 1990, P.L. 101-647, changed the administering agency for the Investigation and Prosecution of Child Abuse Program from the Office for Victims of Crime (OVC) to the Office of Juvenile Justice and Delinquency Prevention. In 2000, Congress appropriated a total of $7 million of which $1.5 million is for a grant to the American Prosecutor Research Institute's (APRI) National Center for the Prosecution of Child Abuse (Center). The APRI Center provides publication services, training, and technical assistance to prosecutors and other professionals involved in the prosecution of child abuse at the state, local and federal levels. The Center's staff attends conferences and workshops throughout the country to provide training on the most effective techniques the prosecution of child abuse. In addition, APRI's Center serves as an information clearinghouse for prosecutors, social workers, therapists, law enforcement, and clinicians involved in the prosecution of child abuse. In 1999, Congress also provided $500,000 for the National Network of Children's Advocacy Centers, $1 million for Regional Children's Advocacy Centers, and $4 million for Local Advocacy Centers. In 2001, OJJDP requests continued funding of $7 million.

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2001 Program Changes:

In 2001, OJJDP requests a total $289 million, which is $1.903 million above the 2000 base. An increase of $4.403 million is requested for Part C discretionary funding to support a full outcome evaluation of the Comprehensive Strategy. A description of this enhancement can be found under the Juvenile Justice Initiative beginning on page 90. A $1.5 million decrease in the Part G Mentoring program and a $1 million decrease in the Drug Prevention Program is also included in the OJJDP's 2001 budget request.

PERFORMANCE MEASUREMENT TABLE: PRESENTED PROGRAM

PROGRAM/ORG UNIT: Juvenile Justice Program/Office of Juvenile Justice Delinquency and Prevention**(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.1) Improve the crime fighting and criminal juvenile justice system capabilities of tribal, state and local governments.
ANNUAL PERFORMANCE GOAL: (2.1.3) To emphasize both enforcement and prevention strategies to counter youth violence through targeted programs that provide funding and specialized assistance to states and localities.
MISSION: To implement a comprehensive strategy that aggressively addresses youth violence and focuses resources on programs which will result in the improvement of the operation of the juvenile justice system, development of a system of graduated sanctions for serious, violent, and chronic offenders, identification and intervention with first time offenders, and prevention of delinquency.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actuals	2000 Enacted	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$238.672M	$284.597	$284.597M	$287.097M	$289M
	2. Number of applications received for Title II formula grants	Program Manager	53	56	53	56	56
	3. Number of At-Risk Grant applications received	Program Manager	51	56	53	56	56
	4. Number of Incentive Grant applications received	Program Manager	53	56	54	56	56
	5. Discretionary grant programs designed and developed	Program Manager	12	13	15	21	21
	6. Number of technical assistance/training requests received	**	31,015	31,000	30,062	31,000	31,000
Output/ Activity	7. Number of Title II formula grant awards made	Program Manager	51	56	51	56	56
	8. Number of At-Risk Grants made	Program Manager	51	56	51	56	56
	9. Number of Incentive Grant awards made	Program Manager	52	56	52	56	56
	10. Number of discretionary applications/concept papers reviewed	Program Manager	1,215	1,000	1,523	1,523	1,523
	11. Number of discretionary awards made	Program Manager	325	350	594	620	620
	12. Number of responses to technical assistance/training requests	**	29,365	30,000	29,693	30,000	30,000

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Intermediate Outcome	13. Number of State Agency personnel and State Advisory Group members trained on JJ Act requirements	Contractor Reports	545	500	310	300	500
	14. Number of community leaders trained on risk focused prevention	Contractor	824	1,000	923	923	923
	15. Number of on-site monitoring visits to States	Program Manager	56	56	46	56	56
	16. Number of on-site compliance audits in States	Program Manager	10	10	15	10	10
	17. Number of monitoring site visits made and of planning/dissemination/coordination sessions conducted (discretionary)	Program Manager/ Travel Vouchers	267	300	494	494	494
End Outcome	18. Number of States in compliance with core requirements:	Program Manager					
	-section 223 (a)(12)		53	56	51	56	56
	-section 223 (a)(13)		53	56	52	56	56
	-section 223 (a)(14)		49	56	50	56	56
	-section 223 (a)(23)		54	56	54	56	56
	19. Number of communities implementing risk-focused prevention programs	Contractor Reports	285	300	195	450	450
	20. Number of Incentive (Challenge) Activities implemented by States	Program Manager	112	122	107	107	107
	21. Number of practitioners trained (includes trainers)	**	96,871	100,000	96,017	100,000	100,000
	22. Number of jurisdictions receiving technical assistance	**	2,617	3,000	2,923	3,000	3,000
Productivity/ Efficiency	23. Average Full-Time Equivalent per State assigned	Program Manager	.124	.124	.124	.124	.124
	24. Average number of grants per State representative	Program Director	25	32	25	20	20
	25. Number of States in full compliance with core requirements of the JJ Act	Program Manager	49	56	30	56	56
	26. Average number of projects per program manager	OJJDP Internal Rpt.	27	25	25	23	23
	27. Average number of staff technical assistance hours annually in support of program implementation	Program Manager	27,239	21,000	40,282	41,000	41,000

A. Definitions of Terms or Explanations for Indicators and Data Source: ** = Program Manager , contract/grant reports
JJDP Act: Juvenile Justice and Delinquency Prevention Act, as amended in 1992:
Section 223(a)(12): deinstitutionalization of status offenders - i.e., young people who commit an offense that would not be punishable for an adult.
Section 223(a)(13): separation of juveniles and adults in secure facilities;
Section 223(a)(14): removal of juveniles from adult jails and lockups;
Section 223(a)(23): elimination of disproportionate minority confinement in jurisdictions where it exists.

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B. Issues Affecting 1999 Program Performance.
The 1999 Appropriation contained the following language: "Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out Part B (relating to Federal Assistance for State and Local Programs), subpart II of the part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention, part E (relating to State Challenge Activities, and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title." These set asides resulted in more grant/contract award and overall more activity in these areas.

C. Issues Affecting Selection of 2000 and 2001 Plans.
Availability of funds may affect the number of awards, training and technical assistance provided and overall ability to meet legislative requirements. Congressional earmarks and continuation requirements limit discretionary grant funding.

D. Validation and Verification.
Performance indicators are generally based on the following activities: awards made, desk reviews completed in preparation for on-site visits, on-site compliance monitoring visits, on-site program documentation and assistance visits, technical assistance visits, and the close-out of grants. Activities are routinely tracked and documented, which in turn provides the verification for reported data. For example, staff monitoring, reports are used to verify completion of on-site compliance monitoring visits conducted and to review program and documentation assistance activities, as well as technical assistance activities.

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Office of Justice Programs
Juvenile Justice Programs
Financial Analysis - Program Changes
(Dollars in thousands)

	Title II: Juvenile Justice and Delinquency Prevention									Totals		
	Part C - Discretionary			Part G - Juvenile Mentoring			Drug Prevention Demonstration					
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Grants, Subsidies and Contributions	----	----	$4,403	----	----	($1,500)	----	----	($1,000)	----	----	$1,903
Total Program workyears & obligation changes requested 2001	----	----	4,403	----	----	(1,500)	----	----	(1,000)	----	----	1,903

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Office of Justice Programs
Juvenile Justice Programs
Summary of Changes
(Dollars in thousands)

	Amount
2000 Appropriation Enacted	$287,097
Transfer to Justice Assistance Appropriation for Management and Administration	(6,647)
2000 Availability/2001 Base	280,450
Program Change	1,903
2001 Estimate	282,353

Office of Justice Programs
Juvenile Justice Programs
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class		1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Request WY	2001 Request Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	---	---	---	---	---	---	---	---
11.3	Other Than Full-Time	---	---	---	---	---	---	---	---
11.5	Other Personnel Compensation	---	---	---	---	---	---	---	---
11.8	Special Personnel Services Pymts	---	---	---	---	---	---	---	---
	Total	0.0	0	0.0	0	0.0	0	0.0	0
12	Personnel Benefits	---	---	---	---	---	---	---	---
13	Benefits for Former Personnel	---	---	---	---	---	---	---	---
21	Travel and Transportation of Persons	---	$1,509	---	$1,500	---	$1,500	---	---
22	Transportation of Things	---	---	---	---	---	---	---	---
23.1	GSA Rent	---	---	---	---	---	---	---	---
23.2	Rental Payments to Others	---	---	---	---	---	---	---	---
23.3	Communications, Utilities, and Misc	---	1,234	---	1,235	---	1,235	---	---
24	Printing and Reproduction	---	953	---	960	---	960	---	---
25.1	Consulting Services	---	1,604	---	1,605	---	1,605	---	---
25.2	Other Services	---	7,568	---	7,498	---	7,498	---	---
25.3	Purchases of Goods and Services from Government Accounts	---	17,511	---	17,722	---	17,722	---	---
26	Supplies and Materials	---	27	---	---	---	---	---	---
31	Equipment	---	---	---	---	---	---	---	---
41	Grants, Subsidies and Contributions	---	238,672	---	315,028	---	251,833	---	($63,195)
	Total Obligations	---	269,278	---	345,548	---	282,353	---	(63,195)
	Recovery of prior year obligations	---	(4,605)	---	(3,750)	---	---		
	Unobligated balance, start of year	---	(48,071)	---	(61,348)	---	---		
	Unobligated balance, end of year	---	61,348	---	---	---	---		
	Total Requirements	---	277,950	---	280,450	---	282,353		
	Relation of Obligations to Outlays:								
	Total Obligations	---	269,278	---	345,548	---	282,353		
	Obligated balance, start of year	---	359,077	---	472,441	---	635,106		
	Obligated balance, end of year	---	(472,441)	---	(635,106)	---	(570,447)		
	Adjustments in unexpired accounts	---	(4,605)	---	(3,750)	---	---		
	Outlays	---	151,309	---	179,133	---	347,012		

Office of Justice Programs
Public Safety Officers' Benefits Program
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAMS
Public Safety Officers' Benefits Program
2001 Summary Statement and Performance Plan

Summary Statement

The Public Safety Officers' Benefits (PSOB) program is requesting a total of $38.024 million for 2001, which represents an increase of $5.483 million over the 2000 level. The Public Safety Officers' Educational Assistance (PSOEA) program, formerly known as the Federal Law Enforcement Dependents Assistance (FLEDA) program, is requesting direct funding of $4.8 million in 2001. In 2000, this program is funded from the 1999 unobligated balances.

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Public Safety Officers' Benefits (PSOB) program's mission is to provide financial and emotional assistance to the eligible survivors of Federal, state, and local public safety officers who have died as the result of traumatic injury or who are permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty, and to provide educational assistance to the spouses and children of slain or totally disabled public safety officers.

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The program supports public safety officers, their families, and their agencies before, during and after tragedies occur through the following:

- Paying eligible death benefit claims within four weeks of the filing of a fully documented claim, and eligible disability claims within six weeks of the filing of the fully documented claim.
- Issuing determinations on ineligible death benefit claims within four weeks of the filing of the fully documented claim, and determinations on ineligible disability claims within six weeks of the filing of the fully documented claim.
- Issuing hearing officer determinations within 30 days of the official close of appeal hearings.
- Handling each death benefit and disability claim with the utmost dignity, sensitivity, and professionalism.
- Continuously looking for opportunities to better serve public safety officers.

PSOB's objectives for 2000 include the following:

- Rapid and accurate response to benefit claims by continuing to increase the number of cases closed each year, and by completing implementation of PSOB's electronic management information system.
- Humanistic approaches in handling all contacts. Continue to provide PSOB staff with in-service training on issues associated with grief, critical incident stress, and conflict resolution.
- Continued dissemination of information on the PSOB program to Federal, state, and local units of government through establishment of a national survivors network for the families and co-workers of fallen firefighters, and continued implementation of the Public Safety Officers' Educational Assistance (PSOEA) program.
- Closure of 250 death cases (approvals and denials) and 30 disability cases in 2000.

FY 2001 Performance Goals and Indicators

PSOB is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

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Office of Justice Programs
Public Safety Officers Benefits
Justification of Proposed Changes in Appropriation Language

The 2001 budget estimates include proposed changes in the appropriation language listed and explained below. New language is italicized.

Public Safety Officers Benefits

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340)*; and, in addition, $4,800,000 for the Public Safety Officers Dependents Assistance Program, as authorized by section 1211 of said Act.*

(Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (P.L. 106-113).)

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Explanation of Changes:

1. Adds language requesting funds in 2001 for the extension of retroactive eligibility dates for financial assistance for higher education for spouses and children of public safety officers killed in the line of duty.

Office of Justice Programs
Public Safety Officers' Benefits
Crosswalk of 1999 Availability
(Dollars in thousands)

	1999 as Enacted			Approved Reprogrammings			Transfers			Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Public Safety Officers' Benefits:															
Death Benefits	---	---	$31,809	---	---	---	---	---	---	---	---	---	---	---	$31,809
Disability Benefits	---	---	---	---	---	---	---	---	---	---	---	$4,047	---	---	4,047
Education Assistance	---	---	---	---	---	---	---	---	---	---	---	2,433	---	---	2,433
Total	---	---	31,809	---	---	---	---	---	---	---	---	6,480	---	---	38,289

Office of Justice Programs
Public Safety Officers' Benefits
Crosswalk of 2000 Changes
(Dollars in thousands)

	2000 President's Budget Request			Congressional Appropriations Action on 2000 Request			Reprogrammings			2000 Appropriation Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Public Safety Officers' Benefits:												
Death Benefits	---	---	$32,541	---	---	---	---	---	---	---	---	$32,541
Disability Benefits	---	---	3,500	---	---	($3,500)	---	---	---	---	---	---
Education Assistance	---	---	---	---	---	---	---	---	---	---	---	---
Total	---	---	36,041	---	---	(3,500)	---	---	---	---	---	32,541

Congressional Appropriation Action on 2000 Request:
Due to anticipated 1999 unobligated balances being carried into 2000, Congress did not provide funding for the Disability Benefits program.

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Office of Justice Programs
Public Safety Officers' Benefits
Summary of Requirements
(Dollars in thousands)

Adjustment to Base:	Perm Pos.	WY	Amount
2000 Appropriation Enacted	...	...	$32,541
Increase (automatic, non-policy)	...	...	683
2001 Base	...	...	33,224
Program Changes - Education Benefits Program	...	...	4,800
2001 Estimate	...	...	38,024

Estimates by budget activity	2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Public Safety Officers' Benefits Programs:												
Death Benefits	...	...	$32,541	...	...	$33,224	...	...	$33,224	...	...	...
Disability Benefits	...	...	...	...	...	...	...	...	...	...	...	...
Education Assistance Benefits	...	...	...	...	...	...	...	...	4,800	...	...	$4,800
Total	...	...	32,541	...	...	33,224	...	...	38,024	...	...	4,800

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Office of Justice Programs
Public Safety Officers' Benefits
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1999 Availability			1999 Actual			2000 Appropriation Enacted			2001 Base			2001 Estimate			Increase/Decease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
PSOB Death Benefits	---	---	$31,809	---	---	$29,591	---	---	$32,541	---	---	$33,224	---	---	$33,224	---	---	---
PSOB Disability Benefits	---	---	4,047	---	---	815	---	---	---	---	---	---	---	---	---	---	---	---
PSOB Education Assistance	---	---	2,433	---	---	57	---	---	---	---	---	---	---	---	4,800	---	---	$4,800
TOTAL	---	---	38,289	---	---	30,463	---	---	32,541	---	---	33,224	---	---	38,024	---	---	4,800

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OFFICE OF JUSTICE PROGRAMS
PUBLIC SAFETY OFFICERS' BENEFITS
PROGRAM PERFORMANCE INFORMATION
(Dollars in Thousands)

Public Safety Officers' Benefits	**Amount**
2000 Enacted	$32,541
2001 Base	33,224
2001 Estimate	38,024
Increase/Decrease	$ 4,800

BASE PROGRAM DESCRIPTION

The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Public Safety Officers' Benefits Act of 1976, established the Public Safety Officers' Benefits Program. The Anti-Drug Abuse Act of 1988 (P.L. 100-690)(42 U.S.C. 3796), authorized a basic death benefit payment of $100,000 when a Federal, State, or local law enforcement officer, firefighter, corrections officer, judicial official, or public ambulance or rescue squad member dies as the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provided for an annual cost of living escalator tied to the Consumer Price Index (CPI). This escalator, on October 1 of every year, increases the benefit by the percentage of increase in the CPI. If a spouse and eligible children survive, the widow/widower receives one-half of the benefit, and the remaining one-half is apportioned among the children. If there is no spouse and there are eligible children, the full benefit is apportioned among the eligible children. If there are no eligible children, then the spouse receives the full benefit. Parents are eligible for the death benefit when a spouse and/or eligible children do not survive the deceased public safety officer. The Crime Control Act of 1990, provided authority for a new Public Safety Officers' Disability Program. Federal, State, and local public safety officers are eligible for the disability payment when permanently and totally disabled as the direct result of a catastrophic injury received in the line of duty on or after November 29, 1990. Like the death

benefit, each year, the amount of the disability benefit payment is adjusted by the annual percentage change in the CPI. The benefit payment was $143,943 in 1999, which was a 1.7 percent increase over the 1998 amount. The 2000 benefit payment is $146,949, an increase of 2.1 percent over the 1999 amount. The request for 2001 base includes funds for the estimated annual change in the Consumer Price Index for the death benefits program.

The Police, Fire, and Emergency Officers' Educational Assistance Act of 1998, P.L. 104-238 (110 Stat 3495), signed November 13, 1998, amended the Education Assistance to Dependents Program and established the Public Safety Officers' Educational Assistance (PSOEA) program. This new educational assistance program, PSOEA, amends the Federal Law Enforcement Dependents Assistance (FLEDA) program to include state and local public safety officers as well as federal public safety officers. PSOEA will provide payments for educational purposes to children and/or spouses of Federal, state, and local public safety officers killed or disabled in the line of duty. Based on the availability of appropriations, financial assistance is provided by direct payments to an eligible dependent and are computed on the basis set forth in section 3532 of title 38, United States Code. A dependent cannot receive assistance for longer than 45 months of full-time education or training (or a proportional period of time for a part-time program), and is not eligible for assistance beyond the child's 27th birthday (unless there are extraordinary circumstances that precluded the child from pursuing a program of education before reaching 27). A person seeking assistance under this program submits an application to the Attorney General, and is notified of approval or disapproval in writing. Educational assistance can be discontinued if it is found that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965. A dependent of a federal, state, or local law enforcement officer killed or totally disabled in the line of duty is eligible for assistance. Also, retroactive assistance may be provided to eligible dependents for each month a program of education was pursued. (Note: Congress has legislation pending that would provide retroactive educational assistance to eligible dependents of federal law enforcement officers killed in the line of duty on or after May 1, 1978, instead of the previously enacted May 1, 1992, and state and local officers killed in the line of duty on or after October 1, 1978, instead of the previously enacted October 1, 1997.)

Generally, the PSOB program staff receives a death report within one week of the public safety officer's death, usually from the employing agency. When notice is received from other than the employing agency, PSOB staff will initiate direct contact. Employing agencies generally take from 60-120 days to file a complete claim. Eligible claims are paid within three to four weeks of the receipt of documentation; ineligible claims are processed within four weeks of being filed and documented. When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claimant's request (contingent on the availability of hearing officers who are serving on collateral duty, and the availability of appellant's legal representative), and decisions are rendered

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within 30 days of the official close of the appeal hearing. Hearing officer findings may be appealed to the Director of the Bureau of Justice Assistance. Once an appeal is heard by the agency and a denial affirmed, the claimant may appeal directly to the U.S. Claims Court. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

While death reports had been steadily decreasing from 322 in 1989, to the lowest level of 204 in 1992, this trend leveled off in 1993 when 226 deaths were reported, an increase of 22 over 1992. This increase was due primarily to several incidents during which multiple deaths occurred. During 1994, death reports increased substantially, again due to several incidents during which multiple deaths occurred -- 14 Federal firefighters killed fighting a Colorado forest fire; 2 Federal firefighters killed en route to a New Mexico forest fire; and 5 DEA agents killed in an airplane crash in Peru. There were 262 deaths reported in 1994, and 270 in 1995. The 1995 figure includes losses suffered in the Oklahoma City bombing. In 1996, there were 226 deaths reported, and in 1997, there were 268 reported deaths. In 1998, the number of deaths reported decreased to 262, and in 1999, the number of deaths decreased to 236. Although deaths decreased in 1999 by 26, the PSOB program experienced an increase in the number of multiple deaths. During 1999, 22 multiple deaths were reported, which included 11 firefighters and 11 law enforcement officers.

Disability claims cannot be initiated until the disabled officer has been permanently separated from his or her public safety agency and has been awarded maximum worker's compensation benefits associated with the officer's permanent and total disability. After receipt of the foregoing prerequisite disability certification from the disabled officer's employer, PSOB staff officially initiate the disability claim. This "prerequisite" procedure prevents PSOB staff from being inundated with disability claims that do not meet the "total and permanent" PSOB disability requirement. Employing agencies generally take from 60-120 days to file a complete claim. Because medical reviews are needed on all disability claims, both eligible and ineligible claims are processed within six weeks of being filed and documented. Ineligible claims may be appealed subject to the same time frames that apply for the Death Benefits Program.

The November 18, 1988, amendment to the Public Safety Officers' Benefits Act (Anti-Drug Abuse Act of 1988, P.L. 100-690) authorized the use of up to $150,000 of PSOB funds to establish national programs to assist the families of public safety officers who have died in the line of duty. Accordingly, Concerns of Police Survivors, Inc. (COPS) has received approximately $150,000 each year since 1989 to carry out this Congressional mandate. The Care for Police Survivors Act of 1998, P.L. 105-180, created a **minimum** of $150,000 for these purposes. COPS is an organization that coordinates and directs a national network that responds with psychological and emotional support to families and coworkers of public safety officers who have died in the line of duty. This network consists of families of deceased public safety officers who have come through that deeply traumatic experience to take up,

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once again, reasonably normal, productive lives. Each May 14-16, COPS conducts their annual National Survivor Family Conference in Washington, D.C., for law enforcement survivor families throughout the Nation. This conference is held in conjunction with the National Law Enforcement Officers' Memorial Service on May 15 of each year.

The National Fallen Firefighters Foundation provides peer counseling, training, and technical assistance to the families and co-workers of firefighters killed in the line of duty. The Foundation also manages the National memorial service, held annually in October in Emmitsburg, Maryland, to honor the nation's firefighters killed in the line of duty.

2001 Program Change

In 2001, BJA requests a total of $5.483 million. Of this amount, $4.8 million will support the Public Safety Officers' Educational Assistance (PSOEA) Program. This increase is discussed in detail on page 123 of the Current Investments Initiative.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY PROGRAM

PROGRAM/ ORG UNIT: Public Safety Officers' Benefits Programs / Bureau of Justice Assistance **(Base Program)**
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.4) Uphold rights of, and improve services to America's victims
ANNUAL PERFORMANCE GOAL: (2.4.1) Initive designed to ehsure assistance to all victims and dependents
MISSION: To provide a death benefit to eligible survivors of federal, state and local public safety officers who have died as a result of personal injury sustained in the line of duty or a disability benefit payment to federal, state, and local safety officers who are permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty and to provide educational assistance to the dependents of federal law enforcement officials who are killed or disabled in the performance of their duties.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1 Appropriation (in millions)	P.L.	$32.3M	$34M	$34M	$32.541M	$38.024M (a)
	2. Number of claims initiated	BJA files					
	Death		262	265	236	265	265
	Disability		25	30	42	42	42
	3. Number of agency appeals requested	BJA files					
	Death		20	20	31	31	31
	Disability		5	5	5	10	10
	4. Number of court appeals initiated	BJA files					
	Death		1	2	4	4	4
	Disability		0	1	1	8	8
	5. Number of applications for educational assistance received	BJA files	6	TBD	6	6	TBD (a/)
Output/Activity	6. Number of claims reviewed after all documents are received	BJA files					
	Death		262	250	236	250	250
	Disability		73	30	21	75	75
	7. Number of agency appeals reviewed	BJA files					
	Death		20	20	20	25	25
	Disability		5	5	8	10	10
	8. Number of court appeals reviewed	BJA files					
	Death		1	2	2	4	4
	Disability		0	1	1	2	2
	9. Number of applications for educational assistance reviewed	BJA files	6	TBD	6	TBD (a/)	TBD (a/)
	- Federal					TBD (a/)	TBD (a/)
	- State					TBD (a/)	TBD (a/)
	- Local					TBD (a/)	TBD (a/)

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Intermediate Outcome	10. Annually process eligible death claims within two weeks of being filed and fully documented	BJA files	200	200	200	200	225
	11. Annually process ineligible death claims within four weeks of being filed and fully documented	BJA files	62	62	62	62	70
	12. Annually process disability claims within 6 weeks of being filed and fully documented	BJA files	2	15	15	20	25
	13. % of appeals heard within 60 days of claimant's request	BJA files	80%	80%	80%	80%	80%
	14. % of applications for educational assistance processed within 120 days	BJA files	100%	TBD	TBD	TBD	TBD
End Outcome	15. Number of claims closed (eligible or ineligible)						
	Death	BJA files	240	250	250	250	250
	Disability	BJA files	25	30	27	30	40
	16. Number of agency appeals closed						
	Death	BJA files	10	15	15	15	15
	Disability	BJA files	0	5	5	5	5
	17. Number of court appeals closed						
	Death	BJA files	1	2	2	2	2
	Disability	BJA files	0	1	1	1	1
	18. Number of dependents receiving educational assistance	BJA files	7	TBD	TBD	TBD (a/)	TBD (a/)
	- Federal					TBD (a/)	TBD (a/)
	- State					TBD (a/)	TBD (a/)
	- Local					TBD (a/)	TBD (a/)
Productivity/ Efficiency	19. Number of death and disability claims paid per year						
	Death	BJA files	227	230	230	230	250
	Disability		25	20	27	30	35

A. Definitions of Terms or Explanations for Indicators and Data Sources:
BJA Files = Public Safety Officer's Benefits Program Annual Report

B. Issues Affecting 1999 Program Performance.
- o Number of death and disability claims received varies from year to year.
- o Claims received in a given fiscal year may not be paid until the following fiscal year due to delays in receiving necessary documentation from claimant.
- o The responsibility of a court appeal no longer resides with the PSOB office until adjudicated. Once adjudicated, the PSOB office is involved for closure of the claim.
- o The handling of appeals within 60 days depends on the availability of administrative hearing officers and, more often, time constraints on the part of claimants' legal representatives.
- o It is important to note that the number of appeal requests are increasing commensurate with increases in the amount of the benefit payment.

C. Issues Affecting Selection of 2000 and 2001 Targets.

a/Funds include a $4.8 million increase for the Public Safety Officer's Educational Assistance (PSOEA) Program in FY 20001.

b/The federal educational assistance portion of this program was expanded on October 1, 1998, to include all state and local public safety officers as opposed to formerly including only federal law enforcement officers which likely result in a large increase in applications and dependents receiving assistance. We are unable, at this time, to project for FY 2000 and Fy 2001.

- o Targets for 2000 and 2001 are estimates. Number of death and disability claims received vary.
- o Claims in a given Fiscal Year may not be paid until the following Fiscal Year.
- o The responsibility of a court appeal no longer resides with the PSOB office until adjudicated. Once adjudicated, the PSOB office is involved for closure of the claim.
- o The handling of appeals within 60 days depends on the availability of administrative hearing officers and, more often, time constraints on the part of claimants' legal representatives.
- o It is important to note that the number of appeal requests are increasing commensurate with increases in the amount of the benefit payment.
- o The federal educational assistance portion of this program was expanded on October 1, 1998, to include all state and local public safety officers as opposed to formerly including only federal law enforcement officers which likely result in a large increase in applications and dependents receiving assistance. We are unable, at this time, to project for FY 2000 and FY 2001.

D. Validation and Verification.

The Public Safety Officers' Benefits Program (PSOB) validates and verifies claims by various tracking methods, which include: log books, a database system, microfilm, statistical reports, and a system of self-reporting. PSOB also cross-references data with law enforcement agencies (i.e., Concerns of Police Survivors, National Law Enforcement Memorial, National Volunteer Fire Council, etc.).

Office of Justice Programs
Public Safety Officers' Benefits
Financial Analysis - Program Changes
(Dollars in thousands)

	Education Assistance		Total	
	Pos.	Amount	Pos.	Amount
Insurance Claims and Indemnities	---	$4,800	---	$4,800
Total Program workyears & obligation changes requested 2001	---	4,800	---	4,800

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Office of Justice Programs
Public Safety Officers' Benefits
Summary of Change
(Dollars in thousands)

	Amount
2000 Appropriation Enacted	$32,541
Adjustments-to-Base:	
General pricing level adjustment	683
2001 Base	33,224
Program Change (Requested in Object Class 42, Insurance Claims and Indemnities)	4,800
2001 Estimate	38,024

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Office of Justice Programs
Public Safety Officers' Benefits
Justification of Adjustments to Base
(Dollars in thousands)

Adjustment-to-Base Increases:		Amount
1.	General pricing level adjustment	$683
	The public safety officer benefit payment is expected to rise from $146,949 in 2000 to $150,035 in 2001.	
	Total increase	683
	Total, adjustments to base	683

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Office of Justice Programs
Public Safety Officers' Benefits
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class		1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Requested WY	2001 Requested Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	—	—	—	—	—	—	—	—
11.3	Other Than Full-Time	—	—	—	—	—	—	—	—
11.5	Other Personnel Compensation	—	—	—	—	—	—	—	—
11.8	Special Personnel Services Pymts	—	—	—	—	—	—	—	—
	Total	0.0	0	0.0	0	0.0	0	0.0	0
12	Personnel Benefits	—	—	—	—	—	—	—	—
13	Benefits for Former Personnel	—	—	—	—	—	—	—	—
21	Travel and Transportation of Persons	—	—	—	—	—	—	—	—
22	Transportation of Things	—	—	—	—	—	—	—	—
23.1	GSA Rent	—	—	—	—	—	—	—	—
23.2	Rental Payments to Others	—	—	—	—	—	—	—	—
23.3	Communications, Utilities, and Miscell	—	—	—	—	—	—	—	—
24	Printing and Reproduction	—	—	—	—	—	—	—	—
25.2	Other Services	—	—	—	$50	—	$50	—	—
26	Supplies and Materials	—	—	—	—	—	—	—	—
31	Equipment	—	—	—	—	—	—	—	—
41	Grants, Subsidies and Contributions	—	$1,660	—	1,700	—	1,700	—	—
42	Insurance Claims and Indemnities	—	28,803	—	33,149	—	38,324	—	$5,175
	Total Obligations	—	30,463	—	34,899	—	40,074	—	5,175
Recovery of prior year obligations		—	—	—	—	—	—		
Unobligated balance, start of year		—	(6,482)	—	(7,826)	—	(3,250)		
Unobligated balance, expiring		—	2	—	2,218	—	—		
Unobligated balance, end of year		—	7,826	—	3,250	—	1,200		
Total Requirements		—	31,809	—	32,541	—	38,024		
Relation of Obligations to Outlays:									
Total Obligations		—	30,463	—	34,899	—	40,074		
Obligated balance, start of year		—	786	—	1,918	—	1,418		
Obligated balance, end of year		—	(1,918)	—	(1,418)	—	(918)		
Outlays		—	29,331	—	35,399	—	40,574		

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Office of Justice Programs
Crime Victims Fund
Congressional Estimates for 2001
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OFFICE OF JUSTICE PROGRAMS
Crime Victims Fund
2001 Summary Statement and Performance Plan

Summary Statement

Services for crime victims in America are under funded and unavailable in many parts of the country. This is especially true in rural areas, many of which have neither doctors nor mental health professionals who specialize in treating crime victims. While a few communities have outstanding, comprehensive services for victims, in many communities these services are nonexistent. The 1984 Victims of Crime Act (VOCA) created the Crime Victims Fund where Federal criminal fines, bond forfeitures, and penalty assessments are deposited. These deposits are to fund programs for victims of crime.

In 1998, collections totaling $324,038,000 were available for use in 1999. In 1999, collections totaled $985,184,000. However, Section 620 of Public Law 106-113 delayed obligation of Fund receipts in excess of $500,000,000 until October 1, 2000. Finally, 2000 collections are estimated to be $575,000,000. With available receipts from the 1999 delay of obligations, a total of $1,063,184,000 is available to the Fund. The Administration proposes, in Section 114 of the DOJ General Provisions, that obligations of receipts in excess of $550,000,000 be delayed until October 1, 2001.

2001 Component Mission and Goals, and Relationship to DOJ Strategic Plan

The Office for Victims of Crime (OVC) is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC works with national, international, state, military, and tribal victim assistance and criminal justice agencies, as well as other professional organizations, to promote fundamental rights and comprehensive services for crime victims. OVC strives to improve the criminal justice system response to victims of crime, including Native American crime victims, through the delivery of direct service and funding, training and technical assistance, and through monitoring the implementation of statutes providing victims rights and assistance. Furthermore, OVC accomplishes its mission by sponsoring demonstration projects with national impact and by publishing and disseminating publications that highlight promising practices in the effective treatment of crime victims that can be replicated throughout the country. This program supports the Department of Justice's Strategic Plan: **Assistance to Tribal, State and Local Governments.**

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Highlights of 1999 Mission Critical Results

OVC assists the Nation's crime victims by providing Federal leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime and has become increasingly involved in providing services to American citizens victimized abroad. For example, during 1999, OVC actively participated in providing a variety of services for the survivors of the victims of the 1998 Pan Am 103 bombing over Lockerbie Scotland. In a $1.5 million agreement with the State Department, OVC funds were used to cover the following costs: a Crown Office prosecutor; a Scottish Court victim coordinator; furnishing rooms reserved for use by the families of victims at Camp Zeist in the Netherlands; and ensuring that the telecommunications system planned for the courtroom will provide a secure telecast of the trial.

In February 1999, OVC conducted the 2nd National Symposium on Victims of Federal Crime in Washington, D.C. The Symposium focused on terrorism and mass casualty response. An entire day was dedicated to mass casualty response with over 900 Federal personnel in attendance, including DOJ components, the military, and law enforcement. Panel presentations and workshops informed participants of the various criminal justice concerns raised by mass casualty incidents. Federal personnel had the opportunity to hear from people who assisted the victims of bombing of the Oklahoma City Federal building, the Atlanta Olympics bombing, the Khobar Towers bombing, and the Kenyan and Tanzanian embassy bombings. This Symposium also provided a vehicle for geographic region breakouts based on the 10 Federal Emergency Management Agency (FEMA) regions. These breakouts enabled Federal personnel to begin developing a coordinated response to any mass casualty crime that might occur within their region.

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FY 2001 Performance Goals and Indicators

OVC is proposing an 2001 Performance Plan that is attainable within the requested level of resources and with demonstrable results, as shown on the Government Performance and Results Act (GPRA) charts. These 2001 goals will establish a baseline upon which future performance may be tracked and reported upon, as required by the Government Performance and Results Act.

Office of Justice Programs
Crime Victims Fund
Crosswalk of 1999 Availability
(Dollars in thousands)

	1998 Collections Available for Use in 1999			Approved Reprogrammings			Transfers			Recoveries and Unobligated Balance Brought Forward			Final 1999 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Crime Victims Fund	---	---	$321,038	---	---	---	---	---	$1,116	---	---	$75,441	---	---	$397,595

Transfers Between Accounts Unused funds previously transferred to the Administrative Office of the U.S. Courts per Public Law 98-473, were returned to the Fund.

Note: Actual 1998 collections totaled $324,038,487. Public Law 106-51 reduced the use of 1998 collections in 1999 by $3,000,000, however, these collections are available for use in 2000.

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Office of Justice Programs
Crime Victims Fund
Crosswalk of 2000 Changes
(Dollars in thousands)

	1999 Collections Available for Use in 2000			Congressional Appropriation Action on 2000 Request			2000 Collections Available		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Crime Victims Fund	—	—	$985,184	—	—	($482,184)	—	—	$503,000

Congressional Appropriation Action on 1999 Collections Available for Obligation in 2000:
General provision 620 of Public Law 106-113, delays obligation of receipts deposited in the Fund in excess of $500,000,000 until October 1, 2000. Congress provided this provision to protect against wide fluctuations in receipts into the Fund and to ensure that a stable level of funding would remain available for this program in future years. In addition to these collections, $3,000,000 reduced from the 1998 collections pursuant to Public Law 106-51 in 1999 became available for use.

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Office of Justice Programs
Crime Victims Fund
Summary of Requirements
(Dollars in thousands)

Financing	1999 Actual	2000 Estimate	2001 Estimate
Unappropriated balance, start of year	$324,038	$988,184	$1,060,184
Collections/deposits/receipts a/	985,184	575,000	350,000
Total Balances and Collections	1,309,222	1,563,184	1,410,184
Collections available for use	(324,038)	(500,000)	(550,000)
Reduction in 1999 collections pursuant to Public Law 106-51 available for use in 2000	3,000	(3,000)	....
Unappropriated balance, end of year	(988,184)	(1,060,184)	(860,184)
Appropriation	321,038	503,000	550,000
Recovery of prior year obligations	42,433	....	....
Unobligated balance available, start of year	33,008	35,198	....
Unobligated balance transferred from Administrative Office of U.S. Courts	1,116	....	....
Unobligated balance available, end of year	(35,198)	....	....
Obligations	362,393	538,198	550,000
Obligations by Program			
Victims Compensation	67,080	81,374	254,921
Victim Assistance	257,632	370,167	254,921
HHS/Children's Justice	8,206	8,500	8,500
Children's Justice/ Native American	2,043	1,500	1,500
Federal Program	14,340	11,151	15,768
Special Projects	194	15,506 b/	14,390
Reserve	12,898	50,000	....
Total Obligations	362,393	538,198	550,000

NOTE: Individual column totals may not add due to rounding.

a/ Funds are obligated the year after they are collected.
b/ Includes $1.116 million returned in 1999 from the Administrative Courts plus 2000 General Provision provided $14.390 million for EOUSA victim witness coordinat and advocate program.

OFFICE OF JUSTICE PROGRAMS
CRIME VICTIMS FUND
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Crime Victims Fund	**Amount**
1999 Collections Available in 2000	$503,000
2000 Collections Available in 2001	550,000
Increase/Decrease	47,000

BASE PROGRAM DESCRIPTION: The Crime Victims Fund is financed by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes. The Fund was established by the Victims of Crime Act of 1984 (P.L. 98-473), as amended by the Children's Justice and Assistance Act of 1986 (P.L. 99-401), and reauthorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690). Funds are not available for obligation during the year of collection; rather, funds accumulate and the total is available for obligation in the following year and for expenditure during the next three years. The resources available are administered by the Office for Victims of Crime (OVC), which was created by the U.S. Department of Justice in 1983 and formally established by Congress in 1988 through an amendment to the Victims of Crime Act of 1984 (VOCA). OVC provides Federal funds to support victims assistance and compensation programs around the country and advocates, through policy development, for the fair treatment of crime victims. OVC administers formula and discretionary grants for programs designed to benefit victims, provides training for divers professional who work with victims, develops projects to enhance victims' rights and services, and undertakes public education and awareness activities on behalf of crime victims.

A major responsibility of OVC is to administer the Crime Victims Fund, which is derived, not from tax dollars, but from fines and penalties paid by Federal criminal offenders. Nearly 90 percent of the money collected each year is distributed to States to help fund their victim assistance and compensation programs. These programs are the lifeline services that help many victims heal. Federal victim assistance funds help support more than 4,000 local victim services agencies, such as domestic violence shelters, children's advocacy centers, and rape treatment programs. Compensation funds available from OVC supplement State efforts to provide reimbursement to victims for out-of-pocket expenses resulting from crime, including medical and mental health counseling costs, lost wages, and funeral expenses. Since 1988, OVC has distributed more than $3 billion to States to support victim services and compensation.
Funds are targeted at four purpose and program areas: (1) Grants for Child Abuse Efforts. Up to $10 million is available for grants to states to assist in developing, establishing, and operating programs designed to improve the handling of child abuse cases and the

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investigation and prosecution of cases of child abuse, particularly child sexual abuse. The 1988 amendments require that 15 percent of this amount be retained by OVC to conduct projects with similar purposes aimed at Native American Indian Tribes; (2) Crime Victim Compensation. Legislation sets aside 48.5 percent of the remaining deposits to be distributed to the states on the basis of 40 percent of each state's eligible victim compensation payout during a preceding fiscal year (if available funds are sufficient); (3) Crime Victim Assistance. Another 48.5 percent of deposits are set aside for victim assistance grants, which are awarded to states for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to victims of crime. Priority must be given to eligible crime victim assistance programs that provide assistance to victims of sexual assault, spousal abuse, child abuse, and previously underserved victims of violent crime. Recipient organizations eligible for victim assistance funding include nonprofit organizations and agencies of state or local governments (or combinations of such entities) that provide services to victims of crime, including crisis intervention services, emergency aid, and assistance to victims participating in criminal justice proceedings; and (4) Training and Technical Assistance, Demonstration, and Federal Victims Assistance. Legislation sets aside the remaining 3 percent of deposits for this purpose. At least one-half of the funds available for this purpose are for the financial support of services to victims of federal crime.

Training: OVC sponsors training on a variety of victims' issues for many different professions, including victim services providers, law enforcement, prosecutors, the judiciary, the clergy, and medical and mental health personnel. Training on victim/witness issues also is provided for 70 different Federal law enforcement agencies, such as the Federal Bureau of Investigation, the U.S. Department of Defense, and the National Park Service.

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Direct Services: OVC's mission includes providing direct services to people victimized on Tribal or Federal lands, such as military bases and national parks, and American citizens victimized in foreign countries. OVC supports emergency funds to provide victims of Federal crimes with needed services, such as crisis counseling, temporary shelter, and travel expenses to court when these services are otherwise unavailable. The agency also sponsors victim assistance programs in Indian Country, including the establishment and training of multidisciplinary teams to handle child sexual abuse cases and provide comprehensive victim services.

Discretionary Grants: Through discretionary grants, OVC has initiated many innovative projects that will have a national impact. For example, the Victim Services 2000 demonstration sites in Denver, Colorado; Medina County, Ohio; and the State of Vermont are working toward creating an integrated, seamless system of service delivery. OVC also has funded important reports on civil legal remedies for victims, model antistalking laws, exemplary corrections programs that assist victims and train victim advocates, and protocols for handling offenses on Tribal lands. In addition, OVC has developed numerous training curricula addressing subjects such as hate crimes, elder abuse, and the role of the clergy in assisting victims. Other OVC-funded projects include a manual for developing

Sexual Assault Nurse Examiner programs and monographs, bulletins, and videotapes designed to improve the criminal justice response to child victims.

Resource Center: OVC established the Office for Victims of Crime Resource Center (OVCRC), an information clearinghouse which provides research findings, statistics, and literature on emerging victim issues. OVCRC is a component of the National Criminal Justice Reference Service (NCJRS), the most comprehensive criminal justice library in the world. Through this resource, information is available 24 hours a day through the Internet and Fax-on-Demand. The NCJRS World Wide Web Justice Information Center menus provide information and publications from all Office of Justice Programs agencies the Office for Victims of Crime, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the Bureau of Justice Assistance as well as from the Office of National Drug Control Policy. For more information and help with online services, first-time users can send an e-mail message to look@ncjrs.org, or if technical assistance or specific questions on criminal and juvenile justice topics is required, query askncjrs@ncjrs.org. Additionally, selected publications can be obtained through the Fax-on-Demand system.

Training and Technical Assistance Center: OVC has established the Office for Victims of Crime Training and Technical Assistance Center (TTAC) to serve as a centralized access point for information about OVC's training and technical assistance resources. TTAC allows OVC to further disseminate training and technical assistance developed under its discretionary grant program. TTAC activities include: (1) providing expert consultants, who specialize in crime victim-related areas, to support training events of Federal, State, Tribal, and local agencies and special emphasis organizations that are involved in activities related to crime victims; (2) providing intensive onsite technical assistance to meet specific programmatic and administrative requirements of agencies offering services to crime victims; (3) organizing, arranging, and facilitating national conferences, regional workshops, and meetings with diverse constituent groups, including State VOCA administrators and OVC discretionary grantees; (4) planning focus groups that develop action plans to respond to major emerging issues; (5) developing publications and other materials, such as brochures, briefing materials, and information packets on crime victim-related issues. This activity may include the adaptation and modification of existing materials to make them suitable for various user groups; and (6) promoting information sharing and networking opportunities for administrators and leaders of similar agencies in an effort to improve response to crime victims.

Management and Administration expenses for OVC are included in the "Justice Assistance" appropriation.

2001 Program Change

The level of collections anticipated in 2000 for use in 2001 is $550,000,000, which reflects a net increase of $47,000,000 over the 2000 available funding of $503,000,000.

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PERFORMANCE MEASUREMENT TABLE: BY PROGRAM

PROGRAM/ORG UNIT: Crime Victims Fund/Office for Victims of Crime (Base Program)
DEPARTMENT OF JUSTICE CORE FUNCTION: (2) Assistance to Tribal, State and Local Government
DEPARTMENT OF JUSTICE STRATEGIC GOAL: (2.4) Uphold the rights of, and improve services to, America's crime victims
ANNUAL PERFORMANCE GOAL: (2.4.1) Support Crime Victims Fund Programs
MISSION: Enhance the Nation's capacity to assist crime victims and to provide leadership in changing attitudes, policies, and practices to promote justice and healing or all victims of crime.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$363M	$375M	$324M	$503M	$550M
	2. Number of requests for assistance for victims of crime in Indian country	OVC Records	791	750	758	700	700
	3. Number of VOCA formula grant applications received by deadline	OVC Records	108	108	104	109	110
	4. Number of state requests for training and technical assistance support (includes telephonic assistance and site visits)	OVC Records	1,040	1,456	1,456	1,664	1,800
Output/ Activity	5. Number of promising practices, guides, bulletins, and descriptions of model programs published (derived from grants)	OVC Records	42	44	85	49	53
	6. Number of requests for dissemination of published materials related to promising practices	OVCRC Records	2,000	2,000	7,749	2,500	2,500
	7. Number of tribal victim assistance program monitoring contacts (includes on-site monitoring visits to tribes re-implementation of Children's Justice Act)	Monitoring Records	667	650	684	600	600
	8. Number of state VOCA admin., staff, and subrecipients afforded opportunity to participate in state, regional and national training conferences related to crime victim services	Registration forms; OVC Records	9,206	10,000	10,000	10,000	10,000

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Intermediate Outcome	9. # of working groups convened to address VOCA program implementation and delivery of services	OVC Records	4	7	7	7	7
	10. # of personnel trained in cross cultural skills	OVC Records	150	600	739	150	150
	11. # of untrained federal criminal justice personnel trained in victims issues	Grantee Reports	11,123	12,000	9,424	9,400	9,500
	12. # of untrained tribal personnel trained in victim issues	Grantee Reports	800	800	739	600	600
	13. # of publications disseminated through OVCRC	OVCRC Reports	156,170	130,000	130,000	145,000	150,000
	14. % of callers that report services provided by the OVCRC as good to excellent	OVCRC Reports	95%	90%	90%	90%	90%
	15. Academy percentages - % of students reporting National academy as good to excellent	Evaluations	95%	92%	92%	95%	95%
	16. Academy students - # of students trained in victim issues at the Academy	Registration Forms	269	250	250	300	350
	17. # of individuals receiving T/TA on accessing information resources through OVCRC	OVCRC Reports	700	1,000	1,000	1,500	1,600
	18. # of T/TA sessions provided by OVCRC staff	OVCRC Reports	76	85	85	85	85
	19. % of individuals receiving T/TA on accessing information resources through OVCRC that express overall satisfaction with this service	Evaluation of T/TA sessions	90%	90%	98%	98%	98%
	20. % of customers that express overall satisfaction with trainers bureau	Evaluations	90%	90%	90%	90%	90%
	21. # of discretionary grant application kits distributed	OVC records	5,000	6,000	18,349	10,000	13,000
	22. # of state VOCA formula grantees participating in OVC SCAD mentor program that express overall satisfaction with assistance provide (of 109 grantees)	OVC records	4	9	9	11	15
	23. # of state VOCA programs that receive TA on use of automated systems to serve crime victims: (b) - Victim Compensation - Victim Assistance	OVC records	45 45	60 175	60 175	55 250	55 275
	24. # of state VOCA formula grantees, staff, and subgrantees attending OVC sponsored national and regional technical assistance/training	OVC records	5,000	175	375	250	250
	25. # of students trained at state victim assistance academies	OVC records		*100	100		500
	26. % reporting state academy as good to excellent	Evaluations		90%	95%		9

End Outcome	27. # of victim/witness assistance promising practices adopted by corrections agencies	Grantee Reports	10	10	10	10	10
	28. % of published materials rated as good or excellent	Evaluations	90%	90%	90%	90%	90%
	29. Childrens Justice Act (CJA) - # of tribes operating effective CJA programs without Federal funding a/	Internal Records	12	12	3	4	4
	30. % of mentor program participants that implement program modifications/reforms as a result of assistance provided	Grantee Reports	90%	90%	60%	90%	90%
	31. # of state victim assistance formula grantees that report implementing coordination initiatives to aid crime victims	Grantee Reports	100	100	107	100	100
	32. % of state comp and assistance formula grantees reporting efforts to serve federal crime victims	Grantee Reports	100%	100%	100%	100%	100%
	33. % of VOCA assistance and comp grantees that report that OVC TA assisted in program implementation	Evaluations	75%	80%	80%	85%	85%
	34. % of states that develop long-range funding strategies for victims programs (of 49 states)	State Reports	85%	90%	48%	90%	90%
	35. % of states that implement needs assessment to identify gaps in victim services (of 46 states)	State Reports	85%	90%	84%	95%	95%
Productivity/ Efficiency	36. % of published best practices materials available to users on-line	User Data	98%	95%	95%	95%	95%
	37. # of state application kits distributed by OVC in the first quarter of the fiscal year	Office Data	108	108	108	108	108
	38. % of VAIC and CJA grant applications processed by OVC program specialists for approval within 45 days from date of receipt of application	Office Data	80%	98%	98%	98%	98%
	39. % of federal crime victim assistance fund requests acted on within two working days	FBI & EOUSA Reports	90%	90%	98%	95%	95%
	40. # of state VOCA formula awards processed within 30 days	Office Data	104	104	104	105	95
	41. # of requests to immediate response to emerging problems responded to within 24 hours	Office Data	***5	*** 5	*** 5	***5	***5
	42. # of trainers bureau requests responded to within 10 days	TTAC reports	76	85	85	85	85

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
- Promising victim assistance corrections practices include victim impact panels, notification, restitution, staff victimization staff assigned to assist crime victim.
- OVC initiated the Victim Assistance in Indian Country (VAIC) program in 1987 to establish reservation-based victim assistance programs in areas of Indian Country so that services normally available in towns and cities across America would also be available to crime victims in remote areas of Indian Country. Grants are made directly to Tribes under Federal criminal jurisdiction.
- OVC initiated the Children's Justice Act (CJA) Partnerships for Indian communities in 1998 to assist Indian Tribes establish and operate partnerships to improve the investigation, prosecution, and handling of child abuse cases, including sexual abuse cases, in a manner that increases support for and reduces trauma to child victims. Grants are made directly to Federally recognized Tribes.
-- Federal criminal justice personnel include law enforcement officers, prosecutors, victim-witness coordinators, judges, and corrections personnel who are involved in the Federal criminal justice system, including the Military Services.

B. Issues Affecting 1999 Program Performance.
* A state victim assistance academy was held in FY 99 with 100 attendees. Five additional academies were funded at the end of FY 99 and are currently in the academy planning stages. It is anticipated that academies will be held in FY 2001.
** Through training, technical assistance, and monitoring endeavors, OVC strives to expand the capacity of states and communities to collect data, identify gaps in services, and assess victim needs. However, OVC does not have statutory authority to mandate these reforms at the state level.
*** This figure may fluctuate since OVC has little control over the indicator.
#10. The 1999 spike was due to hosting the 7th Indian Nations Conference in Tulsa, OK, in September 1999. 589 victim service providers attended from Indian Country programs. The 8th Indian Nations Conference is scheduled for 2002. #11. The 1999 reduction from 12,000 to 9,424 was due to aa lower than anticipated number of untrained personnel attending the OVC-sponsored victim assistance training conducted at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA. Plan numbers for 2000 and 2001 were also adjusted downward.

C. Issues Affecting Selection of 2000 and 2001 Plans.
#1. The 2000 available collections includes a $500M cap on VOCA.
#2. The 2000 Plan and the 2001 Plan figures decreased by 82 to account for a new funding strategy in OVC's Victim Assistance in Indian Country (VAIC) discretionary grant program. Starting in FY 2000, all VAIC grants will be competitive and will be awarded directly to tribes. In FY 1996 OVC provided funding directly to states who, in turn, provided subgrants to tribes. In FY 1997 and FY 1998, OVC began transitioning the grant process by continuing for 2 years the 35 grants the states had in effect when the process began. OVC estimates that the number of discretionary grants will be decreased to about 20 grants, a 40% reduction. The new grants will average $50,000 each and will be for a 3 year period.
#12. The 2000 Plan and the 2001 Plan figures decreased to account for the 40% reduction in the number of tribes receiving VAIC grants.
#29. OVC has determined that the plan number was too high due to shortfalls in funding at the tribal levels and inadequate tribal leadership commitment to continue the programs. OVC plans to implement a new contract in FY 2000 to an Indian organization to train tribal leadership on the importance of operating effective tribal CJA programs when OVC funding ceases.
#39. The FY 1999, FY 2000, and FY 2001 data were changed from the number of requests processed to a percentage figure which OVC believes more accurately reflects performance. The number of agencies with Federal Crime Victim Assistance Funds increased from one to two in FY 1998 and is projected to increase to three additional agencies in FY 2001.

D. Validation and Verification: The Office for Victims of Crime (OVC) uses a system of self reporting to validate and verify performance measures. Individual project reports submitted at the onset of a project and semiannual progress reports keep OVC abreast of the grantee's progress. OVC staff also conduct onsite monitoring and maintain close telephone contact to determine grantee performance.

Office of Justice Programs
Crime Victims Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class		1999 Actual WY	1999 Actual Amount	2000 Estimate WY	2000 Estimate Amount	2001 Estimate WY	2001 Estimate Amount	Increase/Decrease WY	Increase/Decrease Amount
11.1	Full-Time Permanent	---	---	---	---	---	---	---	---
11.3	Other Than Full-Time	---	---	---	---	---	---	---	---
11.5	Other Personnel Compensation	---	---	---	---	---	---	---	---
11.8	Special Personnel Services Pymts	---	---	---	---	---	---	---	---
	Total	0.0	0	0.0	0	0.0	0	0.0	0
12	Personnel Benefits	---	---	---	---	---	---	---	---
13	Benefits for Former Personnel	---	---	---	---	---	---	---	---
21	Travel and Transportation of Persons	---	$26	---	$186	---	$186	---	---
22	Transportation of Things	---	---	---	---	---	---	---	---
23.1	GSA Rent	---	---	---	---	---	---	---	---
23.2	Rental Payments to Others	---	37	---	40	---	40	---	---
23.3	Communications, Utilities, and Miscell	---	---	---	---	---	---	---	---
24	Printing and Reproduction	---	162	---	165	---	165	---	---
25.1	Consulting Services	---	1,600	---	1,600	---	1,600	---	---
25.2	Other Services	---	---	---	---	---	---	---	---
25.3	Purchases of Goods and Services from Government accounts	---	8,221		8,499		8,499	---	---
26	Supplies and Materials	---	---	---	---	---	---	---	---
31	Equipment	---	---	---	---	---	---	---	---
41	Grants, Subsidies and Contributions	---	352,347	---	527,708	---	539,510	---	11,802
	Total Obligations	---	362,393	---	538,198	---	550,000	---	11,802
	Recovery of prior year obligations	---	(42,433)	---	---	---	---		
	Unobligated balance, start of year	---	(33,008)	---	(35,198)	---	---		
	Unobligated balance, transferred from other accounts	---	(1,116)	---	---	---	---		
	Unobligated balance, end of year	---	35,198	---	---	---	---		
	Total Requirements	---	321,038	---	503,000	---	550,000		
	Relation of Obligations to Outlays:								
	Total Obligations	---	362,268	---	538,198	---	550,000		
	Obligated balance, start of year	---	634,130	---	606,197	---	395,740		
	Obligated balance, end of year	---	(606,197)	---	(395,740)	---	(248,219)		
	Adjustments in unexpired accounts	---	(42,433)	---	---	---	---		
	Outlays	---	347,768	---	748,655	---	697,521		

Note: Individual column totals may not add due to rounding.

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